



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ APO AE 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

4 March 2006

MEMORANDUM FOR Commander, Multi-National Division-Baghdad, Camp Liberty, Iraq
09344-3029

SUBJECT: AR 15-6 Investigation – Sniper Team Killing of two local nationals occurring on 15
January 2006, 3-67 Armor Regiment, Camp Rustamiyah, Iraq

1. I have reviewed the above-referenced investigation and recommend that the investigating officer's findings and recommendations be approved.
2. Point of contact for this memorandum is [REDACTED] Regimental Judge Advocate, at VOIP 673-1104 or SIPR at [REDACTED]

[REDACTED]
COL, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, BRIGADE TROOPS BATTALION
506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ 09390



REPLY TO
ATTENTION OF

AF7B-KG-CO

20 January 2006

MEMORANDUM FOR [REDACTED], Headquarters and Headquarters Company, 801st Brigade Support Battalion, 506th Regimental Combat Team, 101st Airborne Division (Air Assault), Camp Rustamiyah, Iraq 09390

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incident involving [REDACTED] of F Company, 3-67 Armor Battalion and NAVSOF personnel, that occurred on or about 15 January 2006, during which a local national was apparently shot and killed during insertion of an observer/sniper team. Your investigation will focus on the following areas:

- a. What were the facts and circumstances leading to the shooting?
- b. Did the shooting comply with the Rules of Engagement?
- c. What was the name and address of the local national?
- d. Is a CERP condolence payment to the local national's family appropriate?
- e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident? What lessons can be learned for future mission planning?
- f. Were there any other civilian casualties or property damage?

2. In your investigation, all witness statements will be taken on paper and sworn using DA Form 2823. If you discover any suspected criminal misconduct you must first read the individual their Article 31, UCMJ Rights, prior to taking their statement. From the evidence, you will make findings as to whether any criminal laws or Army regulations have been violated. In addition to your findings, you will make recommendations for any appropriate action to be taken. These recommendations may include but are not limited to: UCMJ or administrative actions concerning one or more individuals, additional training, policy changes, etc. Conduct your investigation pursuant to AR 15-6. Additionally, seek advice from RCT Legal prior to commencing your investigation (VOIP 673-1104/1020).

AFZB-KG-CO

SUBJECT: Appointment as Investigating Officer

3. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1700 27 January 2006. Any requests for an extension should be made to me verbally or in writing.



COL, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, BRIGADE TROOPS BATTALION
506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

18 January 2006

MEMORANDUM FOR [REDACTED], F Company, 3rd Battalion, 67th Armor Regiment, 4th Infantry Division, Camp Rustamiyah, Iraq 09390

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incident involving [REDACTED] of E Company, 3-67 Armor Battalion, that occurred on or about 15 January 2006, during which a local national was shot and killed during insertion of an observer/sniper team. Your investigation will focus on the following areas:

- a. What were the facts and circumstances leading to the shooting?
- b. Did the shooting comply with the Rules of Engagement?
- c. What was the name and address of the local national?
- d. Is a CERP condolence payment to the local national's family appropriate?
- e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident? What lessons can be learned for future mission planning?
- f. Was there any other damage to civilian personnel or property? If so, were claims cards distributed to the civilian personnel?

2. In your investigation, all witness statements will be taken on paper and sworn using DA Form 2823. If you discover any suspected criminal misconduct you must first read the individual their Article 31, UCMJ Rights, prior to taking their statement. From the evidence, you will make findings as to whether any criminal laws or Army regulations have been violated. In addition to your findings, you will make recommendations for any appropriate action to be taken. These recommendations may include but are not limited to: UCMJ or administrative actions concerning one or more individuals, additional training, policy changes, etc. Conduct your investigation pursuant to AR 15-6. Additionally, seek advice from RCT Legal prior to commencing your investigation (VOIP 673-1104/1020).

AFZB-KG-CO
SUBJECT: Appointment as Investigating Officer

3. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1700 21 January 2006. Any requests for an extension should be made to me verbally or in writing.



COL, IN
Commanding

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 FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by ██████████ 506th Regimental Combat Team
 (Appointing authority)

on 20 JAN 06 (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 FOB Rustamiyah, Baghdad, Iraq at 2000
 (Place) (Time)

on 20 JAN 06 (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 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1700 on 27 JAN 06
 (Time) (Date)
 and completed findings and recommendations at 1900 on 27 JAN 06
 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES			YES	NO ¹	N/A ²
1 Inclosures (para 3-15, AR 15-6)					
A. 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) Explain all negative answers on an attached sheet.
 2) Use of the N/A column 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 lettered 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 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 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 5-4c, 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 <input type="checkbox"/>)			
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 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 on an attached sheet.
2) Use of the N/A 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 Attached Findings Sheets 1-4

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

In view of the above findings, the ~~(investigating officer)~~ ~~(board)~~ recommends:
See Attached Recommendations Sheets 1-4

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.)

C. [Redacted Signature]

MAJ, OD

(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 that correspondence (or a summary, if any) as a numbered inclosure.)

I approve the findings and recommendations with the following exception: I remand to G3 to examine the current procedures used under the ROE for snipers to use occupied dwellings for operations.

James D. Thurman

JAMES D. THURMAN, MG, USA, Commanding General

JAMES D. THURMAN
Major General, USA
Commanding

Section IV - Findings

What were the facts and circumstances leading to the shooting?

