STATEMENT OF

TAKEN AT

DATED 17 Sep 05

STATEMENT (Continued)

[,]

AFFIDAVIT

I, [Signature], do solemnly swear that the statement which begins on page 1 and ends on page 2 is true, complete, and correct. I have read the entire statement and have initialed all corrections and additions.

I have made this statement freely and without any hope of benefit or reward, and without any threat of punishment or penalty, and without any coercion, unlawful influence, or unlawful inducement.

(Signature of Person Making Statement)

WITNESSES:

[Signature]

[Signature]

[Signature]

[Signature]

ORGANIZATION OR ADDRESS

[Redacted]

[Redacted]

[Redacted]

[Redacted]
SINCE I STATEMENT

For use of this form, see Para 200.1. If the parent agency is PMA:

PRIVACY ACT STATEMENT

AUTHORIZED:

 Torture use:

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

Disclosure:

Disclosure of your social security number is voluntary.

1. LOCATION

2. DATE (YYYY/MM/DD)

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION/ADDRESS

9. [DISTANT DETAIL]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approx. 0600 hrs I took over guard at ECP West. I had a convoy approach my gate requesting to exit. I called and notified them that requesting to leave. They told me they needed their info. Spec was on the ground and relayed their info up to me. I then notified they had 4 vehicles and 13 personnel. Then told me they were clear to leave. Then headed out my gate and proceeded down to the gate. Headed towards MSR and before even got to MSR they fired off 3 warning shots to stop traffic. All but 2 vehicles stop after the shots; the 2 other vehicles. Kept going on. proceeded on to MSR and headed east. Apprx. 2-3 minutes later called and notified them of a vehicle stopped 50 meters from the bridge in the west bound lane. They then notified of the casualty and picked up the casualty and brought them out.

10. EXHIBIT

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 17287 DA FORM 2823, JUL 72, 15 OBSOLETE

Exhibit R
SWORN STATEMENT
For use of this form, see AP 10-4. U.S. Air Force originating agency is USAF.

LOCATION: [illegible]
DATE: [illegible]
TIME: [illegible]
FILE NUMBER: [illegible]

I, [illegible], want to make the following statement under oath:

While performing my duty as the NCOIC out at position [illegible], a convoy of Marines left the area. I was looking in the direction of the bridge where the Marines were placed at approximately 0700. They left making a left hard turn on route [illegible]. We in the town knew when the convoys departed as traffic was backing up to clear the way. We heard gunfire of two or three rounds. Myself and the other two soldiers in the town went down because we thought that we were under fire. One of the soldiers had made the comment that it sounded like a round had ricocheted in the direction of the bridge. About ten or so seconds later, it had came over the Fm radio that someone had been shot and [illegible] was responding. Nothing follows [illegible].
SWORN STATEMENT
For use of this form, see MIL-1366-05; the proponent agency is PMG.

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 3021; EO 12356 dated November 22, 1993 (SSN).
PRINCIPAL 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. LOGIN ID: [redacted]
2. DATE (YYYYMMDD): 2003-09-05
3. TIME: 1105
4. FILE NUMBER: [redacted]
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. ORGANIZATION OR ADDRESS: [redacted]
7. GRADE/STATUS: E-4 [redacted]

9. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On or about 17 Sep 05 at approximately 0745hrs, I was in a Humvee on the rear of a Humvee pulling onto Objective [redacted] to conduct a fire mission. At or around 0745hrs, I was in the turret scanning my sector west of [redacted] and heard sounds coming from the East. As I turned to see what and where the sounds were coming from, I saw a Humvee pulling out of ECP West along with a white Suburban that was slowing down to a crawl. I then turned to see what was going on and saw my sector when I heard a gun shot coming from the East. I then turned to turn back west to allow the exit. I then went to turn back west to allow the exit. I then went to turn back west to allow the exit. I then went to turn back west to allow the exit. I then went to turn back west to allow the exit. I then went to turn back west to allow the exit. I then went to turn back west to allow the exit. I then went to turn back west to allow the exit. I then turned to go to the right side of the objective and pulled off on the side of the highway. I then watched the drive get out of the way.

