

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by COL [REDACTED]

(Appointing authority)

on 17 SEP 2005

(Date)

(Attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-13, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB [REDACTED]

(Place)

at

1700

(Time)

on 17 SEP 05

(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 (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 3-2 and 3-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at

0900

(Time)

on

20 SEP 05

(Date)

and completed findings and recommendations at

1800

(Time)

on

22 SEP 05

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO	NA
1. Inclosures (para 3-13, 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?			
b. Copy of notice to respondents, if any? (See item 3, below)			
c. Other correspondence with respondent or counsel, if any?			
d. All other written communications to or from the appointing authority?			
e. Privacy Act Statements (Certificate, if statements provided orally)?			
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			
g. Information as to sessions of a formal board not included on page 1 of this report?			
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			

FOOTNOTES:

1. Explain all negative answers on an attached sheet.

2. Use of the "NA" column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

The (investigating officer) (board), having carefully considered the evidence, finds:
See Enclosure 2

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

In view of the above findings, the (investigating officer) (board) recommends:
See Enclosure 3

		YES	NO	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 lettered as exhibits and attached to this report?	☒		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	☒		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	☒		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	☒		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	☒		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	☒		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	☒		
3	Was a quorum present when the board voted on findings and recommendations (para 4-1 and 5-2b, AR 15-6)?	☒		
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 5-3b, 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 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the enclosure describe how they familiarized themselves with that evidence (para 5-3d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-3, 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 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advice 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 enclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1. If negative answers are on an attached sheet. 2. Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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 2-3, 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 this correspondence (or a summary, if oral) as a numbered inclosure.)

COL, IN, 28 Sep 05

Enclosure 2- Findings

I find that the wounds inflicted to a 15 year old local national and the death of a 6 year old local national on about 17 0815 September 2005 were a direct result of the escalation of force by PFC [REDACTED], a gunner for C team, 2nd squad, of the BSTB MP Platoon. PFC [REDACTED] acted in accordance with the rules of engagement and the unit's use of force matrix.

On 17 0545 September 2005 the BSTB MP Platoon leader, 1LT [REDACTED], conducted a convoy/patrol brief prior to SP for a detainee release escort mission. During the convoy/patrol brief 1LT [REDACTED] covered the following topics: actions on contact, react to sniper, react to IED, current intel update, and rules of engagement (ROE.) A common practice of 1LT [REDACTED] during these patrol briefs is to randomly call upon a gunner to brief the ROE, by a matter of coincidence, he called on PFC [REDACTED] to brief the ROE that day. The MP patrol departed Camp [REDACTED] at 17 0630 September 2005 for FOB [REDACTED] to link up with an element of the 18th MP BDE and obtain custody of the detainees for release. After 1LT [REDACTED] had gained custody of the detainees he pushed his 2nd squad out 15 minutes ahead of the main body as an advance element to provide security for the main body as it arrived at the bus station.

2nd squad approached the guard at ECP West of FOB [REDACTED], gave their patrol information, and was cleared to exit the FOB. The squad continued to the southwest gate of the FOB ([REDACTED]) and prepared to enter the highway (ASR [REDACTED].) The stretch of road leading from the FOB to ASR [REDACTED] is lined on either side by "Texas T" sized barriers ending less than 5 meters from the end of the road. The team leader and driver from inside the M1114 HMMWV can not see oncoming traffic from the east or west until they have left the safety of the barriers at which point they are a matter of a few meters from the road. As the lead vehicle approached the end of the barriers the driver, SGT [REDACTED], switched the vehicle's siren on to warn traffic on an oncoming American convoy.