This incident occurred during a joint operation between Navy Special Operations Forces (NAVSOFF) and 3-67 AR Battalion Forces. NAVSOFF forces had command and control of this operation. Additional security, infiltration, and exfiltration operations were conducted by 3-67 AR Battalion personnel and equipment. The incident was executed as an extension of Operation Mousetrap. (See Exhibit X) The task for this operation was to covertly insert sniper teams into Observation Posts (OPs) around [REDACTED]. The purpose was to conduct overwatch operations of [REDACTED] to deny AIF the ability to emplace EFP IEDs and to provide coalition forces the freedom of movement along [REDACTED]. (See Exhibit B)

On the afternoon of 14 JAN 06, NAVSOFF personnel conducted a ground reconnaissance of a residential home (the objective) at grid [REDACTED]. This reconnaissance consisted of driving by the home, shooting digital video footage, and still digital photographs (See Exhibit P) of the objective. According to [REDACTED] (See Exhibit I), the house appeared to be unoccupied in the video footage, and photographs. According to NAVSOFF personnel who were briefed by CP, the 3-67 AR S-2, that there was a 50/50 chance that homes in the overwatch area would be receptive to emplacing OPs within their residences (See Exhibit A).

After the reconnaissance was conducted NAVSOFF and 3-67 personnel continued with execution of their Troop Leading Procedures for the operation. An OPORD brief was given, rehearsals were conducted (rock drill), and ROE briefs were conducted. (See Exhibits A through J)

The operation started at approximately 15 0030 JAN 05 with the patrol exiting FOB Rustamiyah in M2A2 Bradleys and M1114 UAHs. The vehicles proceeded to the release point (RP) and NAVSOFF and 3-67 personnel dismounted. Personnel then conducted approximately a 300 - 500m foot patrol from the RP to the objective (Residential home at [REDACTED]). (See Exhibits A through J)

At approximately 15 0145 JAN 05 NAVSOFF and 3-67 personnel began to set up security at the objective. While security was being emplaced a LN woman began screaming (in Arabic) from inside the residence. The Patrol Leader, Intelligence Specialist 1 (IS1) Young, and the interpreter began trying to get permissive access to the home. They (IS1 Young and the Interpreter) did this by knocking on an exterior door several times and yelling (See Exhibit E) that they were American Forces and that they meant them (the occupants of the residence) no harm. According to the interpreter, He did not think that the occupants of the house could hear them because there was too much screaming (See Exhibit J). Concurrently, [REDACTED] breached another exterior door (See Exhibit F), and he and [REDACTED] gained access to a foyer-type area that led to 3 Interior doors (See Exhibits F, G, and O). He then began to try and gain access into the left interior door

(See Exhibit G). Concurrently, the interpreter reported that the LN woman screamed "get the AK" in Arabic. Soon after, [REDACTED] (3-67 AR) from his position outside the house saw a man approach the window with an AK. He then yelled "AK" from position (See Exhibit F, I). [REDACTED] states that he observed a LN man load a magazine into the AK and charge the weapon. [REDACTED] then states that the man then pointed the weapon directly at him through the window (See Exhibit I). He states that he fired his weapon at the LN male with the AK (See Exhibit I). [REDACTED] (NAVSOF) stated that he heard "AK" yelled and ceased attempting to breach the interior door. [REDACTED] states that he then saw muzzle flash from inside the house. He then fired one shot from his SR-25 at the LN male armed with an AK (See Exhibit F). Other NAVSOF Personnel [REDACTED] [REDACTED] stated that they heard AK fire. (See Exhibits E, G, and H). After the shots were fired [REDACTED] ordered a cease fire, and ordered the team to exfiltrate the objective. (See Exhibit F)

The Iraqi Police report (See Exhibit M) and death certificates (See Exhibits R and T) obtained from LN family members during a consequence management visit to the residence confirm that a LN male and LN female died as a direct result of this incident.

Did the shooting comply with the rules of engagement?

Yes. Evidence shows all US forces acted in self defense. Statements from US forces involved (See Exhibits E, F, G, I), the interpreter (See Exhibit J), and statements from Local National sources through the THT (See Exhibits K and L) support this.

Evidence gathered from the investigation, both from US forces and LN sources, indicates that the scene at the objective was dark, ever changing, and chaotic. According to the interpreter, there was no electricity in the house. (See Exhibit J). The only light source from the interior of the house was a lantern (See Exhibits E and I) Although it was 100% illumination at 15 0145 JAN 05 there was not any street lights, exterior lights, or interior lights in the vicinity of the house. Team members approached the house using Night Vision Devices (NVDs), but went to flashlight once they lost the element of surprise (See Exhibit G). In the estimation of [REDACTED] [REDACTED] and the interpreter, the time period of between the LN woman starting to scream and shots being fired was less than 30 seconds. In photographs taken by the consequence management team, the window has 4 visible bullet holes through the glass and bullet holes and bullet impact damage to the interior walls of the structure. (See Exhibit Q and V) Statements gathered from LN sources do not support the claim by US forces that the deceased LN male approached the window with an AK or that the AK was fired. However, LN sources do confirm that there was an AK in the house. Through this investigation, I conclude that regardless of whether or not the AK was physically pointed at [REDACTED] or fired at him; conditions existed at the scene that supports NAVSOF and [REDACTED] statements that they acted in accordance with the rules of engagement once they felt that a hostile act had been directed against them.

The evidence supports that while US forces were attempting to gain access to the LN residence, a woman inside the residence began screaming thinking that they were getting robbed. One son reported to a tactical human intelligence team (THT) member that his mother yelled "thieves, thieves" in Arabic (See Exhibit M). The interpreter then communicated to US Forces that she called for her husband to get the AK (See Exhibit J). Following that, [REDACTED] stated that he saw a LN male load and charge an AK inside the structure. Given the low light; the screaming; the interpreter translations of "Get the AK"; and the short time span that elapsed, conditions existed at the time of the incident that support hostile intent towards US forces. LN family thought they were getting robbed. The family tries to protect themselves. In the process US forces act in self defense.

The evidence found in Exhibit Z identifies several inconsistencies between coalition personnel sworn statements, and the autopsy results. Statements from coalition personnel indicate that the LN male pointed a loaded AK-47 at [REDACTED] and [REDACTED] state that they saw a LN male point a weapon at them from inside the house (See Exhibits F and I). However, autopsies performed by [REDACTED] and [REDACTED] indicate that the LN female died of direct gun shot wounds while the LN male died with injuries associated from bullet fragments (See Exhibit Z).

I conclude that [REDACTED] may have fired on the LN female as opposed to the LN male. I attribute these inconsistencies due to the low level of light, the observation of the LN with the AK-47 through a glass window, the short period of time in which these events occurred, and the chaotic environment that existed while coalition personnel attempted to gain entrance into the residence.

Given the evidence from all sources, I conclude that [REDACTED] fired his M-16 in self defense, and [REDACTED] fired his SR-25 in an effort to protect [REDACTED] from a LN located inside the residence. Both personnel thought that the LN posed an imminent threat to [REDACTED].

Autopsy results confirm that that bullets (or fragments of) from either [REDACTED] or [REDACTED] weapon struck and killed both Local Nationals inside the residence.

What is the name and address of the local nationals?

Names of Deceased:

Husband – Yassin Muhamad Nafawa (See Exhibits R and S)
Spouse Najat Hamed Nafawa (See Exhibits T and U)

Address:
Mahalla 711/ 5/ 17 (See Exhibit N)

8 digit grid: [REDACTED]


Is a CERP condolence payment to the local national's family appropriate?

Yes. Given the evidence in this investigation, the deaths of Yassin Muhanad Nafawa and Najat Hamed Nafawa were an unintentional consequence during this mission to use their home as an Observation Post. The family had 8 children. Recommend that the maximum of \$2500 per fatality (mother and father) be paid in this instance.

Where there any other civilian casualties or property damage?

Yes. According to LN sources (See Exhibit V)

There was a child that had minor wounds and one additional Death - not directly related to the incident and not independently verified.

 (Aged 10) minor flesh wound to the upper right arm

4 month old male infant – grandchild of the deceased who allegedly died do to exposure the morning of the incident. According to the family the infant was buried and never brought to the hospital. No death certificate exists. (See Exhibit V)

Property Damage -

There is damage to the walls and one window of the residence (See Exhibit Q and V)

Section V - Recommendations

What, if any, corrective actions, training, or changes to procedures should be made in light of the incident? What lessons can be learned for future mission planning?

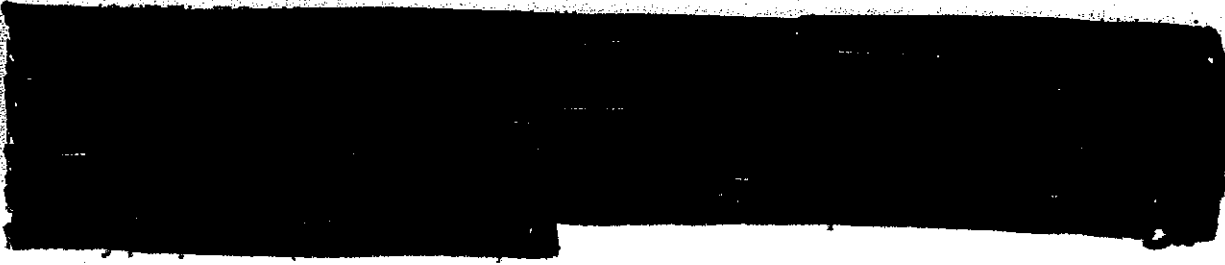
Recommend that there is a clarification of the Rules of Engagement

Recommend that MND-B clarify the use of civilian structures for military purposes. In a non-linear urban environment such as found in Baghdad, situations exist that warrant using civilian homes for military purposes such as setting up observation posts. In this type environment, often times the only cover and concealment available to overwatch key terrain is provided by civilian structures. In urban areas civilian structures must be used for military purposes to protect US forces and allow for freedom of movement throughout the battle space. The rules of engagement must be clarified granting use of civilian structures determined to be of military necessity.

Although this incident was not part of this operation, FRAGO 26 (Operation Mousetrap / Carentan) to OPOD 02-06 (Currahee Resolve) addressed this type of military necessity. This NAVSOF operation was an extension of Operation Mousetrap/Carentan . (See Exhibit X)

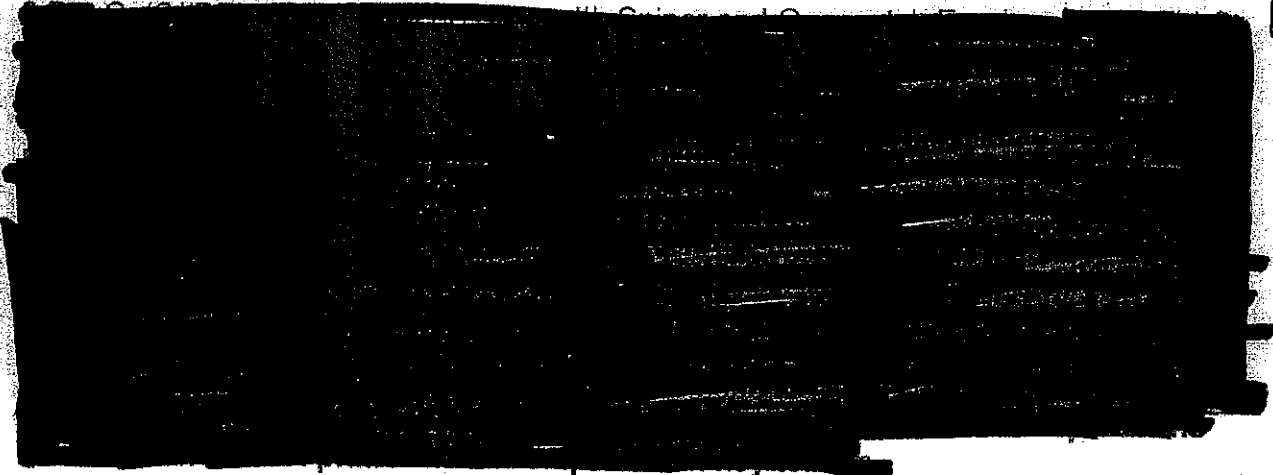
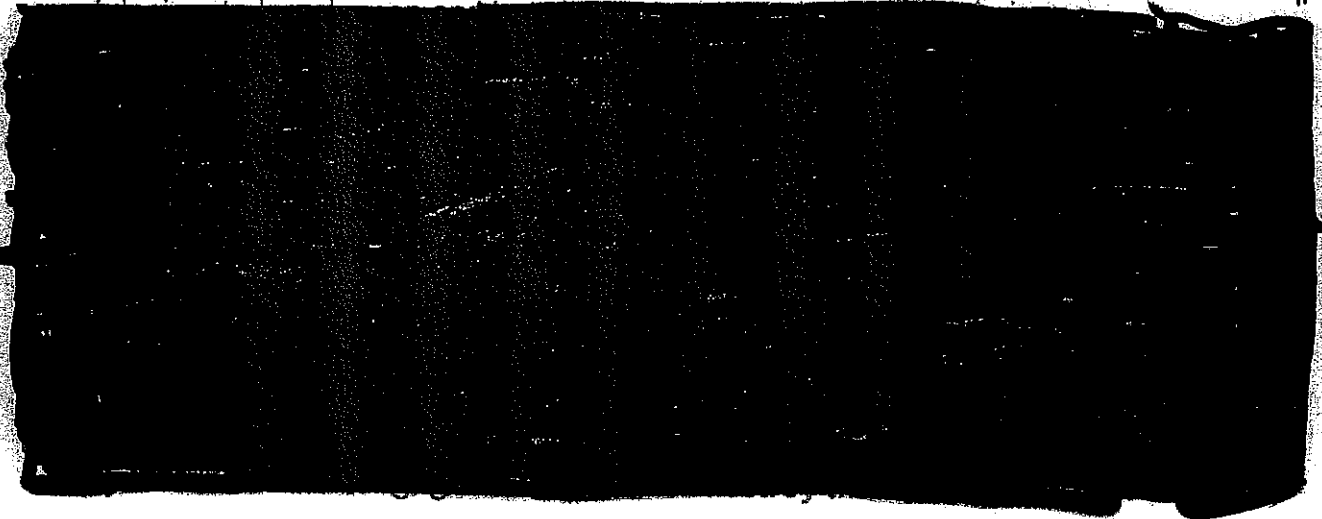
I have included the NAVSOF legal opinion of this incident in my investigation (See Exhibit AA). This legal opinion further clarifies use of civilian structure in terms of military necessity.

The following are extracts from MOD 2 TO ANNEX E (RULES OF ENGAGEMENT) TO FRAGO 016 TO PHASE IIIA OF OPERATION ORDER 05-07 (Exhibit Y)



Below are extracts from Frago 26: (Exhibit X)





Frago 26 specifies that the IOCOORD provide analysis on this specific situation:
(Exhibit X)

3.D.4. (U) RCT IOCOORD.



[REDACTED]

ROE for Snipers is also addressed in FRAGO 26 with no mention of the use of civilian structures for military purposes:

3.F. (U) Coordinating Instructions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Provide life support for all attached sniper teams, as required, throughout OPERATION MOUSETRAP, 6-13 JAN 06.


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Conduct backbrief to 506 RCT CDR on OPERATION MOUSETRAP NLT 101500CJAN 06.



In summary, recommend that a clarification to the existing ROE be made to allow for the use of civilian structures for military operations

Exhibit List

- A. NSWTU – PSD Hostile Incident Report
- B. NSWTG – AP Over-watch element 4BCT/101
- C. SIR – 3-67 AR
- D. SIR Follow-up – 3-67 AR
- E. Statement of [REDACTED] (NAVSOF), dtd 20 Jan 06
- F. Statement of [REDACTED] (NAVSOF), dtd 20 Jan 06
- G. Statement of [REDACTED] (NAVSOF), dtd 20 Jan 06
- H. Statement of [REDACTED] (NAVSOF), dtd 20 Jan 06
- I. Statement of [REDACTED] (3-67 AR), dtd 21 Jan 06
- J. Transcription of Interpreter Interview, dtd 21 Jan 06
- K. Statement of [REDACTED] (THT), dtd 24 Jan 06
- L. Statement of [REDACTED] (THT), dtd 26 Jan 06
- M. Iraqi Police Report, dtd 15 Jan 06 (Arabic w/ English translation)
- N. DIIR
- O. Sketch of Terrain
- P. Map and pictures of residence/objective
- Q. Picture of window
- R. Death Certificate of LN Male (Arabic w/ English translation)
- S. ID Card of deceased LN Male (Arabic w/ English translation)
- T. Death Certificate of LN Female (Arabic w/ English translation)
- U. ID Card of deceased LN Female (Arabic w/ English translation)
- V. Consequence Management Report
- W. FRAGO 26 – Operation Mousetrap/Carentan
- X. ROE Extract
- Y. Follow-up Statement of [REDACTED] (3-67 AR), dtd 11 Feb 06
- Z. Autopsy Results and Iraqi Statements
- AA. NAVSOF Legal Opinion

NSWTU-PSD HOSTILE INCIDENT REPORT
TO: NSWTG-AP
FROM: NSWTU-PSD
DTG OF REPORT: 150330CJAN06
SUBJECT: NSWTU-PSD Hostile Incident Report

AAA DTG OF Incident: 150220CJAN06

BBB Location: BAHGDAD, 3/67 AR AO [REDACTED]

CCC [REDACTED]

DDD Reporting unit: NSWTU-PSD
Task organization: NSWTU-PSD SNIPER ELEMENT

EEE Patrol mission: CIM-011

FFF Activities: NSWTU-PSD PERSONNEL MANNING OBSERVATION POINTS [REDACTED]

GGG Mounted or dismounted: DISMOUNTED

HHH Type of vehicles or weapons used in the patrol: 2 X M2 ABRAM'S.
PERSONAL WEAPONS USED IN ENGAGEMENT: M-16, SR-25. ADDITIONAL PATROL
MEMBERS WERE CARRYING M46 AND M4A1.

III Route used: INTENDED OBSERVATION POINT

JJJ Patrol stationary or moving: MOVING

KKK Was fire returned: YES

LLL Description of attackers: MIDDLE AGED IRAQI MALE DISPLAYED HOSTILE
INTENT WHILE THE INTERPRETOR WAS YELLING "WE ARE AMERICAN SOLDIERS".
HE WALKED THROUGH THE HOUSE CARRYING THE WEAPON AND PRESENTED HIMSELF
TO ONE OF OUR TEAM MEMBERS. HE WAS INSIDE THE HOUSE, CHARGED HIS
WEAPON AND LEVELED IT THROUGH THE WINDOW TOWARDS THE TEAM MEMBER
OUTSIDE.

MMM Result of the contact: 2 X 5.56 ROUNDS IMPACTED THE HOSTILE
INDIVIDUAL CENTER MASS. HE DROPPED INSIDE THE ROOM. NO CONFIRMATION OF
DEATH.

NNN Were there civilian bystanders? YES, SEVERAL FEMALES AND CHILDREN
WERE SEEN INSIDE THE RESIDENCE.

OOO Detailed description of the attack:
AT APPROXIMATELY 0145, THE COMBINED NSW/ARMY OVERWATCH ELEMENT WAS
INSERTED AT THEIR PRIMARY INSERTION POINT. THE ELEMENT BEGAN A FOOT
PATROL APPROXIMATELY 500M TO THE TARGET HOUSE. ONCE THE ELEMENT
REACHED THE HOUSE, SECURITY WAS SET. THE INTERPRETOR AND MYSELF
APPROACHED THE DOOR AND WERE PREPARING TO KNOCK WHEN A WOMAN BEGAN
SCREAMING INSIDE. I TOLD THE INTERPRETOR TO TELL THE WOMAN WE WERE
AMERICANS AND WE MEANT NO HARM. I REPEATEDLY TOLD THE INTERPRETOR TO
REPEAT THIS STATEMENT. THE INTERPRETOR REPEATED THIS STATEMENT IN A
LOUD AND CLEAR VOICE APPROXIMATELY 4-5 TIMES. THE WOMAN INSIDE THE
HOUSE CONTINUES YELLING AND I ASKED THE INTERPRETOR WHAT THE WOMAN WAS

SAYING. I WAS STANDING AT THE KITCHEN DOOR AND TOLD MY ELEMENT TO MAKE ENTRY INTO THE MAIN DOOR APPROXIMATELY 10 FEET TO MY LEFT. THE INTERPRETOR THEN SAID THE WOMAN IS YELLING "GET THE AK". I OBSERVED THROUGH THE WINDOW, A MALE WHO HAD A LANTERN IN HIS LEFT HAND AND AN AK-47 IN HIS RIGHT HAND. HE MADE MOVEMENT TOWARDS THE WINDOW ON THE OPPOSITE SIDE OF THE HOUSE TO MY LEFT APPROXIMATELY 10 FEET AWAY. I TOLD EVERYONE A MALE INSIDE HAD AN AK. THE INTERPRETOR CONTINUED STATING IN A LOUD AND CLEAR VOICE WE WERE AMERICANS. I THEN HEARD 3 X AK ROUNDS FIRED FROM THE INSIDE OF THE HOUSE AND I MOVED ALONG THE EXTERIOR OF THE HOUSE TOWARDS THE AREA WHERE THE MALE WAS MOVING. NOONE OBSERVED WHO FIRED THE ROUNDS OR OBSERVED WHERE THE ROUNDS IMPACTED. THE MAN WAS THEN OBSERVED BY AN ARMY SNIPER STANDING IN THE WINDOW THAT WAS LOCATED TO MY LEFT. THE ARMY SNIPER WAS STANDING JUST OUTSIDE THIS WINDOW. THE ARMY SNIPER OBSERVED THE MAN CHARGE HIS WEAPON AND THEN POINT THE WEAPON OUT THE WINDOW AT THE ARMY SNIPER DEMONSTRATING CLEAR HOSTILE INTENT. BASED UPON THE THREE ROUNDS JUST FIRED AND THIS DEMONSTRATION OF HOSTILE INTENT THE ARMY SNIPER FIRED 2 X 5.56 ROUNDS THROUGH THE WINDOW CENTER MASS ON A MALE INSIDE. I LOOKED INSIDE THE WINDOW AND NOTICE THE LANTERN MOVING BACK INSIDE THE HOUSE. I THEN SAW SEVERAL WOMEN AND CHILDREN INSIDE THE ROOM AND CALLED "CEASE FIRE". EVERYONE BEGAN TO EXFIL TOWARDS THE EXTRACT POINT. WE THEN BEGAN TAKING FIRE FROM ACROSS THE STREET APPROXIMATELY 200M NORTHWEST OF OUR POSITION. WE DID NOT RETURN FIRE. PEOPLE BEGAN TO COME OUTSIDE IN THE STREET WE WERE CROSSING AND WE HEARD YELLING IN THE NEIGHBORHOOD. SEVERAL IP'S LOCATED AT A NEARBY CHECKPOINT BEGAN MOVING TOWARDS OUR POSITION. WE GAINED A STRONGHOLD IN AN ABANDONED HOUSE, SET SECURITY, AND CALLED FOR EXTRACT. WHILE IN THE HOUSE 2 X MAM'S WERE CIRCLING THE AREA ON FOOT. WE COULD NOT IDENTIFY A WEAPON ON THEIR PERSON. AN IP PATROL ALSO MOVED BY THE HOUSE. IT TOOK APPROXIMATELY 5 MINUTES FOR OUR EXTRACT PLATFORM TO ARRIVE.

Commander's Comments: PRIOR TO DEPARTING FOR THIS COUNTER EFP/IED SNIPER MISSION, ALL PERSONNEL WERE BRIEFED ON APPROPRIATE ROE'S FOR THIS AO BY THE NSWTU-PSD LEGAL OFFICER AND PATROL LEADER. 3/67 AR INTELLIGENCE OFFICER BRIEFED OUR ELEMENT ON THE ATMOSPHERICS IN THE AREA. SPECIFICALLY, HE STATED THE LOCAL RESIDENTS WOULD SHOW A 50/50 CHANCE ON ACCEPTING [REDACTED] THEIR AGGRESSIVE BEHAVIOR ONLY EMPHASIZED THIS POINT.

NSWTG-AP Over-watch ELEMENT 4BCT 101st Airborne, 3/67 AR

150430CJAN06

ROUTINE

SUBJECT: OPSUM CIM-011

TASK ORGANIZATION:

[REDACTED]
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
INTERPRETER

M4, P226, 1X M69 FRAG
M4, P226, 1 X M69 FRAG, PRC-119
MK 12, P226, 1X M69 FRAG
MK46, P226, 1X M69 FRAG
M16, M203, M9, 1X M69 FRAG

[REDACTED]
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
INTERPRETER

M4, P226, M79, 1 X M69 FRAG
MK 12, P226, 1X M69 FRAG, UNS, PEQ-8
MK 46, P226, 1X M69 FRAG
MK 12, P226, 1X M69 FRAG, GCP, UNS, PSC-5
M16, M203, M9, 1X M69 FRAG

[REDACTED]
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
[REDACTED] C
INTERPRETER

M4, P226, 1X M69 FRAG, PRC-119
SR 25, P226, 1 X M69 FRAG, M79
M4, P226, 1 X M69 FRAG, PSC-5
MK 46, P226, 1 X M69 FRAG
MK 46, P226, 1 X M69 FRAG
M4, P226, 1 X M69 FRAG
M16, M203, M9, 1X M69 FRAG

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

KEY TASKS:

- a. Provide ITG personnel, Coalition, and ISF the freedom of movement along MND-B MSRs.
- B. Coordinate with all Coalition and Iraqi forces/units to de-conflict the battlespace and establish a clear battlefield picture.
- C. Use stealth and concealment to effectively employ SOF element.
- Exploit our tactical and technical advantages.
- D. Use fire discipline to prevent non-combatant casualties and collateral damage.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] began a foot patrol approximately 500m to the target house. Once the element reached the house, security was set. The interpreter and team leader approached the door and were preparing to knock when a woman began screaming inside. He told the interpreter to tell the woman they were Americans and they meant no harm. He repeatedly told the interpreter to repeat this statement. The interpreter repeated this statement in a loud and clear voice approximately 4-5 times. The woman inside the house continues yelling and he asked the interpreter what the woman was saying. He was standing at the kitchen door and told my element to make entry into the main door approximately 10 feet to my left. The interpreter then said the woman is yelling "get the AK". He observed through the window, a male who had a lantern in his

left hand and an AK-47 in his right hand. He made movement towards the window on the opposite side of the house to my left approximately 10 feet away. He told everyone a male inside had an AK. The interpreter continued stating in a loud and clear voice they were Americans. He then heard 3 x AK rounds fired from the inside of the house and he moved along the exterior of the house towards the area where the male was moving. Noone observed who fired the rounds or observed where the rounds impacted. The man was then observed by an army sniper standing in the window that was located to his left. The army sniper was standing just outside this window. The army sniper observed the man charge his weapon and then point the weapon out the window at the army sniper demonstrating clear hostile intent. Based upon the three rounds just fired and this demonstration of hostile intent the army sniper fired 2 x 5.56 rounds through the window center mass on a male inside. He looked inside the window and notice the lantern moving back inside the house. He then saw several women and children inside the room and called "cease fire". Everyone began to exfil towards the extract point. He then began taking fire from across the street approximately 200m northwest of our position. They did not return fire. People began to come outside in the street we were crossing and they heard yelling in the neighborhood. Several IP's located at a nearby checkpoint began moving towards their position. They gained a stronghold in an abandoned house, set security, and called for extract. While in the house 2 x MAM's were circling the area on foot. They could not identify a weapon on their person. An IP patrol also moved by the house. It took approximately 5 minutes for our extract platform to arrive.

Once [redacted] was safely extracted [redacted] and [redacted] made the decision to extract. Without [redacted] and [redacted] could not ensure the security of [redacted] and determined to extract. [redacted] coordinated extract and 4 x M114s returned to insertion point and recovered both SR teams.

OP Locations: [redacted]

4. INTEL. [redacted]

5. COMMANDER'S COMMENTS: [redacted]

[redacted] The OP positions allowed complete coverage of the intersection at [redacted] and [redacted] with the assistance of [redacted] installed on the exterior perimeter wall of [redacted]. We had been told the area may not be receptive to American forces using [redacted]. The area was known to have former regime members in the local neighborhoods. This was evident with the contact received by one of the teams. Fortunately, solid leadership and sound decisions

made light of a difficult situation. All personnel were uninjured and returned to base safely.

██████████ G

██████████ G

SIR FORMAT

LINE 1: E/3-67 AR

LINE 2: Incident: 1 X LN KIA

LINE 3: Date/time group (DTG) incident occurred: 150301JAN06

LINE 4: Location of incident: [REDACTED] 2

LINE 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SSG	E/3-67	[REDACTED]	M	22	CAU

LINE 6: Summary of incident: 15 0301 JANUARY 06, When attempting to occupy an OP with NAVSOF, LN occupants of the OP became restless and began screaming. The NAVSOF team leader and interpreter attempted to inform occupants that American Soldiers were outside and that they meant them no harm. A LN male occupant then moved to a position in the front window of the residence [REDACTED] was covering. The LN occupant was holding an AK-47 and proceeded to load a magazine and charge the weapon. AT this time the LN occupant pointed the weapon directly at [REDACTED] at which time [REDACTED] fired three aimed shots at the armed LN occupants chest. At this time the NAVSOF team leader order the team to begin their EXFIL.

LINE 7: Damage to government and/or civilian property:

LINE 8: Commander
reporting: _____

SIR

Line 1: E/3-67 AR

Line 2: NAVSOF Mission on 15 Jan 06, 1LN KIA

Line 3: 150301JAN06

Line 4: [REDACTED]

Line 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SSG	E/3-67 AR	[REDACTED]	M	22	Cau

Line 6: Insertion was to take place at 0130hrs on 15 Jan 06. 40 PAX were distributed between six vehicles: two Bradley Fighting Vehicle section and a four HMMWV section. The OPs were comprised of three team leaders, [REDACTED]. Once the convoy SP'd from the FOB, the Bradley section headed north on the South bound lane of [REDACTED] and the HMMWVs headed north on the north bound lane of [REDACTED]. The HMMWV section turned east into a muhala to the north of and adjacent to [REDACTED] where two OP teams dismounted and maneuvered to their respective safe houses. The Bradley section turned west into a muhala south-west of and adjacent to [REDACTED] and [REDACTED] dismounted. Once dismounted the section moved to their respective safe house and occupied the courtyard. The interpreter made contact with the female of the household. She began to yell and scream and repeatedly hollered, in Arabic, "get the AK-47". Three AK-47 rounds were fired off from an undetermined location. The interpreter began to yell and explain in Arabic that they were Americans and meant no harm. One member of the section yelled in English the same thing. A man then came down stairs with an AK-47 and stood at a window overlooking the courtyard. He spotted one of the team members outside of the window, charged his rifle, and then pointed it at the door a different team member was about to enter. Two team members outside of the window (one NAVSOF and one 3-67 AR, [REDACTED]) took this action as hostile intent and shot three rounds center-mass (two rounds from [REDACTED] the round from the NAVSOF member). Once compromised the team called for immediate extraction and the Bradley section responded within three minutes. All OPs were then extracted back to the FOB, time 0252.

Concurrently, E/3-67 AR had a platoon plus size element doing construction East of the IP checkpoint on [REDACTED]. After the rounds were fired, [REDACTED] (E/3-67 AR) called in a SALT report and Saber 2 confirmed that the small arms fire was because [REDACTED] was compromised. No action was taken by E/3-67 AR because the NAVSOF team was quickly being extracted. Around 0200 hours, [REDACTED] dismounted and talked to the POB personnel at the IP checkpoint. In summary, the sergeant from the POB said he was told by the Iraqi family that the family thought the NAVSOF team were thieves and were trying to steal something. He reported one LN was seriously injured. Two Iraqi IP trucks were seen by [REDACTED] driving away from the scene with their emergency lights flashing, headed SW along [REDACTED]. Because the POB went back to the house, around 0330 [REDACTED] again asked the same sergeant from the POB what happened. In summary, he explained that he identified American soldiers leaving the scene. He described their pants and the sidearm on their waste. He also said the injured LN had died, however, how he knew this is undetermined.

Line 7: No damage to government or civilian property

Line 8: [REDACTED] CPT, EN E/3-67 AR

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 (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: FORS RUSTAMIYAH BAGHDAD IRAQ
2. DATE (YYYYMMDD): 2006 01 20
3. TIME: 1716
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: 1S1

8. ORGANIZATION OR ADDRESS: NSW

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

ON 15th of JANUARY at approximately 0800 my two point men entered a break in the wall (Gate) of our Op. I then moved up and checked the "Op" out. I called for the rest of the Team to pull up and send the Interpreter to my position. Once security was set I instructed the Interpreter to knock on the door and say that we were American forces and to please open the door. At this time a woman inside the house started to scream and I could make out multiple people inside the house. I told the Interpreter to continue saying that we were American forces. At this point I began yelling also in English that we were American forces multiple times. I heard the women in the house talking and I asked the Interpreter what she said. The Interpreter said "Get the AK!!" I then see through my window a male carrying a lantern in the left hand and an AK in the right, moving through a hallway heading towards the main window. At this point I come over lumps as well as talking loudly that there is a male moving inside with an AK.

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

[REDACTED]

9. STATEMENT (Continued)

I continue to yell that we are americans. I start to move towards the left side (the direction of where the man with the Ak went to support other members of our team who were by the window and another door to the house. At this point I felt that the occupant inside had hostile intent. Right before I reached the window I heard 3 Ak-47 rounds fire off. Then I observed one of my team members fire two rounds into the large window on the left side of the house. I then ~~then~~ listened for more gunshots and hearing none I yelled "Cease fire" I then looked into the room and saw someone holding a lantern and some kids running back into the hallway. At this point I yelled for everyone to move off target and start heading for extract.

- Q: Which of your team members fired the two rounds into the window?
 A: At the time I did not know who was standing Security ^{until} ~~but~~ after we extracted.
 Q: Do you use the same procedures when approaching an unknown home?
 A: At every house or operation like this, we have used the same procedure with no problems.
 Q: Did you see [REDACTED] discharge his weapon?
 A: Yes.

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 20th day of January, 2006 at FOB Lustimiyah

ORGANIZATION OR ADDRESS

[REDACTED]
 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
 (Typed Name of Person Administering Oath)
AR 27-55
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

STATEMENT OF [REDACTED] TAKEN AT FOB Rustamiyah DATED 20 JAN 06

9. STATEMENT (Continued)

Q: Do you believe the individual displayed hostile intent?

A: Yes. Without doubt the individual displayed hostile intent through his actions and ~~words~~ towards my team.

Q: As patrol leader, do you feel all measures were exhausted to let the family know that you were American forces?

A: Yes. I yelled exhaustedly that we were Americans (possibly compromising our mission as well as using the interpreter).

Q: Do you believe [REDACTED] acted properly according to the Rules of Engagement to preserve the life of US forces?

A: Yes, with Absolute certainty!

Q: Did you see the target struck by the bullets or assess him as a casualty?

A: NO.

Q: Did you see where the individual was aiming his weapon or where the rounds he fired struck?

A: NO.

Q: When was the last time you conducted ROE training?

A: Before every mission.

Q: Was [REDACTED] present for this brief?

A: Yes.

Q: Do you have anything else to add?

A: I feel that [REDACTED] action were well within our Rules of Engagement. He acted in a mature manner and his actions in my mind saved the lives of 3 of my team members. There is no doubt in my mind that everyone in that house heard both myself and the Interpreter yelling that we were Americans.

NOTHING FOLLOWS [REDACTED] See page 2

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 7 PAGES

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 (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: For Rustamiyeh, Baghdad Iraq
2. DATE (YYYYMMDD): 2006 01 20
3. TIME: 1614
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-5 / AD
8. ORGANIZATION OR ADDRESS: MSU

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

MYSELF AND MY TEAM PATROLLED UP TO OUR TARGET OR SITE AND WENT INSIDE THE GATE. SHORTLY AFTER A WOMEN SPOTTED US FROM INSIDE OUR TARGET AND BEGAN TO SCREAM. MY TEAM LEADER TOLD ME TO MAKE ENTRY INTO THE HOUSE. SO I BREACHED THE FRONT DOOR WHICH LED TO A Foyer WITH THREE MORE DOORS. I TRIED TO BREACH THE DOOR TO MY LEFT BUT AFTER A SECOND MULE KICK I WAS TOLD TO STOP. SO I WENT BACK OUTSIDE AND AS I DID I HEARD "AK" FROM THE ARMY GUY WE WERE WITH. I THEN TURNED AROUND LOOKED AROUND THE CORNER AND SAW MUZZLE FLASH FROM INSIDE THE HOUSE THROUGH A LARGE GLASS WINDOW AND A SHOT GO OFF. I THEN SAW A SILHETTE WITH A WEAPON IN HIS HAND RAISED UP. SO I TOOK A SHOT AT THE TARGET MY WEAPON JAMMED AND I WENT TO THE BACK OF THE TRAIN. AS I DID SO I HEARD ANOTHER SHOT. HE THEN TOOK OFF FROM THE TARGET AND EXTRACTED SHORTLY AFTER.

Q: Did you actually fire around at the target?

A: YES. WAGN I PULLED THE TRIGGER MY SIGNS WERE DIRECTLY ON HIS CHEST

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
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