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DEPARTMENT OF THE ARMY
HEADQUARTERS, 256th BRIGADE COMBAT TEAM
CAMP [REDACTED], IRAQ
APO AE 08326

S: 27 May 2005

FIVA-256BCT-SJA

23 May 2005

MEMORANDUM FOR Captain [REDACTED], HHC, 1-156 AR

SUBJECT: Appointment of AR 15-6 Investigating Officer
Shooting of LN: 221741MAY05 at [REDACTED]
256 BCT No.: 05-179

1. You are hereby appointed Investigating Officer pursuant to AR 15-6 to conduct an informal investigation into the shooting of a local national vehicle that resulted in 1 KIA. This occurred in the vicinity of [REDACTED] during a patrol by TF 2-156 soldiers. You should rely on your military knowledge and experience when ascertaining the facts relative to the investigation and in the framing of your recommendations.
2. In your investigation, all witness statements will be sworn and provided on DA Form 2823, Sworn Statement.
3. All interviewees suspected of possible Uniform Code of Military Justice violations will execute DA Form 3881, Rights Warning Procedure/Waiver Certificate.
4. Submit your findings and recommendations on DA Form 1574 to this headquarters within 72 hours. Your findings should include a comprehensive and chronological description of events as well as your understanding of why the incident occurred. Recommendations should include but not be limited to corrective actions designed to prevent future occurrences of the same or similar incidents. In the event your recommendations include disciplinary action, do not recommend specific levels of disposition or punishments.
5. At the conclusion of your investigation, you will submit your DA Form 1574 and all exhibits to the Staff Judge Advocate for legal review.

[REDACTED]
COL/IN
Acting Commander

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the preparatory agency is OTJAG.

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

SECTION I - APPOINTMENT

Appointed by Colonel [REDACTED], Acting Commander, 256th Brigade Combat Team
(Appointing authority)

on 23 MAY 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 2000
(Place) (Time)

on 24 May 2005 (Date) (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 (numbers, 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 para 3-2 and 3-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 2030 on 26 MAY 2005
(Time) (Date)

and completed findings and recommendations at 1200 on 27 MAY 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO	NA
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1. Exclude all negative entries on an attached sheet.
2. One of the NO columns constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ¹⁾	NA ²⁾
2	Exhibits (para 3-16, AR 15-6)			
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or featured as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
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?			X
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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 3-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-7, AR 15-6)?			
8	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 5-2d, 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 be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	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 5-6c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
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 3-6b, 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 5-8a, 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 real 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 5-9, 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 5-8b, 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 as on attached sheet. 2) Use of the NIA system constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

On 22 May, 2005, a patrol led by SFC [REDACTED], D 1-101 Cav, halted traffic on [REDACTED] road to question a LN about a previous attack on Coalition Forces. Because of the previous attack, and because this was intended to be a short halt, the Patrol Leader chose to block the roadway completely rather than accept the risk of allowing vehicles to pass his position.

SFC [REDACTED] placed SGT [REDACTED], TC of D12, in charge of the section of trucks oriented to the south. With SGT [REDACTED] were gunners SGT [REDACTED] (D12) and SGT [REDACTED] (D17). (See Exhibit C, Diagram of the Tactical Disposition)

A clear, sunny day, on a major street such as this boulevard, it was clear that Coalition Forces had blocked the road, and the majority of the civilian traffic chose to turn East on a side street (Exhibit C, Point A). Some traffic came closer and performed a U-turn at a break in the median (Exhibit C, Point C).

A black Volkswagen with a single, military-age male driver, emerged from the traffic, and accelerated on a path to intersect D17. SGT [REDACTED] section recognized the driver's unusual activity immediately, because virtually all traffic was turning. As the suspected VBIED approached, SGT [REDACTED], SGT [REDACTED], and SGT [REDACTED] began to wave and yell to warn the driver off. The vehicle continued to accelerate, to all three soldiers fired warning shots from their M4 rifles into the dirt median when it got to within 120 meters. The vehicle continued to approach, so at approximately 100 meters (Exhibit C, Point D) the soldiers shifted their aim and fired warning shots into the road (see exhibit E) directly in front of the suspected VBIED. When the vehicle continued to advance, SGT [REDACTED] and SGT [REDACTED] began to fire at the vehicle itself. When the vehicle got to within 50 meters, SGT [REDACTED] fired one burst from his M2 .50 caliber machine gun. The vehicle drove through the burst, and was struck four times. The driver was struck once in the chest, killing him. The vehicle came to a halt within 20 meters of D17, and tire marks show that the vehicle did not brake until the last 10 meters of its travel (See Exhibits D & G). On subsequent investigation there was nothing remarkable about the vehicle, and it was confirmed not to be a VBIED. The Local National's property and body were recovered by the Iraqi Police and a statement was obtained by SFC [REDACTED]. (See exhibit L.) Collateral damage was noted from stray rounds, and claims forms were issued to the property owners. (See exhibit M.)