When the lead vehicle reached the end of the barriers they immediately allowed two cars to pass because they did not have enough warning time or distance to stop them. Since traffic was light the next group of vehicles was approximately 200 meters away. After these two vehicles passed they stopped traffic even though they could have safely crossed the road. Having the lead vehicle stop traffic to allow for the entire unit to cross with out being cut off is a common TTP for the MP platoon. The gunner, who has the primary responsibility of controlling traffic, immediately began signaling the oncoming traffic to stop using hand and arm signals. He then raised his M4 presenting deadly force and intent to use it. The oncoming vehicle closest to the lead vehicle came to a stop within 45 meters of the convoy. The next vehicle, the white SUV continued at a high rate of speed. PFC [REDACTED] fired one warning shot to the far right of the vehicle when the vehicle was within 30 meters. Approximately 2 seconds later he fired two more shots aimed at the hood of the vehicle with the intent to disable it. The vehicle did not come to a stop and continued at a high rate of speed. PFC [REDACTED] did not think that he actually hit the vehicle, and his team leader, SGT [REDACTED] did not see any signs of broken glass. With the rest of the traffic stopped the squad continued mission and turned east on ASR [REDACTED]. The vehicle did not slow down or come to a stop until it had

Enclosure 2- Findings

gone under the overpass referred to as objective [REDACTED]. SGT [REDACTED], the squad leader, reported the shots fired to the platoon leader stating that there had been no casualties or property damage. The main body element, led by 1LT [REDACTED], exited from a different gate approximately 15 minutes later and did not see the vehicle that had been shot.

At the time of the incident an element of F troop was securing the overpass [REDACTED] to fire their mortars at an impact area. The white SUV finally came to a stop west of [REDACTED] on ASR [REDACTED]. A man got out of his car holding his son and screaming. The medic from F troop responded to the incident and evacuated the family to the [REDACTED] hospital. The 15 year old boy was treated for wounds to his arm and released. The 6 year old boy died of wounds.

Enclosure 3- Recommendations

I recommend that no disciplinary action be taken. PFC [REDACTED] understands the rules of engagement and acted accordingly with the situation he was placed in. The following reasons contributed to the incident:

1. ECP Layout.

a. The height of the barriers obstructed the view of the highway for everyone inside the vehicle's compartment.

b. The placement of the barriers too close to the highway requires the exiting vehicle to pull out to within feet of the highway.

c. The speed of the vehicles on the highway, compounded by the fact that oncoming traffic can not see any exiting US convoy from the southwest gate at FOB [REDACTED], results in less time for traffic to react.

2. Face Shield Use. This particular patrol also marked the first time that this platoon had worn the protective face mask. The gunners had never trained, or fired their weapon while wearing the face shield. The face shield much like the pro-mask affects the sight picture of the shooter.

3. Rules of Engagement Designed for Dismounted Operations. A siren alone may not be enough to warn a vehicle travelling on the highway at 55 mph or greater, particularly if the sound is being broken up by a barrier. A warning shot fired from a M4 followed by a shot intended to disable the vehicle two seconds later is not enough time for a driver to react, if the shot was even heard at all.

a. The following are the graduated use of force measures. These measures found in [REDACTED] state:

- 1) Shout verbal warning to halt;
- 2) Show your weapon and demonstrate intent to use it;
- 3) Physically restrain, block access, or detain;
- 4) Fire a warning shot;
- 5) Shoot to eliminate the threat.

b. Shouting a verbal warning (or use of a siren) and showing your weapon may not be effective if a driver is not paying attention or is distracted.

c. Physically restraining, blocking access, or detaining may not be an option for a vehicle.

d. The next step in the graduated use of force is to fire a warning shot, increasing the likelihood for collateral damage.

e. The gunner fired two shots with his M4 at the hood of the vehicle intending to disable it.

SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 501; Title 5 USC Section 2953; E.O. 9897 dated November 22, 1983 (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] Baghdad	2. DATE (YYYYMMDD) 2005/09/17	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-3/PFC	
8. ORGANIZATION OR ADDRESS HHC 1st BDE			

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

On Saturday 17 Sept. 2005 at 0815 while leaving [REDACTED] I was stopping traffic in order for the convoy I was in to continue our mission to a bus station in Baghdad to release numerous prisoners. As Sgt. [REDACTED] (driver) was starting to pull onto the road Sgt. [REDACTED] (T.C.) sounded off with the siren to help stop traffic. I noticed two vehicles that were coming towards the intersection and raised my M-4 Carbine showing intent to use it. The vehicle in the closer lane to me (white and orange sedan) stopped at about 45 meters from the intersection, the other vehicle, (white suburban), continued past the halted vehicle. I then saw that the white suburban was getting too close to my convoy (less than 30 meters) yelled out "WARNING SHOOT" to Sgt. Weihe to report to the rest of the convoy and fired my first shot and saw that it had landed on the driver's far side of the vehicle. Once the first round was fired the vehicle refused to stop and I fired two more rounds aimed at the front hood of the vehicle (I was unable to properly identify where the rounds had landed). By the time I had a chance to quickly check my surroundings and my target the white Suburban had past and I ceased firing. Inside of the white Suburban I identified 2 Iraqi Nationals, one seated in the passenger seat the other seated behind the front passenger seat. I was unable to identify the driver of the vehicle. [REDACTED]

The following questions serve to further explain the incident

Q: CPT [REDACTED] investigating Officer
A: PFC [REDACTED], Gunner

Q: Did you receive a Convoy/ Patrol Brief prior to SP [REDACTED]

A: Yes, Next to Contact, [REDACTED], IED, Route, mission, ROE, Enemy intel to update [REDACTED]

Q: How was the ROE briefed [REDACTED]

A: I was selected that day to brief the ROE for the Convoy [REDACTED]

Q: When did you get to the platoon [REDACTED]

A: While everybody was at TRTC, I arrived. I did not go to TRTC. [REDACTED]

Q: Could you see the traffic from your vantage point as a gunner the entire [REDACTED]

A: I do not Recall [REDACTED]

Q: When your vehicle left the barracks at 0815 [REDACTED] and approached the highway with sirens on how far away was the traffic [REDACTED]

A: The closest vehicle was 50 meters away. It came to a stop the next vehicle was right behind him and he was the vehicle that I had to fire the warning shots at. [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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 PR [REDACTED] TAKEN AT ASST BCT DATED 21 SEPT 05

9. STATEMENT (Continued)

Q: In your statement I noticed that you fired one warning shot at the vehicle and then 2 rounds aimed at the head of the vehicle. What was the time between shots?

A: 2-3 seconds [REDACTED]

Q: What was your intent for shooting at the head of the vehicle?

A: to disable the vehicle [REDACTED]

Q: Do you feel that the M4 would disable the vehicle?

A: Yes Sir [REDACTED]

Q: I understand this was the first time using the new Shield. Were there any issues with the

A: Roger, disarming tech, tech didn't get long range, son glove [REDACTED]

Q: Had you ever fired your weapon on before with it on?

A: NO [REDACTED]

Q: Based off of Intel updates/assessments and your experience in Iraq, what is the biggest enemy threat to your squad/team?

A: UBIEDs, They are always behind, particularly in light of Aco's Experience in the past week or more. [REDACTED]

Q: Why did you use the M4 to fire the warning shots?

A: The smallest weapon I have. And that is SDP [REDACTED]

Q: Do you have anything else you would like to add?

A: No Sir [REDACTED]

Q: One more question, Does the PRCMAD make objects seem any closer, or further away than they really are?

