

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

EX 6

Appointed [REDACTED] Commander, 172 Stryker Brigade Combat Team
(Appointing authority)

on 2 April 2006 (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 MAREZ, IRAQ (Place) at _____ (Time),
on 2-5 April 2006 (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.)
CPT Lester, Roland E., Investigating Officer

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 1900 (Time) on 4 April 2006 (Date)
and completed findings and recommendations at 2200 (Time) on 4 April 2006 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

Inclosures (para 3-15, AR 15-6)		YES	NO	NA
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 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 NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		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?	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 manner 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)?			X
5	Was a quorum present at every session of the board (para 5-2h, 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?			
a.	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 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 attached Memorandum for Record dated 4 April 2006, paragraph 3a.

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

In view of the above findings, the (investigating officer) (board) recommends:
See attached Memorandum for Record dated 4 April 2006, paragraph 3c.

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 he has, indicate the reason in the space where his signature should appear.)

(Recorder)

Investigating Officer (President)

(Member)

(Member)

(Member)

(Member)

EX6

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 oral) as a numbered inclosure.)

- 1 Agree w/ legal opinion.
- 2 PLT AAR2 led by Ccdr.
- 3 driver actions consist of SUBIED & patterns established in MOSU

[Redacted signature]

1 inclosure EX6



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
Headquarters, 1st Battalion, 17th Infantry Regiment
FOB Marez, Mosul, Iraq
APO AE 09319

APVR-WLBA-CCO

4 April 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Inquiry 15-6

1. On 2 April 2006, I was appointed the investigating officer for a Commander's Inquiry on an incident involving 3/A/1-17 IN at VIC LF 308 200, which was an escalation of force that resulted in the wounding of one local national.
2. The following individuals were interviewed, and provided a sworn statement in substance as follows:

EX 6 a. [REDACTED] 3/A/1-17 IN, Platoon Leader, Squad Leader hatch, Stryker A31 (two sworn statements).

1. Synopsis of Sworn Statement: at 0815, on 2 April 2006, [REDACTED] was in the squad leader hatch, in the lead vehicle (A31) in OOM, as he came to the dirt area off FOB Marez that intersects with [REDACTED] near [REDACTED]. A31 then turned right to enter the traffic circle. Upon committing A31 onto the road [REDACTED] became aware of a car swerving past two trucks and another car that pulled over. The approaching car was traveling at a high rate of speed and headed towards A31. [REDACTED] alerted his men that the car was going to ram them. [REDACTED] verbally shouted and waved his left hand to get the driver to stop. At a distance of 30-35 meters the car did not swerve, slow down or pull over. [REDACTED] then fired 1 shot but the driver did not swerve, slow down or pull over. At a distance of 15 meters [REDACTED] then fired again and then once more; at this point the vehicle struck A31. [REDACTED] looked to see if his men got down and braced for impact, believing the vehicle to be an SVBIED. No explosion occurred so, [REDACTED] then moved his vehicle and set up security. A31 sustained slat armor damage and tire/rim damage. [REDACTED] noticed the driver of the vehicle that struck them to be 1 LN male. The Physicians Assistant and Platoon Medic administered aid to the LN and he was then taken to the CSH on LSA Diamondback.

2. Synopsis of Sworn Statement: the vehicle was approximately 75 meters away when [REDACTED] focused his attention on it. It was about 50 meters when [REDACTED] began signaling. No warning shot was fired. When 1LT Shot, he hit LN Kalif Salih once in the neck, once in the chest and finally in the arm. [REDACTED] doesn't know if Kalif Salih is still alive. [REDACTED] does not know if condolence payments were made. The vehicle was not exsplayed because he was in a hurry to get the LN to the CSH, when he returned the vehicle was gone. Everyone only observed 1 LN male in the vehicle. No

warning shot was fired because by the time [REDACTED] realized what was going on he only had enough time to try and yell and wave him off and then had only time to react because the LN was coming straight towards A31. The amount of time to do something was short because the high rate of speed the LN was traveling. Kalif Salih's vehicle matched a bolo that had been put out a few days prior. [REDACTED] Platoon was trained on ROE. [REDACTED] Platoon had formal classes from JAG. They also discuss ROE before every mission and during missions. If his soldiers are in doubt they do not hesitate to ask for [REDACTED] guidance. EX6

b. [REDACTED] 3/A/1-17 IN, Vehicle Commander, Vehicle Commander hatch, Stryker A31. EX4

1. Synopsis of Sworn Statement: at 0815, on 2 April 2006, [REDACTED] was in the right rear air guard hatch, in the lead vehicle (A31) in OOM, as he pulled out onto [REDACTED]. At that point he noticed a vehicle approximately 50 feet away coming towards A31, the horn on A31 was used to alert LN that they were in the AO. The approaching vehicle made no attempt to stop and was still traveling towards A31, so a warning shot was fired; however, the car had no intention on stopping so 2 more shots were fired and the approaching vehicle struck the left rear of A31; all this in a matter of 10-12 seconds. Upon realizing that the LN car was not a SVBIED, the Platoon then dismounted, set up security, administered aid and rushed the casualty to the CSH on LSA Diamondback. EX2 EX6

c. [REDACTED], 3/A/1-17 IN, left rear air guard, Stryker A31. EX4

1. Synopsis of Sworn Statement: at 0815, on 2 April 2006, [REDACTED] was in the left rear air guard hatch, in the lead vehicle (A31) in OOM. As A31 left FOB Marez to enter [REDACTED] a car was on the left side of the A31 at a distance of 30 meters traveling towards A31. [REDACTED] raised his left hand to signal the vehicle to stop, the vehicle continued to speed towards A31. [REDACTED] then aimed his M249 at the vehicle, however, [REDACTED] had already fired his weapon hitting the driver. The car was still not stopping [REDACTED] intended on firing but did not have a clear shot due to his position in A31. [REDACTED] then fired 2 more rounds. The vehicle was clearly not stopping and [REDACTED] believed the car to be an SVBIED. After crouching down, [REDACTED] heard the car impact the left rear of A31, near his hatch. As soon as they realized that the car did not explode they dismounted, secured the area, rendered medical aid to LN male, loaded him and moved him to the CSH on LSA Diamonback. EX4 EX4 EX4

3. After conducting the investigation, my understanding of the Escalation of Force incident that occurred 020815APR2006 is as follows:

At DTG 020815APR2006 3rd PLT A CO 1-17 was leaving FOB MAREZ. The Platoon Leader, [REDACTED] was driving in the first vehicle in the OOM, A31. Upon reaching the area where the dirt meets the road on RTE [REDACTED], near the [REDACTED], A31 honked its horn and turned right. At that point [REDACTED] driver made him aware of [REDACTED] EX4 EX2 EX4

an approaching vehicle. This was at 75 meters. The vehicle, a dark blue 4 door Volkswagen, was traveling northbound at a high rate of speed towards A31 and passed by 2 trucks and a car that were pulled over. The vehicle was in a hurry, not paying attention and possibly had a blind spot because of the vehicles pulled to the side of the roadway. The vehicle showed no signs of stopping and increased speed. ██████ told the crew on A31 to hold on because he believed the car was going to ram them. At a distance of 50 meters, ██████ then yelled at the driver to stop and signaled with his left hand to stop. At the same time, ██████ the left rear air guard, also raised his left arm and signaled the approaching vehicle to stop. The vehicle made no attempt to stop, slow down or swerve. ██████ observed 1 military age male in the vehicle. The vehicle was now about 30 meters away, ██████ then fired a shot, striking the driver in the neck, the vehicle still continued at a high rate of speed towards A31. This may have been because the LN was struck in the neck. At a distance of 15 meters, ██████ then fired 2 more rounds in succession, striking the driver in the chest and then shoulder. ██████ and the right rear air guard ██████ all believed the vehicle to be an SVBIED and braced for the impact and expected explosion. The car then struck the left rear of A31, damaging slat armor, the left rear hub, left rear tire and totaling the LN car. A31 then moved away from the vehicle, dismounted and rendered aid to 1 LN male named Kalif Salih. Salih was taken to the CSH on LSA Diamondback. The LN vehicle was not exsprayed because they were in a hurry to evacuate Salih. The vehicle was gone when 3rd Platoon A CO returned. Salih has not been able to speak and is on a ventilator. On 13 April 2006, Salih was transported from the CSH on LSA Diamondback to Medical City, in Baghdad. The vehicle was similar to BOLOs put out around that time. ██████ Platoon was trained on ROE with formal classes from JAG as well as informally prior to missions. No condolence payments have been made.

4. Based upon all the facts presented and statements provided, my findings and recommendations are as follows:

a. FINDINGS: I find no ROE violation involved in the incident. I find no escalation of force violation in the incident. I find no fault on behalf of any US Soldier in regard to this incident. No warning shot was fired, however, this whole situation happened within a matter of moments and due to the circumstances that was a reasonable decision. The LN was clearly wrong: by speeding, not being cognizant of his surroundings (Strykers enter and leave this area all day, everyday, and other cars/trucks pulled over), not heeding the horn, shouting or hand signals.

b. RECOMMENDATIONS: An aggressive public service campaign involving signs and/or billboards detailing to Mosul residents as well as local nationals traveling through Mosul to stay 100 meters from Strykers at all times; as well as pull over to the side of the road and stop moving whenever they see or hear a Stryker. The Platoon involved in the incident, 3/A/1-17 IN, should contact Kalif Salih and make a condolence payment to cover the cost of medical treatment.

5. POC is the undersigned, located at the C Co Command Post, 1-17 IN, FOB MAREZ, IRAQ.



EXL

CPT, IN
Platoon Leader

- 10 Encls
- 1. Memorandum of Appointment
- 2. 1-17 IN SIR dated 020818APR06
- 3. Sworn Statement of [REDACTED]
- 4. 2ND Sworn Statement of [REDACTED]
- 5. Sworn Statement of [REDACTED]
- 6. Sworn Statement of [REDACTED]
- 7. Weather/Light data dated 020818APR06
- 8. Pictures
- 9. Graphics
- 10. DA Form 1574

EXL



DEPARTMENT OF THE ARMY
Headquarters, 172d Stryker Brigade Combat Team
Mosul, Iraq APO AE 09319

REPLY TO
ATTENTION OF:

APVR-WLBA-P

2 April 2006

EX MEMORANDUM FOR [REDACTED] 1st Battalion, 17th Infantry Regiment, Mosul, Iraq

SUBJECT: Investigating Officer Appointment, Investigation Into Escalation of Force incident on 2 April 2006, Involving Soldiers from 3rd Platoon, Alpha Company, 1-17 Infantry Regiment.

EX 1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the escalation of force with a local national (LN) vehicle at vicinity of [REDACTED] by Soldiers from 3rd Platoon, Alpha Company. This investigation is your primary duty and takes precedence over all other duties assigned to you. The Serious Incident Report prepared by 1-17 IN in response to this incident has been attached to these orders for your situational awareness.

2. The report of investigation must include, but is not limited to, findings on the following issues:

a. Did the Soldiers on the ground understand the rules of engagement and act in accordance with them? Which Soldiers were involved in the engagement? Did they have ROE training? When, where, and by whom? What measures short of deadly force did they consider before engaging this civilian? What measures should be added or refined in order to clarify this type of situation and avoid future incidents?

b. At what range was the engagement?

c. What threat did the Soldiers perceive when he identified the vehicle as a target?

d. Cover the specifics of this engagement and the decision-making process that went into it. Where were the rounds fired? Did the Soldiers intend to fire warning shots or to engage the LN vehicle? Was a lawful target positively identified? Was consideration given to potential ricochet?

e. Determine, to the greatest extent possible, the full name and contact information of the local national.

3. Your investigation will be conducted IAW 15-6. During your investigation, you will be required to interview and/or question numerous witnesses. You are directed to obtain sworn statements from all witnesses. In the event that you are unable to obtain a sworn statement from a witness, you will prepare a detailed memorandum for record (MFR) memorializing the witness interview and explaining why a sworn statement was not obtained. Witnesses that should be interviewed include:

a. Soldiers from 1-17 IN who engaged the person/vehicle.

b. Any others you feel necessary to complete your investigation, including Soldiers and LNs who may have witnessed the engagement.

4. If, prior to or during any interview, you suspect an individual subject to the U.C.M.J. of committing a U.C.M.J. offense, you are required to advise that individual of his/her Article 31 rights, both orally and in writing, before any interview or questioning may commence and/or continue. **There are currently no suspected offenses or offenders;** however, your investigation may cause you to suspect an offense, at which time you should advise the suspect of his rights.

5. Upon completion of your investigation, you will make findings of fact regarding the issues addressed in paragraph 2 above and recommend appropriate action based on your findings. Your findings and recommendation will be recorded on a DA Form 1574. The completed findings and recommendation will be accompanied by all evidence obtained during your investigation as well as a separate chronology listing all significant activity from initial appointment as Investigating Officer to completion of the investigation, to include the granting of any extensions or delays to complete the investigation.

EX4 6. Before you begin your investigation, you must be briefed by the Brigade Judge Advocate, [REDACTED], located at FOB Courage. She can be reached by DNVF at 522-3021. Prior to commencing your investigation, you will obtain copies of DA 2823 (Sworn Statement), DA 1574 (Report of Investigation), and any other forms or documents you may need. These are available on the JAG site off of the 172d portal: \\148.50.3.169\172sbctdata\jag\15-6 IO Resources. Ensure that you review all of the documents prior to beginning the investigation. If questions arise during your investigation, you will consult with your legal advisor, including developing an investigation plan, determining whether witnesses need to be advised of their rights under the UCMJ, Article 31 or the Fifth Amendment, and preparing findings and recommendations.

7. Upon completion of your investigation, you will submit the entire investigation to the BOLT for a legal review. Your investigation should be completed within 3 days of receipt of this memorandum. I must approve any delays beyond 3 days. This investigation is your primary duty and takes precedence over all other assigned duties.

EX4 [REDACTED]
COL, IN
Commanding

SWORN STATEMENT

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

LOCATION FOB MAREZ		DATE 14 APRIL 2006	TIME 1700	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS 02/1LT	
ORGANIZATION OR ADDRESS ALPHA COMPANY, 1-17 INFANTRY REGIMENT, FOB MAREZ, MOSUL, IRAQ APO AE 09319				

EX4

EX4

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

- How far was the vehicle when you first noticed it? It was approximately 75 meters away when I focused my attention on it.
- How far when you began signaling? About 50 meters.
- Was a warning shot fired? No.
- Where did the bullet impact? One in the neck, one in the chest and the third in the arm.
- Where was the driver hit? Neck, chest and arm.
- Who was he? [REDACTED]
- Is he still alive? I do not know, you need to ask the medical staff about that.
- Have condolence payments been made? I do not know but I have not heard that have been so I am assuming not.
- Why/why not? I do not know the status of the individual and I do not know if that is my lane or someone above me.
- Was the vehicle exsplayed? No it was not we were in a hurry to get him to the hospital because he was still alive and when we came back the vehicle was gone and could not be found.
- How many people were in the car? One military age male.
- How people did the air guards see in the car? 1..
- If you did not fire a warning shot why not?
Because by the time I realized what was going on I had enough time to try and yell and wave him off and then I had to react because he was coming straight at my vehicle. He amount of time to do something was short because the high rate of speed he was traveling.
- Did it match a Bolo? It matched a bolo that had been put out a few days prior.
- Were soldiers trained on ROE? Yes they were and are.
- If so when? We have had formal classes from JAG. We also discuss it before every mission and during missions. Now if there is doubt they call and ask if they can do something so it is a much talked abo

EX6

[REDACTED]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE... OF... PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSW/
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Marez, Mosul, Iraq
2. DATE (YYYYMMDD): 2006/04/04
3. TIME: 0800
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: O-2/1LT
8. ORGANIZATION OR ADDRESS: A-CO 1/17 Infantry Regiment

EXC

EXC
EXC
EXC

EXC

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

On 02 April at approximately 0815 while traveling off FOB Marez onto RTE [redacted] via [redacted], my 3-1 vehicle came to the intersection where the dirt road enters [redacted] upon coming to the intersection my vehicle slowed to observe traffic, upon seeing that there was 2 large trucks and one car stopped I told my driver to go ahead and enter the circle. Once we committed to entering the circle my driver, ([redacted]) said he saw a car. I then looked over my left shoulder because I had caught a glimpse of a car moving at a high rate of speed about the same time. Once I noticed the car I turned so I could watch what the car was going to do. The driver of the car never slowed down and actually went through the 2 trucks and the car to continue north along RTE [redacted] as he sped past the parked vehicles his rate of speed was obviously increasing and he was heading straight for the 3-1 Stryker. I told the crew over the internal comms to hold on the car was going to ram us. At that point I had my left hand in the air trying to get the driver to stop or at least get his attention, I was also hollering for the driver to stop. At a distance of about 30-35 meters the car was not making any attempt to swerve or avoid us so I engaged the driver. After firing the first round I looked to see if the driver was going to swerve or make any attempt to avoid us so I engaged the driver. After firing the first round I looked at my vehicle. At a distance of maybe 15 meters I fired a second shot at the driver and then engaged him one more time at nearly the same time he struck the vehicle with his car. I looked back to make sure the Air Guards were o.k and they had already gotten down and braced for the explosion that we were expecting with the impact of the car. Once I determined everyone was o.k I had my Stryker move out of the way, we set up a security perimeter and dismounted to make a assessment of the situation. Upon hitting the ground I looked at my Stryker first and saw that the slat armor had been broken off the left bottom rear and that my left rear tire had been knocked off of the rim. I then moved towards the car where we did not see anyone inside of the car that was in the road. I had my elements move away from the vehicle and I proceeded to walk to the vehicle to determine if there was anyone still in the car. Once I got close to the car I noticed the man laying across both the front seats with his head in the passenger side seat. At that time I had the P.A ([redacted]) and the platoon medic begin treating the individual. Once he was stable and we had done what we could, we loaded him into a Stryker and proceeded to LSA DiamondBack to the CSH.

Nothing Follows

EXC

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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.

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

EX 6
STATEMENT OF [REDACTED] TAKEN AT FOB MANAGER DATED 24 APR 2006

9. STATEMENT (Continued)

Not

USED

EX 6
INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

[REDACTED]

TAKEN AT

FEB MA 62

DATED

14 APR 1962

9. STATEMENT (Continued)

NOT

USED

AFFIDAVIT

[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of APR 1962 at

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

15-6 IO
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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 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 Baghdad Traffic Circle 2. DATE (YYYYMMDD) 2006 04 08 3. TIME 0800 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE STATUS e-3

8. ORGANIZATION OR ADDRESS A Co 1-17 INF 3rd Plt 1st Squad

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

Around 0815 on 02 APR 2006, we were leaving Foh Marez entering [REDACTED] As soon as we entered the traffic circle there was a car on the left hand side of the stryker. The car was about 30 meters away from the stryker and didn't show any intention of stopping or slowing down, then I raised my left hand to give the hand signal to stop, but the vehicle kept its speed heading towards the stryker, I then grabbed my weapon with both my hands and started to aim at the car that wasn't stopping. By the time I raised my M249, my Platoon Leader fired his weapon, I was able to tell that my Platoon Leader hit the driver of the car and that the still wasn't going to stop. I didn't have a clear shot to fire my weapon when my PL fired because the way the stryker was angled, I was located in the left rear air guard hatch. And my PL was in the squad leader hatch. Shortly after the first shot the PL fired a second round. After the second shot was fired I attempted to get down when I knew the car wasn't stopping and I thought the car was an sybied. Right after I got low I heard the vehicle hit the left rear of the stryker, right below my hatch. next page

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

EX 6

STATEMENT OF [REDACTED] AT [REDACTED] DATED [REDACTED]

9. STATEMENT (Continued)

As soon as we knew the car didn't explode the squad dismounted, secured area and ~~gave~~^{gave} the man medical aid, then we loaded up into the strykers and took the individual to the CASHT. [REDACTED]

6:9

nothing else follows

OK APPROG

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

EX 6
[REDACTED] 04 APR 06 [REDACTED] nothing else follows

AFFIDAVIT

[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of APRIL, 06 at

EX 6

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

IS. C. J.
(Authority To Administer Oaths)

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 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 Bahadad Traffic circle
2. DATE (YYYYMMDD) 20060402
3. TIME 0845
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE STATUS E-1

8. ORGANIZATION OR ADDRESS A Co 117 INF 3rd plt 1sqd

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

At The time of the incident I was in the VC side air guard Hatch, We had just pulled out on [redacted] at approx 0815 on the 2nd of April, a vehicle was about 50ft away coming our direction we had on the air horn to let everyone know we were coming and this vehicle was still moving our direction and made no effort to stop [redacted] not only a short distance away a warning shot was fired, the vehicle still had no intention on stopping a concerted fire was fired the vehicle continued our direction and hit our stowker on the left rear my opposite, Keep in mind this all happened in a matter of about 10-12 seconds, once we realized the possible SVBIED had not exploded on us we dismounted set up security, cleared the area and immediately gave medical aid and rushed the casualty to the cash.

[redacted] nothing else follows
A APR 06

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

DATED

9. STATEMENT (Continued)

9 APR 06 Nothing else follows

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

EF4

EF
6

EXC

STATEMENT OF [REDACTED] TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[REDACTED] *1/16/06 making a statement* [REDACTED]

6-17

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1063 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 4th day of MAR, 2006 at _____

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
15 6 20
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 2 PAGES

Serious Incident Report

Subject: SIR Number (WILL BE PROVIDED BY G3 OPS)

1. Category:

2. Type of Incident: EOF 1 X LN WIA

3. Date/Time of Incident: 020818APR06

4. Location: MOSUL, IRAQ - [REDACTED]

EX 2

5. Other Information:

6. Personnel Involved:

a. Subjects Name: [REDACTED]

EX 4

1. Pay Grade: O-2

2. SSN: [REDACTED]

3. Race:

4. Position: PL

5. Security Clearance: SEC

6. Units and Station of Assignment: A/1-17 IN BN

7. Duty Status: ACTIVE

b. Subjects Name: SALIH, KHALIF

1. Pay Grade: N/A

2. SSN: N/A

3. Race: LN

4. Position: L/N

7. Security Clearance: N/A

8. Units and Station of Assignment: N/A

7. Duty Status: N/A

7. Summary of Incident: [REDACTED]

3/A/1-17 REPORTED AN EOF IN THE VICINITY OF [REDACTED] A LN VEHICLE HAD JUST PASSED THE [REDACTED] CHECKPOINT, APPROACHED THE 3/A ELEMENT AND PICKED UP SPEED AS IT GOT CLOSER. LN VEHICLE DISREGARDED ALL SIGNALS TO STOP FROM THE 3/A ELEMENT. 1 X WARNING SHOT WAS FIRED AND THE LN VEHICLE DID NOT STOP. 3 X DISABLING SHOTS WERE FIRED. 1 X LN SUSTAINED GUNSHOT WOUNDS TO THE RIGHT SHOULDER, NECK, AND LEFT ARM. LN WAS IDENTIFIED AS KALIF SALIH. 1 X LN WIA WAS TAKEN TO CSH. LN VEHICLE STRUCK THE STRYKER SUSTAINED 1 X FLAT TIRE AND DAMAGE TO SLAT ARMOR. NO US CAS. NFTR.

8. Remarks:

9. Publicity:

Enclosure One to AR 15-6 Appointment Orders (SIR)

10. **Command Reporting:** TF 1-17 IN BN

11. **POC:** 1-17 BTL CPT, 522-2231

12. **Downgrading Instructions:**

13. **Approved/Released By** [REDACTED] **BN XO** EX4

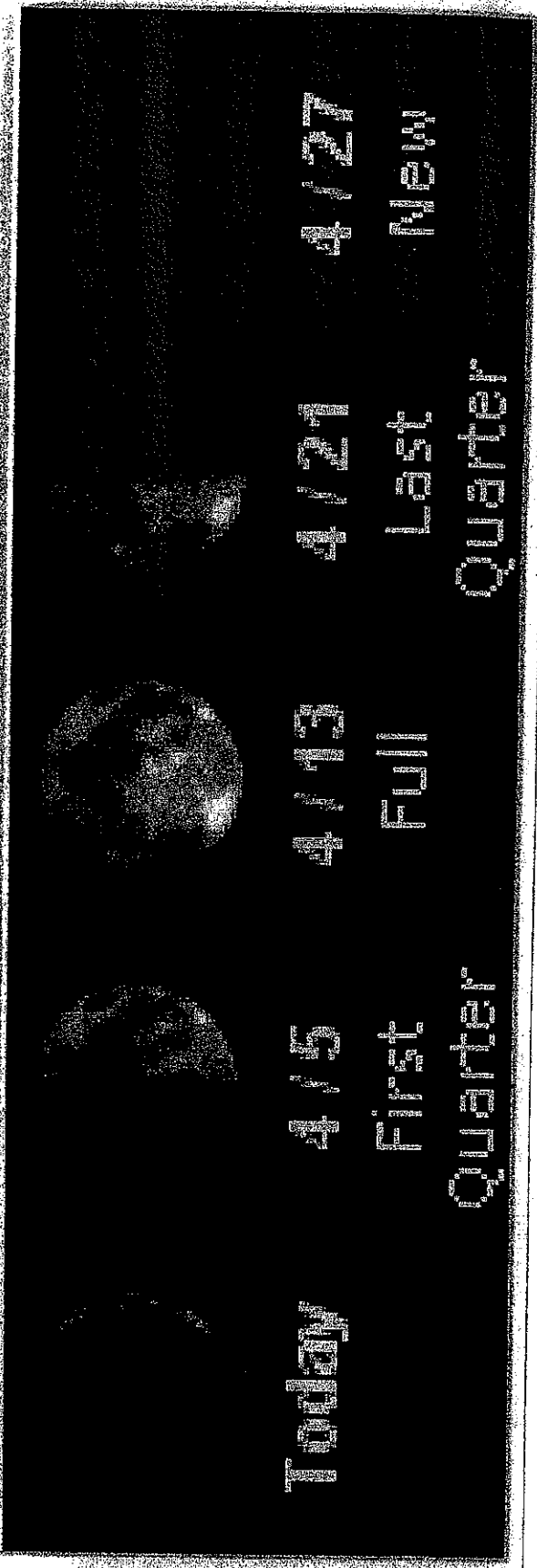
Mosul Weather: 02 APR 06

02/04/06



Sunday

High: 80 F, 26 C
 Low: 50 F, 10 C
 Sky: Showers
 UV Index: 6, High
 Sun Rise: 6:04 am
 Sun Set: 6:23 pm



Today

4/15

First
Quarter

4/13

Full

4/21

Last
Quarter

4/27

New



A31 just came onto the road. The LN car speeding towards them drove around a car and two trucks. Physical hand/arm signals and verbal shouts were ignored. Three shots were fired by [redacted] striking the driver in the neck, chest and finally the shoulder. The vehicle then impacted A31 on the left rear. The LN, Kalif Salih, was taken to the CSH on LSA Diamondback.

EXC



13003