These soldiers were in an area with known, recent insurgent activity. They were blocking a major road in broad daylight. They showed remarkable restraint and made every effort to avoid using lethal force. There is no fault to be assigned to the soldiers involved.

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

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

I recommend that no further action be taken.

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.)

(Recorder)


Investigating Officer (President)

(Member)

(Member)

(Member)

(Member)

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) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-1, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ substitutions). (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.)

Approved. No further action required.


BG, USA
Commanding

INDEX OF EXHIBITS

Exhibit A -	256 BCT TSOP Card 221 - Patrol Debriefing, D 1-101 CAV	
Exhibit B -	Task Force Steel SIR	
Exhibit C -	[REDACTED]	
Exhibit D -	[REDACTED]	Diagram of tactical disposition of platoon
Exhibit E -	[REDACTED]	Photo: decedent's vehicle, damaged vehicles in ques
Exhibit F -	[REDACTED]	- Photo impact of warning shots on asphalt
Exhibit G -	[REDACTED]	Photo - Field of view of gunner truck D17
Exhibit H -	Sworn Statement of SFC [REDACTED]	Patrol Leader
Exhibit I -	Sworn Statement of SGT [REDACTED]	TC, Section Leader
Exhibit J -	Sworn Statement of SGT [REDACTED]	Gunner, D17
Exhibit K -	Sworn Statement of SGT [REDACTED]	Gunner, D12
Exhibit L -	Iraqi Police Report of incident, with translation	
Exhibit M -	List of collateral damage	



OFT [REDACTED]

DEPARTMENT OF THE ARMY
HEADQUARTERS 2-156th INFANTRY MECHANIZED
Camp [REDACTED], Iraq
APO 09826

FLVA-BDF-CDR

22 May 2005

FROM: HQ 2-156 INF (M), Current Operations, Camp [REDACTED], Iraq

TO: HQs 256 BDE INF (M), Current Operations, Camp [REDACTED], Iraq

SUBJECT: 05-0019

1. Category: 3
2. Type Incident: 1x LN killed for failure to stop when advancing towards CF
3. Date and Time Group: 221741MAY05
4. Location: [REDACTED]
5. Other Information:
 - a. Racial - N/A
 - b. Trainee Involvement - N/A
6. Personnel Involved:
 - a. Subject:
 - (1) Name:
 - (a) Rank/Grade: SGT [REDACTED]
 - (b) SSN: [REDACTED]
 - (c) Race: Hispanic
 - (d) Sex: Male
 - (e) Age: N/A
 - (f) Position: TC
 - (g) Security Clearance: N/A
 - (h) Unit/Station of Assignment:
 - (i) Duty Status: Active Duty
 - (2) Name:
 - (a) Rank/Grade: SGT [REDACTED]
 - (b) SSN: [REDACTED]
 - (c) Race: White
 - (d) Sex: Male

FLVA-BDF-CDR

SUBJECT: Serious Incident Report

- (e) Age: N/A
- (f) Position: Gunner
- (g) Security Clearance: N/A
- (h) Unit/Station of Assignment:
- (i) Duty Status: Active Duty

(3) Name:

- (a) Rank/Grade: SGT [REDACTED]
- (b) SSN: [REDACTED]
- (c) Race: Hispanic
- (d) Sex: Male
- (e) Age: N/A
- (f) Position: Gunner
- (g) Security Clearance: N/A
- (h) Unit/Station of Assignment:
- (i) Duty Status: Active Duty

b. Victim: [REDACTED] (Iraqi Male)

7. Summary of Incident: D/1/101 Cav patrol was conducting an investigation, at [REDACTED], into the grenade attack on D/2/101. The patrol had diverted the local traffic from the north bound lanes to a side street about 200 meters south of their position that went around the patrol's perimeter. Local traffic was flowing smoothly until a local national, later identified as [REDACTED], traveling north on [REDACTED] RD did not follow the direction of the diverted traffic. The US soldiers attempted to warn the local national by giving hand gestures and signs for him to stop his vehicle and turn around but it was to no avail. The aforementioned soldiers then fired several warning shots into the ground with their M4's. The vehicle continued toward the US perimeter, resulting in the soldiers firing their M4's into the engine of the vehicle as it continued to travel toward them. This attempt to stop the vehicle also resulted in negative effects as the vehicle continued to approach the soldiers and the US perimeter without showing any signs of slowing down or diverting from it's path. The soldiers then proceeded to fire their 50 caliber machine gun into the vehicle's engine in hopes that it would stop the vehicle. This action resulted in the vehicle being stopped. Upon further investigation, it was revealed that one of the rounds had struck the driver resulting in his death. No coalition forces were injured or harmed in the incident and the secure perimeter was maintained. *Awuos Mofed Abdulh*

8. Remarks: N/A

FLVA-BDF-CDR

SUBJECT: Serious Incident Report

9. Publicity: N/A

10. Commander Reporting: LTC [REDACTED] BN CDR, TF 2-156 IN.

11. Point of Contact: 2LT [REDACTED] Current Operations, DSN 242-4187, Camp [REDACTED] Iraq.

12. Downgrading Instructions: N/A

[REDACTED]
LTC, IN, USA
Battalion Commander

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, 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 Camp [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005/05/22	3. TIME 2200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E7	
8. ORGANIZATION OR ADDRESS D Company 1-101 CAV, 256 BCT, Camp [REDACTED], Iraq			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 22 May 2005, I was the patrol leader of a 4 vehicle patrol. My call sign is [REDACTED] and my vehicles are M1114's. At about 1735 hrs, I decided to stop at the location of yesterday's grenade attack at grid [REDACTED]. My patrol stopped and conducted 360 degree security, blocking both north and southbound lanes of traffic. The vehicles were positioned at both ends of the block, all four vehicles parked angled to block the street. I dismounted with the trip and six dismounts, leaving the gunners and a driver with each vehicle. I divided the four vehicles into two elements, leaving a TC with each element. SGT [REDACTED] was in control of the northern element (D13 and D15) and SGT [REDACTED] was with the southern element (D12 and D17). I had the two elements divert the traffic around our position because I did not want any cars coming to close, particularly because of what had transpired the day before. I took my dismounts and proceeded to speak with the local store owners. I wanted to question a few store owners who happened to be closed when the attack occurred. We were there 5 to 10 minutes when I heard several bursts of M4/M16 fire and then one burst of 30 cal fire. I exited the store yelling for a contact report and I was told that my patrol engaged a vehicle that would not stop. SGT [REDACTED] later explained to me that the vehicle did not turn east with the rest of the traffic and proceeded towards them. About 100 meters south of my D17 vehicle was a block that we were directing all the northbound traffic. The vehicle did not turn east with the rest of the traffic and proceeded north towards my patrol. SGT [REDACTED], SGT [REDACTED] and SGT [REDACTED] were manning the two southern most vehicles. They all yelled stop in Arabic and tried to wave the vehicle off. They stated that the car was traveling at a high rate of speed and never slowed down. All three of them fired warning shots in the ground and then in front of the vehicle. The car continued to approach them. After firing at the vehicle with their M4 rifles, SGT [REDACTED] had no choice but to fire at the vehicle with his 30 cal machine gun. The vehicle finally came to a stop. I ran up to the vehicle and noticed a local national with one gunshot wound to the chest. I told my medic (SGT [REDACTED]) to treat him and ran back to my truck to call for a medic. Before I could send up the request SGT [REDACTED] informed me that the local national was dead. We placed him into a body bag and searched the vehicle for some type of identification. We determined that the local national's name was [REDACTED]. I sent [REDACTED] a SITREP and they told me that the Iraqi Police would come to our location to take the body away. My patrol searched the vehicle and removed all the deceased personal effects. The vehicle was a 1992, black, Volkswagen Golf, license plate [REDACTED]. The car finally came to a stop at grid [REDACTED]. The vehicle had one bullet hole in the hood, one bullet hole in the passengers side windshield and on is the roof of the vehicle. One round must have penetrated the engine since the vehicle was leaking radiator fluid all over the street. The round that killed the local national appeared to go through the base of the windshield, the dashboard, the victim and both seats before stopping in the trunk. I found one bullet on the floor of the vehicle at the victim's feet. The distance between the local national's car (where it finally stopped) and D17 was 40 feet. The vehicle made tire marks for about twenty feet prior to stopping. We took pictures of the deceased, the car, the street, etc. I then had my patrol conduct BDA of the surrounding area. No other local nationals were killed or injured, but four cars were damaged. We issued them claims cards and explained the process to them. Family members arrived at the scene after; while and I informed them that I had to give the body to the Iraqi Police, but they could follow us to the IP station. I gave the car keys to the family and we pushed the vehicle to the side of the road. After waiting for two hours for the IP's to come, my patrol transported the dead body to the [REDACTED] IP station. I released the body and all personal effects to LTC [REDACTED]. The family arrived as we were leaving. My patrol then proceeded back to Camp [REDACTED].