A: NO [REDACTED]

End of statement [REDACTED]

Not used [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF PR [REDACTED] TAKEN AT HHC I BCT DATED 17 SEPT 15

9. STATEMENT (Continued)

1st [REDACTED]

AFFIDAVIT

I, PR [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 Statement)

WITNESSES:

[REDACTED] CPT
HHC I BCT IDMEN Camp [REDACTED] Iraq

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of September, 2015
at HHC I BCT Camp [REDACTED] IRAQ

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

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
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) 2005/09/17	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/AD	
8. ORGANIZATION OR ADDRESS 1st BSTB HHC			

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

On the 17th of September 2005 while assigned to 2nd squad C-team conducting a detainee release escort mission from [REDACTED] while exiting [REDACTED] base camp the truck in which myself along with SGT [REDACTED] and PFC [REDACTED] was in was the lead truck so as we exited the camp we turned on a siren and after a few cars still kept moving and refusing to stop to the siren and the PFC [REDACTED] hand signals to halt and shouting to stop he fired what I believe was 3 warning shots at what I observed to be a SUV traveling at a high rate of speed was being driven by a local national he placed the rounds in front of the SUV at that time all other traffic came to a abrupt stop at the exit allowing are 4 trucks to exit the gate and continue with are mission

The following questions serve to further explain the incident:

Q = CPT [REDACTED] investigating officer [REDACTED]

A = SGT [REDACTED]

Q = Was there a convoy/ Patrol brief given prior to execution [REDACTED]

A = Yes, Sir [REDACTED]

Q: Please describe what occurred. [REDACTED]

A The topics covered were order of march, ROE, command and signal, speed and intervals while moving reaction to IED's both in and without, reaching to [REDACTED] [REDACTED] up times and also the routes that we were going to be using also put out along the mission brief was that there had been intel that elements were posted out to the local nationals that the streets would soon with American blood [REDACTED]

Q: You received an intel brief, did it mention what the greatest threat to US Forces was [REDACTED]

A: They stated that there had been a spike in the use of IED's and IED's [REDACTED]

Q: What was traffic like early [REDACTED]

A: Sporadic. There was a couple of vehicles when we approached the highway with our sirens on. We allowed them to pass before we approached the road with our sirens on. The next group of cars was approximately 200m away then attempted to cross. As we got to the road the group continued in our direction. The gunner CPT [REDACTED] fired 3 warning shots at the first car in the group. [REDACTED]

TO: EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED [REDACTED]

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Comp [REDACTED] DATED 20050918

9. STATEMENT (Continued)

Q: Who in your patrol determines when you should cross in to the Leftway Corridor [REDACTED] [REDACTED]

A: SGT [REDACTED], he is the TK in the lead vehicle [REDACTED]

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

Comp

DATED

2005 09/18

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 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 Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of September, 2005, at * BCT HQ, Camp [REDACTED] TEND

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE

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PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 901; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA).
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], Baghdad	2. DATE (YYYYMMDD) 20060918	3. TIME 1840	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O2 AIP PL	
8. ORGANIZATION OR ADDRESS HHC 1 BSTA, 1 ACT, 10 MIN ID			

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

While conducting a detainee release from [REDACTED] to a Baghdad bus station north of the green zone. My advance element fired one warning shot and two disabling shots at a vehicle failing to halt while moving west on RTE [REDACTED] towards their position, while they were exiting the South West Gate of [REDACTED].

At the time of the "warning shots fired" report I was in the prison facility complex [REDACTED] preparing my convoy (main body) to SP. My second squad leader / SGT [REDACTED] told me over the radio that his patrol fired 3 warning shots at a vehicle failing to halt while approaching his position. I responded by asking if there were any casualties or if they had hit any civilian vehicles. He responded "no". At the time the gunner had thought he missed the vehicle. Second Squad continued mission to secure the bus station prior to arrival. [REDACTED] Approximately 15 minutes after 2nd Squad left, my main element departed from the South East Gate [REDACTED]. I looked quickly to the West when we were pulling out and did not see any indications of a stopped vehicle. I did not take a hard look because at the time [REDACTED] was taking mortar fire and we moved out as fast as we could heading East on [REDACTED]. At the time I believed my 2nd Squad element had left the same gate.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] DATED 18 SEP 03