10. EXHIBIT: [redacted]
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
Vehicle and run around to the other side where I last visual. A few seconds later the driver accompanied by another male came around from the other side to the back of the vehicle with what looked like a small child. To confirm I looked through the scope on my rifle and saw that it was a small boy. I proceeded then to make my peers aware of the situation and after that to assure that our male was aboard called to assure that our male was aboard the vehicle, letting them know of the situation they drove to the location as all other vehicles moved up and headed there as well and set up a quick road block. We then so we could get the boy and assess his wounds. We then unloaded the boy onto a Straight board, put him into and took him to hospital.
I was on watch on the bridge and I heard a burst of gun shots. I looked to where they came from, least of my position. I saw a group of hummers leaving tower one. I heard the warning shots called up to higher and I didn't really pay any further attention. I went back to scanning my sector.
STATEMENT OF  

TAKEN AT   

DATED  2005/01/17  

STATEMENT (Continued)  

I have read or have had read to me this statement which begins on page 1 and ends on page 4. 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 12th day of   2005

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

( Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2023, DEC 1998

17297
SWORN STATEMENT

For use of this form, see 28 US Code 178; the supplying agency is ODCGODS.

PRIVACY ADVICE STATEMENT

AUTHORITY:
Title 10 USC Section 2921; Title 5 USC Section 2951; E.O. 9554 dated November 22, 1943 (SSW).
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 identifier of 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. GRADER STATUS

8. ORGANIZATION OR ADDRESS

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was on the north side of the bridge scanning my sector when I thought I heard shots fired. I really could not tell for sure that shots were fired until I heard a tower call it up. About 20 seconds later a couple of trucks and one car stopped on the west side of the bridge about 40-50 meters from my position. A guy got out of the truck that was shot and started screaming. I didn't realize what really happened till I saw the window on the rear passenger side shot out. Seconds later the guy grabbed little child out of the truck holding her in his arms screaming "let her go." I called it up to the tower. I saw one of our military convoy of four pickup trucks pass under the bridge about 15 minutes after the shooting. I didn't see the military convoy coming out of the gate because that wasn't my sector to be scanning. I do not know who fired what!

50. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF __________ TAKEN AT _________.
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998

Exhibit 1

17298
Nothing follows

AFFIDAVIT

I, [Redacted], do solemnly swear that I will tell the truth, the whole truth, and nothing but the truth so help me God.

I have read or have had read to me this statement which begins on page 1, and ends on page 4. 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 undue pressure.

[Signature of Person Making Statement]

WITNESSES:

[Names and Addresses]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [Date] day of [Month], [Year]
at [Time]

[Signature of Person Administering Oath]

ORGANIZATION OR ADDRESS

[Name and Address]

[Typed Name of Person Administering Oath]

Authority To Administer Oath

INITIALS OF PERSON MAKING STATEMENT

[Initials]

PAGE 3 OF 2 PAGES
On 10 Sep 03 at approx 0800 hrs I was on shift on the bridge at 17. I heard a shot but it sounded far away. A couple of minutes later, the gunner, PFC [redacted], told the rest of the crew that a couple of enemy vehicles had stopped just west of the bridge. The crew and I looked to the west of the bridge and saw 4 vehicles stopped. A man was screaming and was holding what appeared to be the limp body of a young boy. I rushed to the truck to retrieve my aid bag and proceeded down the side of the hill with 2 other soldiers to treat the child. Upon getting to the bottom, I discovered that due to triple-strand concertina wire, I could not get to the casualty. A Fer Troop patrol with another medic was notified and arrived shortly after I did. One of the men was screaming that the child had been shot by soldiers in a Humvee. He pointed towards the east and [redacted] secured the scene and extracted the casualty to [redacted] for treatment.
MEMORANDUM FOR RECORD

SUBJECT: Conversation with 1LT reference rules of engagement brief.

Purpose: To explain what is meant by "briefing rules of engagement" during the Convoy/Patrol Brief.

1. 1LT explained to me in a separate conversation that during their convoy/patrol briefs he calls on a random soldier to explain the ROE as stated on the CFLCC ROE card. Additionally he has them review the 5 S's of the graduated escalation of force: Shout, Show, Shove, Shoot, Shoot.

2. POC for this action is the Investigating Officer, 1LT at e-mail: [redacted] at army.mil. VOIP: [redacted]

[Signature]
CPT, MP
Investigating Officer