NOTHING FOLLOWS

10. EXHIBIT H	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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 SO INDICATED.

STATEMENT OF

TAKEN AT

Camp [REDACTED], Iraq

DATED 2003/05/22

9. STATEMENT (Continued)

NOT
USED.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me a person authorized by law to administer oaths, this 22 day of May, 2005 at Camp [REDACTED], Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

LHC 2-156 IN

2-156 IN
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

Title 10 USC Section 301, Title 5 USC Section 2851; E.O. 9397 Dated November 22, 1943 (SSN)

To provide commanders and law enforcement officials with means by which information may be accurately recorded
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

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

1. INITIATION

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

On 22 May 2005 I was out on a patrol with D19. At around 1735 we stopped at location [REDACTED] to investigate a grenade attack that had taken place on 21 MAY 2005 during D16's patrol. We set up security around the attack site. My truck D12 was facing South on the West side of the road staged with D17 who was facing South on the East side of the road. The road was [REDACTED] RD. I remained with my vehicle with SGT [REDACTED] on the gun. In D17 it was SGT [REDACTED] on the gun with SGT [REDACTED]. I was in charge of the section while D19 (SGT [REDACTED]) conducted a dismounted patrol with other soldiers to gather information. D12 and D17 were waving off traffic and the vehicles were turning down a street heading East around 200 meters of our position. We were at the location for about 5-10 min when I decided to set out the traffic signs and cones. I then saw a black vehicle go past the turn point heading North. I ~~shouted stop~~ and tried to hand gesture signals on the East side of the street. I shouted stop in Arabic and tried hand signal along with the gunners. The vehicle was moving fast and we continued with verbal and visual signals past 150 meters and the vehicle did not reduce speed. At 100 meters I fired warning shots into the dirt median and the vehicle continued its path North without changing speed. Then at around

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 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

2 STATEMENT (Continued)

75 meters I fired [REDACTED] in front of the vehicle, and the vehicle did not change its path or speed. At around 50 meters I engaged the vehicle alongside my gunner with our rifles, the vehicle continued North without slowing down. As my gunner transitioned to the M240 the SO called from D17 [REDACTED] engaged the vehicle at around 30-40 meters. The SO...1 from D17 hit the engine and the ~~driver~~ ^{passenger} of the black vehicle and then the vehicle stopped. D19 ran to the scene with the medic who verified the ~~passenger~~ driver, a local national was DOA. Our patrol later delivered the body of the local national along with his possessions to the [REDACTED] Police Station.

Nothing Follows

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. 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

[REDACTED]
(Signature of Person Making the Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of MAY 2001
at Camp [REDACTED] Iraq

[REDACTED]
(Signature of Person Administering Oath)

161 [REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority to Administer Oath)

WITNESSES

[REDACTED] SGT
[REDACTED] 1st Lt [REDACTED] 256 INF

ORGANIZATION OR ADDRESS

[REDACTED] SSC-
D17 D19 256 INF

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

SWORN STATEMENT

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

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 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [redacted] Iraq	2. DATE (YYYYMMDD) 2005 05 22	3. TIME 2100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SSN [redacted]	7. GRADE/STATUS ES	
8. ORGANIZATION OR ADDRESS DOW 1-101 CAV, 256 BCT			

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

On the date, 22 May 2005, at approximately 1735 hours D195 patrol conducted an investigation on the block which D16 was hit by 2 grenades and small arms fire the day prior. The location of the attack was at grid [redacted] All 4 of our vehicles blocked both sides of the street (D15 covered the northeast side, D13 covered the northwest side, D17 covered southeast side, and D12 covered the southwest side) creating a 360 degree security. SFC [redacted] gathered dismounts together and walked towards the nearby stores to ask questions about the incident. While they were conducting the questioning, about 5-10 minutes later a black vehicle was noticed heading ⁱⁿ my direction (D17) 200 meters away where the ~~detour~~ ^{way} located at. About 150 meters away, I started to wave the vehicle off to turn around. The vehicle continued approaching my vehicle at a high rate of speed. About 100 meters away, I then proceeded to use my M4 and shoot 2 warning shots in front of the black vehicle. The vehicle swerved and continued to

10. EXHIBIT 5	11. INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES
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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.

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATED 22 May 2005

2. STATEMENT (Continued)

approach my vehicle with the same rate of speed. At this point, I took the necessary action to charge my 50 cal and pointed it at the vehicle. About 30 meters away I shot a 4 round burst at the vehicle's engine. The vehicle stopped 15 meters from my vehicle. SGT [REDACTED], our patrol medic, went to the vehicle and to assess the situation and ~~considered~~ ^{confirmed} the Iraqi national dead. Our patrol took the body to the [REDACTED] police station.

Nothing follows
Al Hattiga

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of May, 2005 at Camp [REDACTED], Iraq.

[REDACTED]
(Signature of Person Administering Oath)

1LT [REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

32 May 05

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1949 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION CAMP [REDACTED] IRAQ	2. DATE (YYYYMMDD) 2005 05 22	3. TIME 2200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5 A2N6	
8. ORGANIZATION OR ADDRESS DELTA CO 1ST BN 101ST AVIARX 256 BCT, CAMP [REDACTED] IRAQ			

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

ON 22 MAY 2005, AT APPROXIMATELY 1735 HOURS, OUR PATROL (DELTA 1A) HAD STOPPED IN VICINITY OF THE GRID OF [REDACTED], TO INVESTIGATE A HAND GRENADE ATTACK ON THE PREVIOUS DAY'S DIG PATROL. WE HAD SET UP A 360 DEGREE SECURITY PERIMETER, BLOCKING VEHICULAR ACCESS TO ENSURE SAFETY OF DISMOUNTS. MY VEHICLE, D12, HAD ASSUMED THE SOUTHWEST CORNER OF THE PERIMETER. I WAS POSTED AS GUNNER ON VEHICLE, AND MY VEHICLE COMMANDER ([REDACTED] SGT) STAYED ALONG-SIDE VEHICLE IN ORDER TO HELP PROVIDE SECURITY ALONG HIGHWAY ROAD. THE OTHER MEMBERS OF THE CREW HAD DISMOUNTED WITH THE PATROL LEADER, SFC SCHELLENBERG. ALL TRAFFIC WAS DIVERTING ALONG ROADS APPROXIMATELY 200 METERS SOUTH OF OUR POSITION, AND APPEARED TO BE DETOURING SMOOTHLY, AS WE WAVED THEM OFF. AFTER WE HAD BEEN IN POSITION APPROXIMATELY 5-10 MINUTES, I NOTICED A SMALL BLACK CAR HAD BYPASSED THE DETOUR & WAS MOVING TOWARDS OUR POSITION AT A HIGH RATE OF SPEED. I ATTEMPTED TO WAVE THE VEHICLE OFF, BUT IT CONTINUED TO CLOSE ON US, AT A HIGH RATE OF SPEED. AS THE VEHICLE CLOSED TO WITHIN 150-175 METERS, I FRANTICALLY MOTIONED AT THE VEHICLE TO STOP AND THEN ORIENTED MY WEAPON AT THE VEHICLE. THE VEHICLE CONTINUED TO CLOSE ON US, NOT SLowing DOWN. AT APPROXIMATELY 100 METERS, I RAISED MY M4 AND FIRED INTO THE MEDIAN KICKING

10. EXHIBIT K	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATED 22 MAY 2005

9. STATEMENT (Continued)

UP OLST IN FRONT OF THE VEHICLE. THE VEHICLE STILL DID NOT STOP. AT APPROXIMATELY 75 METERS, I FIRED INTO THE STREET TO THE DIRECT FRONT OF THE VEHICLE. AND IT STILL DID NOT SLOW OR STOP. AS THE VEHICLE CAME TO WITHIN 50 METERS OF OUR POSITION, I FIRED AT THE VEHICLE WITH MY M4 TO NO EFFECT. THE GUNNER IN D7 THEN FIRED ON THE VEHICLE, WITH HIS 50 CAL. AND THE VEHICLE FINALLY CAME TO A STOP. SFC [REDACTED] & MR MEDIC, SGT [REDACTED] THEN EXAMINED THE DRIVER AND DISCOVERED HE HAD BEEN DEAD. WE THEN TRANSPORTED THE DRIVER & HIS PERSONAL EFFECTS TO THE [REDACTED] IRAQI POLICE STATION. DURING THE COURSE OF THE ENGAGEMENT, I FIRED THREE VOLLEYS. THE FIRST VOLLEY OF THREE ROUNDS INTO THE MEDIAN WHEN VEHICLE WAS 100 METERS OUT. THE SECOND VOLLEY OF TWO ROUNDS INTO THE STREET AT 75 METERS OUT. THE THIRD VOLLEY OF FOUR ROUNDS AT THE VEHICLE AS IT CAME CLOSER THAN 50 METERS FROM OUR POSITION.

NOTHING ELSE REMAINS

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of MAY 2005 at [REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

DAMAGES: 1- 4' ^{4x8} INSULATED HOT WATER HEATER IN FRONT OF
STORE: SUNNY ELECTRONICS - [REDACTED]

OWNER: [REDACTED]
Mohiud Ahmed

2- GREY ^{4x8} TOYOTA MARK II plate # [REDACTED] @ [REDACTED]
OWNER: [REDACTED] Laith Abdul WAHAB

DAMAGES: BOTH REAR PASS WINDOWS SHOT OUT

3- GREEN 4DR OPEL SENATOR 3.0. plate # [REDACTED] @ [REDACTED]
OWNER: DR [REDACTED] Rashid Al Zubaidy

DAMAGES: Bullet [REDACTED] ENTERED THROUGH [REDACTED] R DOOR ABOVE DOWN
HANDLE; EXIT L/R PASS SIDE WINDOW

4- WHITE 4DR NISSAN (DAISUN) 1500 plate # [REDACTED] @ [REDACTED]
OWNER: [REDACTED] Gize Sobhi

DAMAGES: Bullet ENTERED R/R QUARTER PANEL TOP AND BLEW OUT
REAR WINDOW

5- GREY OPEL VECTRA 1.8i plate # [REDACTED] @ [REDACTED]
OWNER: [REDACTED] Jamil Majeed Ahmed

DAMAGES: R/R QUARTER PANEL HOLE, TAUCH HOLE AND L/R SIGNAL
LIGHT BUSTED

[REDACTED] Police Station

Victim: **Awwas Mofeed Abdulah**
[REDACTED]

Property:

- 1 pr Black Rim Glasses
- 1 Nokia Cell Phone
- " " Plug in charger
- Genx 256 Micro Vault/MP3 Player
- Car CD Player in dash
- CD Case w Various CD's
- Quran Book
- " Cass Tape
- 6 Disc CD Changer in trunk type ADDZEST
Serial # 0073674 CDJ353
- 1 Black Wallet w 31,000 Dinars
w various Business Cards
- Car remote control
- 4 Tshirts w 1 Sadel
- ~~Car~~ Car Papers w Car Book
- Car Contract (1000) **[REDACTED]** sfc **[REDACTED]**

Exhibit L

16 BCT No 05-179

TC

██████████ Police
22-5-2005

Investigation Paper

At hr 2000 from 22-5-2005 some American
patrol bring to us the body of ██████████
██████████ ^{Awws Al-Fecol Abdullah Al-najie} he was shot by the
American forces in area called ██████████
in this area is not in our responsibility an
the police station in charge of this area is
██████████ ^{Al Kathiri} police station, That happened because
he don't listen to the order from the
American checkpoint so they shoot him and
he died and this American unit belongs
to 256 Brigade 2nd 156 D Co 1/101 Cav
so we do this investigation

██████████ LTC ██████████
██████████
██████████

Youseif Gauthan Youseif

SFC ██████████

14.12.19

$$b'_{21} = b_{21} - b_{22} \cdot b_{12}^{-1}$$

ADDZEST

MB 3

1. What is the main purpose of the study?
 2. What are the research objectives?
 3. What is the scope of the study?
 4. What are the limitations of the study?
 5. What are the conclusions of the study?

[REDACTED]

599

Vehicle was struck four times with .50 caliber rounds
* note: tire marks show vehicle did not brake until last moments

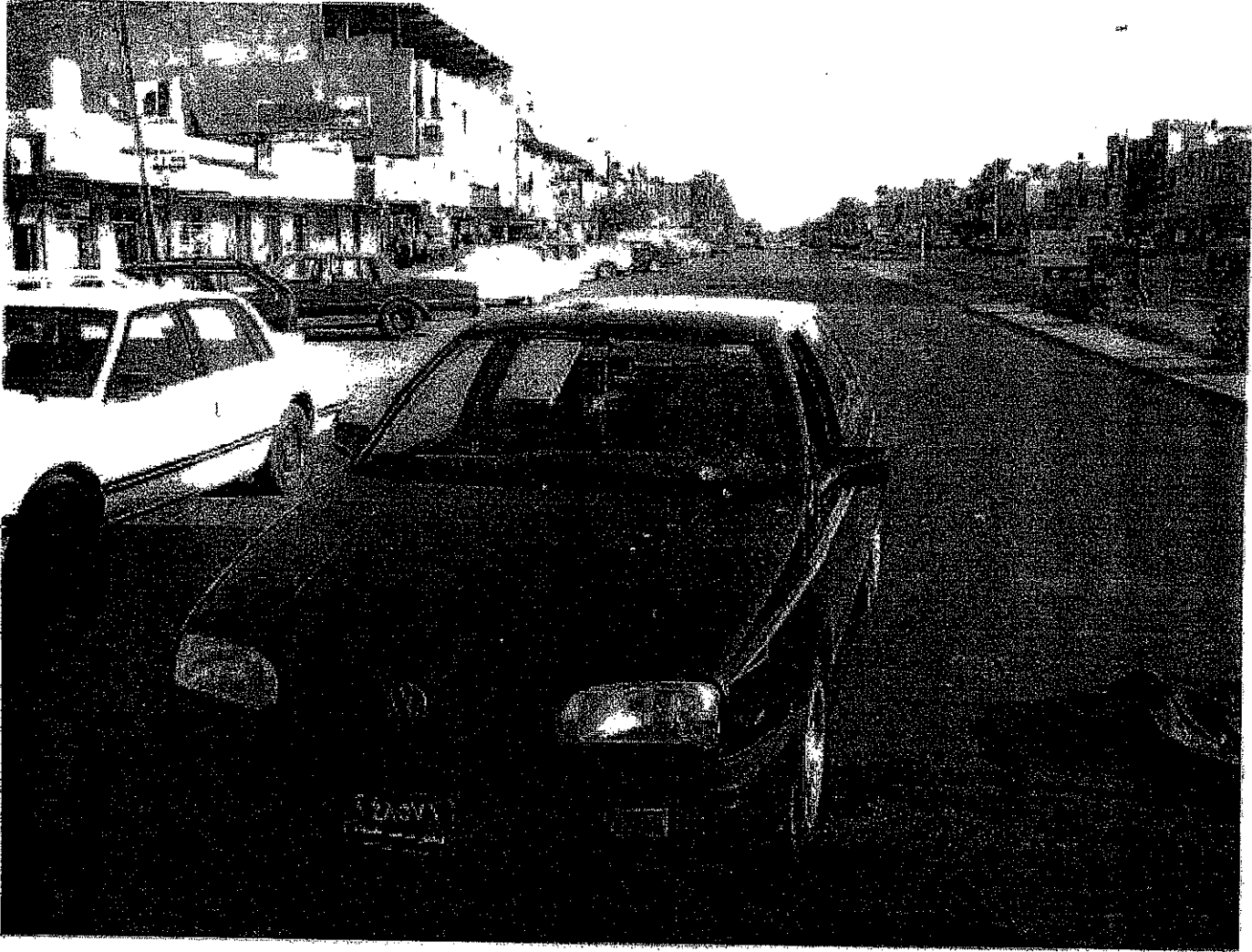


Exhibit D
256 BCT
No. 05-179