9. STATEMENT (Continued)

After departing [REDACTED] the Bravo team leader in my element (SGT [REDACTED]) who was monitoring I-11 ACR's net asked if our element had fired warning shots. I relayed we had to him and he came back telling me I-11 ACR wanted our BN TOC to call them. Approximately 10 minutes later when we came into communication distance with our BN I relayed the message. About an hour after returning from mission at 1200 hrs My CO (PT [REDACTED]) informed me that I-11 ACR had found a vehicle with a dead child and wounded teenagers in it. /// End of Statement ///

Not Used

Not Used

Not Used

Not Used

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED]

DATED 18 SEP 05

9. STATEMENT (Continued)

Not Used

Not Used

Not Used

Not Used

AFFIDAVIT

I, [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 Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of Sept, 2005
at 1st Sgt HQ, Camp [REDACTED] IRAC

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

10 USC 136 b 4

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

For use of this form, see AF 100-45; the proponent agency is DDCSOPS

AUTHORITY:	Title 10 USC Section 201; 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.

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

The following questions serve to further explain the incident.

AR SGT [REDACTED] SL [REDACTED]

K. In the evening he left [redacted] called Adam on contact, reached to ZED and went over ROE where PDE [redacted] [redacted] ROE. Reached the ROE. [redacted]

A: I determine when we SP, set [REDACTED] the team leader in the lead vehicle determines when to merge into traffic.

A: Before we left for JRTC, he was a TC in JRTC. About 8-9 months

A: 12 mm dia. Small diam. hole, visible, 200

Q: What do you perceive as the greatest threat to your Special from your experience?

A: VERIFIED. Based off what our A/L has experienced in recent weeks.

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

DA FORM 2623, DEC 1993

DA FORM 2023 JUL 72 13 0850 LST

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Q: Anything else you want to add [REDACTED]

A: This was the first time we wore face shields. Worn only by gunners. I used one on the day prior and it does slightly distort vision like safety glasses when you don't need them. Like shooting with a periscope. [REDACTED]

Q: Have you qualified or even fired with the face mask on. [REDACTED]

A: NO [REDACTED]

End of statement [REDACTED]

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 18 day of Sept, 2005
at IBCT AOS Camp [REDACTED] IRAQ

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

TAKEN AT

11031 OCT

DATED

12 SEP 85

B. STATEMENT (Continued)

~~Q: What did PFC [redacted] say?~~

Q: What weapon system did PFC [redacted] use in the warning shots?

A: M4

Q: Is that the SOP?

A: Yes, his other available weapon system was the M249, we are not supposed to use it for warning shots.

Q: What was traffic like as you exited?

A: Light traffic.

Q: As you exit FOB [redacted] there are barriers from your position as the TC could you see vehicles down the road before you pulled out at the covered position?

A: Not at all. I ^{could} not see until we were uncovered.

Q: What do you feel based on intel reports and personal experience is the highest threat to your team?

A: URBED. It was briefed in the morning enemy threat brief that was the highest threat and that they had been briefed out by AEF saying the streets would be filled with American blood.

Q: If traffic was light why did you decide to proceed and have to resort to firing warning shots as opposed to waiting for a break in traffic?

A: Because we had already pulled out and exposed ourselves. Furthermore, my truck would have made it but the entire squad would not due to how fast the SUV was moving.

Q: How long have you been the TC?

A: Since Jan 05.

Q: Has PFC [redacted] had any previous issues with the escalation of force?

A: No.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

HQ 1st BCT

DATED

18 Sept 85

B. STATEMENT (Continued)

Q: This was the first time wearing Face Masks, did the quarter explain of any problems with [redacted]

A: Yes, he mentioned they have a bad place from the Sun. He mentioned others I don't remember [redacted]

End of Statement

AFFIDAVIT

I, [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 REQUIREMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of Sept 1985 at HQ 1st BCT Camp [redacted] 2nd

HQ 1st BCT

CAMP [redacted] 2nd

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

[redacted]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES