

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by _____
(Appointing authority)

on 09 MAY 2005 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation)-(board) commenced at Camp Cooke, Taji, Iraq APO AE 09378 at 1600
(Place) (Time)

on 09 MAY 2005 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (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 1800 on 14 May 05
(Time) (Date)
and completed findings and recommendations at 2100 on 15 May 05
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ¹⁾	NA ²⁾
1 Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?			
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)?			
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.

[Redacted]

FOUO

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

The *(investigating officer) (board)*, having carefully considered the evidence, finds:
See Attachment A

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

In view of the above findings, the *(investigating officer) (board)* recommends:
that there is no disciplinary action. It is my recommendation that the unit conducts ROE and LOW refresher training with all soldiers following such incidents, and that ROE and LOW are briefed prior to every mission.

[Redacted]

FOUO

[Redacted] Folvo

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

[Redacted] _____
(Investigating Officer) (President) Ex6

(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 oral) as a numbered inclosure.)

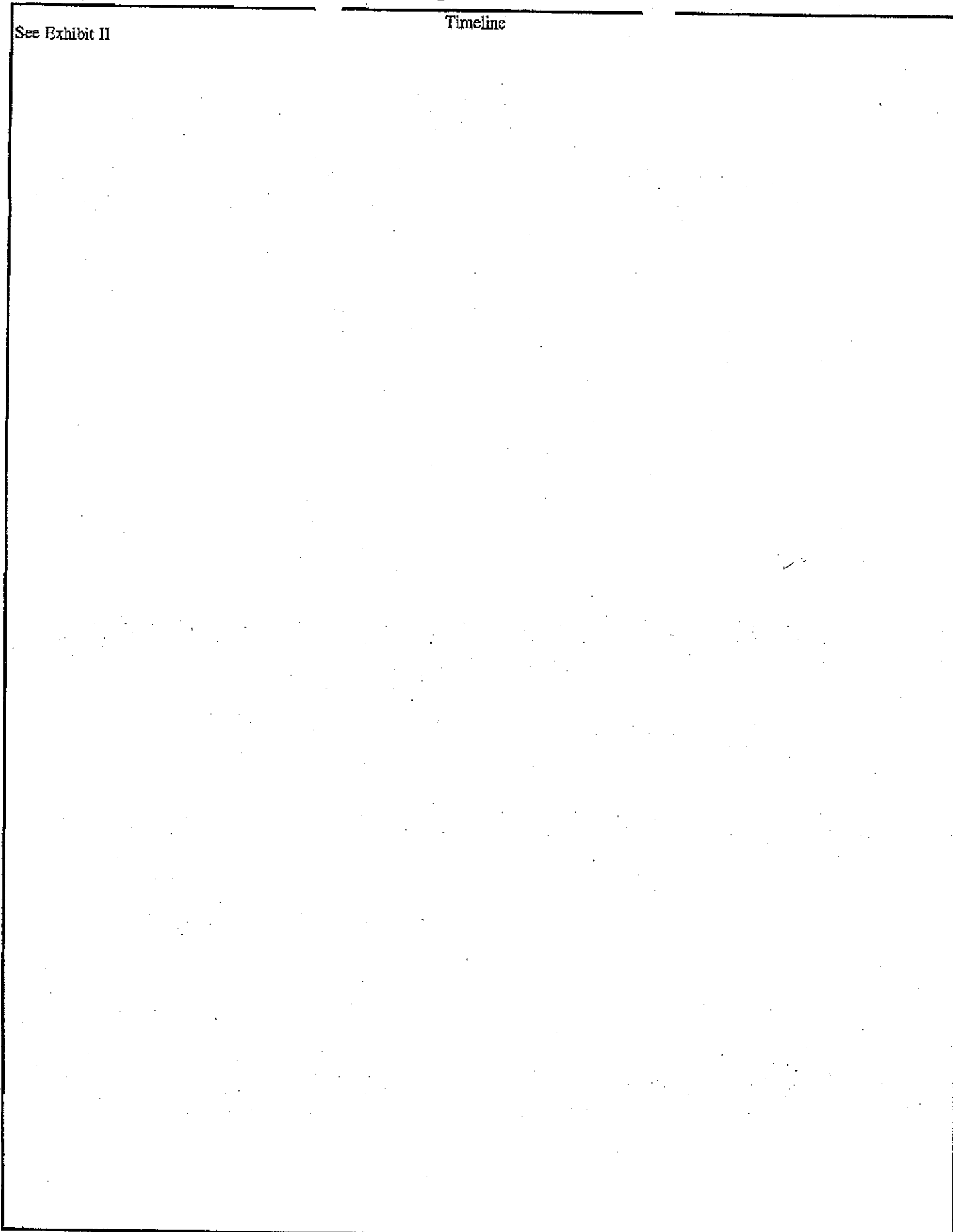
[Redacted] Folvo

[Redacted]

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See Exhibit II

Timeline



[Redacted]

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 70th ENGINEER BATTALION
3rd BRIGADE, 1st ARMORED DIVISION
Camp Cooke, Taji, Iraq APO AE 09378



REPLY TO
ATTENTION OF

AFZN-BB-EP

15 May 2005

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for AR 15-6 Investigation of the Death of an Iraqi Civilian on 6 May 2005.

I. Findings

that SGT [Redacted] Ranger Platoon (Eagle), OPCON to 70th Engineer Battalion, did on or around 06 2145 May 2005 shoot an Iraqi local national, [Redacted] later died of wounds.

Ex 6

Alwan Schab

The Macedonian Ranger Platoon, OPCON to 70 Engineer Battalion was conducting overwatch security on a known rocket/mortar point. The operation consisted of two (2) observation point/sniper positions (OP1 and OP2) and a Command and Control point (C2) under the leadership of 2LT [Redacted] (see Exhibit VII - Incident Diagram). On or around 2145 SGT [Redacted] and SGT [Redacted] with the aid of night vision devices, identified a local national, [Redacted] approaching their observation point/sniper position from approximately seventy-five (75) meters North in a field. [Redacted]

Alwan Schab

Ex 6

[Redacted]

Ex 1

[Redacted]

Ex 1

The second Macedonian observation point/sniper position East of SGT [Redacted] and SGT [Redacted] identified the local national approximately seventy-five (75) meters Northwest of their position. The second observation point then reported witnessing the local national collapse.

[Redacted] Fouo

ATTACHMENT A

Alwan Schab

[Redacted] Focus

The Macedonian platoon medic then provided medical assistance to the local national. [Redacted] was medevaced to Taji and then to 86th Combat Support Hospital (CSH) in Talil, Iraq. According to the statement given by 2LT [Redacted] the local national was purposely spitting blood on the medics and the interpreter while being treated for wounds. He may have been on drugs or suffering from some form of mental disability (see Exhibit V). This may also explain his behavior in approaching the observation point even after the verbal command and warning shots. [Redacted] later died of infection to the bullet wounds in his arm and abdomen.

Ex 6

Questions addressed in Appointment Orders

a. What was the sequence of events that led up to the incident? This question is answered above (also see Exhibit VII – Incident Diagram).

b. Did the soldiers involved properly escalate the use of force? Both the soldiers in the vicinity of [Redacted] properly escalated the use of force IAW USCENTCOM Theatre-Specific Rules of Engagement (ROE).

Ex 1

c. Did the patrol have Positive Identification before engaging the local national? SGT [Redacted] did have positive identification of the local national and was reasonably certain that he posed a threat.

d. [Redacted]

Ex 1

e. What can the unit do to decrease the number of shootings involving local nationals? There is nothing that could be done in this situation to prevent the shooting of the local national with the exception of ensuring that local nationals know that if they do not follow the instructions of coalition forces, take heed to warning shots, and do not stop, they may be shot.

Ex 6

f. Are there any operational lessons that should be captured and disseminated? Before each mission, the Rules of Engagement should be briefed and rehearsed, so that every soldier properly escalates the use of force, and only as a last resort shoots to eliminate the threat.

g. Were there any other contributing factors that, if changed could have altered the outcome? There were no other contributing factors that could have altered the outcome.

2. The point of contact for this memorandum is the undersigned at VOIP 242-6312.

[Redacted signature]

[Redacted name]

1LT, EN
S1/Adjutant

[Redacted] Focus

[REDACTED]

FOUO

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Attachment A	Findings and Recommendations
Exhibit I	Appointment Orders
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Exhibit III	Sworn Statement, SGT [REDACTED] 06MAY05
Exhibit IV	Sworn Statement, SGT [REDACTED] 06MAY05
Exhibit V	Sworn Statement, 2LT [REDACTED] 11MAY05
Exhibit VI	Sworn Statement, SGT [REDACTED] 13MAY05
Exhibit VII	Incident Diagram, 2LT [REDACTED] SGT [REDACTED]
Exhibit VIII	Commander's Incident Report (CIR)
Exhibit IX	Serious Incident Report (SIR)
Exhibit X	Email, Status of Patient # [REDACTED] SFC [REDACTED]
	86CSH

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[REDACTED]

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REPLY TO
ATTENTION OF:

FOUO

DEPARTMENT OF THE ARMY
HEADQUARTERS, 70TH ENGINEER BATTALION
CAMP TAJI, IRAQ
APO AE 09378

AFZN-BB-E

9 May 2005

MEMORANDUM FOR CPT 1LT [REDACTED] HHC, 70th Engineer Battalion, 1st
AD, APO AE 09378

SUBJECT: Appointment as Investigating Officer

Ex 6

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the shooting of a local national on 6 May 2005 by SGT [REDACTED]

2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.

3. . During your investigation, answer the following questions:

- a. What was the sequence of events that led up to the incident?
- b. Did the soldier involved properly escalate the use of force?
- c. Did the soldier have Positive Identification (were they reasonable certain that the object of attack was a legitimate military target) before engaging the local national?
- d. Were there any Law of War violations?
- e. What can the unit do to decrease the number of shooting involving local nationals?
- f. Are there any operational lessons that should be captured and disseminated?

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EXHIBIT I

[REDACTED]

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AFZN-BB-E

SUBJECT: Appointment as Investigating Officer

g. Were there any other contributing factors that, if changed, could have altered the outcome?

4. Contact the Command Judge Advocate, CPT [REDACTED] for legal guidance prior to starting your investigation. C [REDACTED] is located in Bldg 72 and his phone number is VOIP: 242-6294.

Ex 6

5. Submit your findings and recommendations on DA Form 1574 to [REDACTED] for legal review no later than 16 May 2005.

[REDACTED]

LTC/EN
Commanding

[REDACTED]

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[REDACTED] Fouo

Investigation Timeline

- 081400MAY2005 Verbal Assignment to 15-6. Picked up initial sworn statements for SGT [REDACTED] and SGT [REDACTED] from BN TOC/S2.
- 091600MAY2005 Received written appointment orders from BDE Legal. Spoke with 2LT [REDACTED] (Macedonian LNO) concerning sequence of events and local national status.
- 101530MAY05 Picked up CIR/SIR incident reports from BN S3 Battle CPT. Battle CPT also provided copy of e-mail sent to 2LT [REDACTED] verifying local national's death due to infection. Picked up satellite (Falcon View) graphic of incident area from BN S2A. Ex 6
- 111030MAY2005 Talked with BDE Legal, CPT [REDACTED] gave me a copy of AR 15-6 and pertinent DA Forms, and provided guidance on questions to answer for investigation. Took sworn statement from 2LT [REDACTED] (Macedonian LNO).
- 12MAY2005 Macedonian platoon unavailable, conducting reconnaissance mission in sector.
- 131300MAY2005 Took second sworn statement from SGT [REDACTED] 2LT [REDACTED] 2LT [REDACTED] and SGT [REDACTED] verify events and complete incident diagram.
- 152100MAY2005 Completed investigation findings and recommendations.
- 16MAY2005 Completed 15-6 and submitted to BDE Legal.

[REDACTED] Fouo

SWORN STATEMENT

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

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 identified.

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	2. DATE (YYYYMMDD) 20050506GA	3. TIME 2145CA	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]			7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
MALEDONIA RANGER PLT / 70 EN BN

1. SGT. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

that on 06.05.2005 at 06⁰⁰ (18:00) hours I left on a sniper mission with the rest of the men, at the mission at 09⁴⁵ (21:45) an event happend in which fire was opened on to one person, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

he was running towards us he was carrying something in his hands and he was waving with it, because it was dark at the moment we couldn't exactly distinguis what was it. End

Ex 6

Ex 1

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

[REDACTED] FOVO

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

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

[REDACTED] FOVO

[REDACTED] Fouo

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

[REDACTED]

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:

[REDACTED]
[REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 06 day of MAY 2005, at Co Taji

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

HHC 70th ENBN
CAMP TAJI, IRAQ

ART 136 D(4)
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

[REDACTED] Fouo

B - ENGLISH

[REDACTED]

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SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20050506 C.A	3. TIME 2145 C.A	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]			7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
 MACEDONIA RANGER PLT / TO EN BN

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

[REDACTED STATEMENT]

~~C.A C.A C.A C.A~~

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT C.A	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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]

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EXHIBIT IV



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

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

C.A

C.A

C.A

C.A

INITIALS OF PERSON MAKING STATEMENT

C.A

PAGE 2 OF 3 PAGES



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[Redacted]

F000

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

C.A.

C.A.

C.A.

C.A.

Ex 6

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.

(Signature of Person Making Statement)

[Redacted Signature]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 06 day of MAY 2005 at CP Taji

WITNESSES:

[Redacted Witness Name]
[Redacted Witness Name]

(Signature of Person Administering Oath)

[Redacted Signature]

(Typed Name of Person Administering Oath)

ART 136 b(4)
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

HHC 70th EN BN
CAMP TAJI, IRAQ

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

C.A.

PAGE 3 OF 3 PAGES

[Redacted]

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FOUO

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).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Taji, Iraq	2. DATE (YYYYMMDD) 2005/05/11 <i>OK</i>	3. TIME 1600 <i>ML</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-1	
8. ORGANIZATION OR ADDRESS			

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

On 062200MAY05, I was told that the Macedonian Ranger platoon, shot a male during a sniper mission. I am their liaison officer for the 70th EN BN Task Force and the Macedonian Rangers. I was told to meet the platoon at the TMC and get the details of the shooting. [REDACTED] was brought into the TMC and then escorted by our interpreter. We asked HIM questions about the shootings, but the man was uncooperative. He did not answer any questions and acted irate. While being treated by the medics, he kept spitting blood in their faces and the interpreter. The man was then stabilized for the Air MEDEVAC to the Talil 86 CSH. He was moved to the FAA, while in the FAA the medics were still treating his wounds. Also, in the FAA the man continued to act out and purposely spit blood on the medic. The mans behavior suggested that he may have been on drugs or mentally challenged. His actions during the shootings and his actions during his treatment and medivac, leads me to believe that the man was mentally unstable. *Nothing further in files.*

Ex 6

Not Used

Not Used

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>03</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

[REDACTED] FOUO

EXHIBIT I

[REDACTED] FOUO

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

STATEMENT OF ZLT [REDACTED] TAKEN AT 1605 DATED 11 MAY 05

9. STATEMENT (Continued)

Not Used

Not Used

EX 6

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

[REDACTED] FOUO

FOUR

STATEMENT OF 2LT [REDACTED] TAKEN AT 1607 DATED 11 MAY 05

9. STATEMENT (Continued)

Not Used

[REDACTED]

Not Used

Ex 6

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.

[Signature]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
[REDACTED]
A/Sgt, HHC 7E 40th EN
CAMP COOKE, TAJI, IRAQ APO AE 09378
ORGANIZATION OR ADDRESS

[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of May, 2005 at Camp Cooke, Taji, Iraq APO AE 09378

[Signature]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136 b (4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 3 OF 3 PAGES

[REDACTED] FOUR

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	2. DATE (YYYYMMDD) 2005, 05, 13 GA	3. TIME 13:20 C.A.	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN	7. GRADE/STATUS SGT	
8. ORGANIZATION OR ADDRESS Macedonia Ranger Platoon / 70 EN BN			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 THE GRID REPORTED FOR THE SHOOTING WAS [REDACTED] WAS THIS THE KNOWN ROCKET/MORTAR POINT YOU WERE OVERWATCHING?
 Yes, that is correct, approximately 75 m N, NE of the OP 1, ~~we~~ I saw a LN.
 WAS THERE AN INTERPRETER AT THE SNIPER POSITION WITH YOU?
 Yes, there was a interpreter. He worked LN on a zabic twice.
 WHAT DID THE LOCAL NATIONAL DO AFTER YOU SHOT HIM?
 After I shot him, he changed direction of moving and I lost him from my sight.
 WHAT SOP DO YOU FOLLOW FOR SUCH INCIDENTS?
 Before the mission we were briefed about the SOP that we need to follow in case of incident like this and we reacted according to the US, UN, Macedonian ROE's.
 DID YOU FEEL THREATENED AND HAVE POSITIVE ID?
 Yes, I felt threatened and yes, I had positive ID.
 [REDACTED] Nothing follows. [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

[REDACTED]

F000

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

STATEMENT OF [REDACTED] TAKEN AT 13:20 DATED 2005.05.13

126

9. STATEMENT (Continued)

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

[REDACTED]

F000

[Redacted]

FOUO

STATEMENT OF [Redacted] TAKEN AT 13:20 DATED 2005.05.13.

9. STATEMENT (Continued)

[Large area with a large 'X' and several blacked-out redactions]

Ex 6

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] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of May, 2005 at CAMP COOKE, TAMI, INDIANA

[Redacted] 07th EN BN [Redacted] ORGANIZATION OR ADDRESS

[Redacted Signature] (Signature of Person Administering Oath)

[Redacted Name] (Typed Name of Person Administering Oath)

[Redacted] ORGANIZATION OR ADDRESS

ART 136 b (4)

(Authority To Administer Oaths)

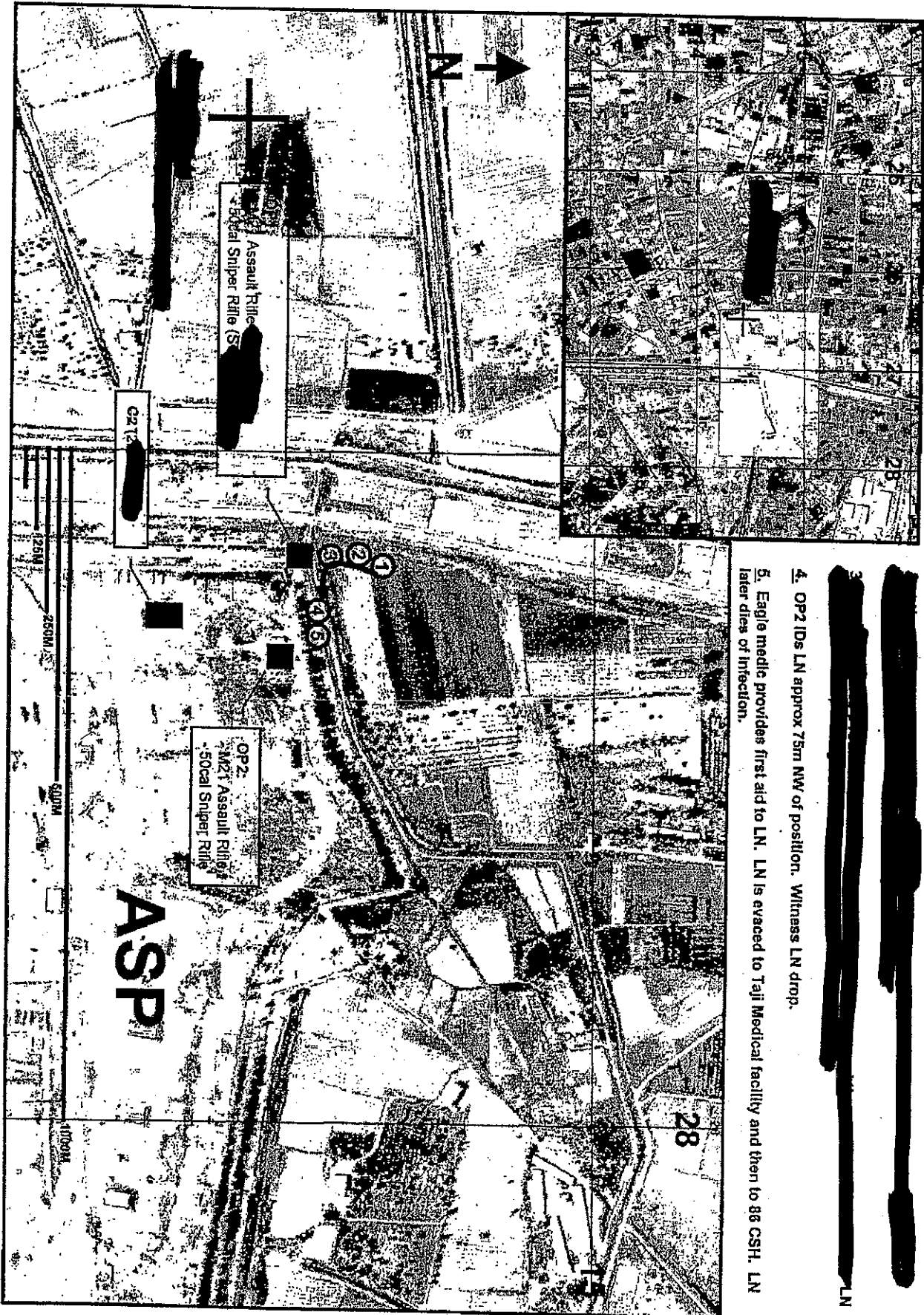
INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 3 OF 3 PAGES

[Redacted]

FOUO

MACEDONIAN RANGER PLT (EAGLE)
 062145MAY05 - INCIDENT DIAGRAM



[Redacted] Fours

3. [Redacted]
4. OP2 IDs LN approx 75m NW of position. Witness LN drop.
5. Eagle medic provides first aid to LN. LN is evacuated to Taji Medical facility and then to 86 CSH. LN later dies of infection.

LN
 Ex 1
 Ex 6

[Redacted] Fours

Ex 1
 Ex 6

four [redacted]

LTC, EN
Commanding

[redacted]

LINE 8: Commander reporting: LTC [redacted], Commander TF 70 EN

LINE 7: Injures or damage to government and/or civilian property: None.

LINE 6: Sniper position was conducting over watch of known rocket mortar firing point. While watching the area the team noticed a local national coming towards the sniper position. The sniper team administered first aid and performed ground MEDEVAC to FOB Tajl. The local national was then AIRMEDEVACED to the 87 CSH for further treatment. 70th EN Battle Captain notified by BDOC that LN had left FOB Tajl enroute to the 87 CSH. The item in the LN's hand was later identified as a stick.

[redacted]

LINE 6: Sniper position was conducting over watch of known rocket mortar firing point. While watching the area the team noticed a local national coming towards the sniper position. While

Name	Rank	Unit	SSN	Sex	Age	Race
[redacted]	SGT	MRP	N/A	M	24	
[redacted]	SGT	MRP	N/A	M	24	

LINE 5: Personnel involved

LINE 4: Location of incident: [redacted]

LINE 3: Date/time group (DTG) incident occurred: 062145MAY05

LINE 2: Incident: Shooting

LINE 1: Unit reporting: 70th En Bn

COMMANDER'S INCIDENT REPORT:

four [redacted]

Ex 6
Ex 1

Ex 1

FROM: 70th EN BN

TO: 3 BCT 1AD, 3ID//DREAR//

SUBJECT: SIR

1. CATEGORY:

2. TYPE OF INCIDENT: Shooting

3. DATE/TIME OF INCIDENT: 062145MAY05

4. LOCATION:

5. OTHER INFORMATION:

6. PERSONNEL INVOLVED:

Pay Grade: E-5

SSN: N/A

Sex: Male

Unit: Macedonian Ranger Platoon (Attached to 70 EN BN)

Duty Status: Active Duty

7. SUMMARY OF INCIDENT: Sniper position was conducting over watch of known rocket mortar firing point. While watching the area the team noticed a local national coming towards the sniper position.

fired two shots from his M21SB (5.56mm rifle) at the individual striking him in the shoulder and abdomen. The sniper team administered first aid and performed ground MEDEVAC to FOB Tajl. The local national was then AIRMEDEVACed to the 87 CSH for further treatment. 70th EN BN Battle Captain notified by BDOC that LN had left FOB Tajl enroute to the 87 CSH.

8. REMARKS: Unit is initiating AR 15-6 investigation

9. PUBLICITY: NONE

10. COMMANDER REPORTING: Kodiak X-Ray, LTC, (Submitted by CPT

11. POINT OF CONTACT: CPT [REDACTED] Battle CPT, 70th EN BN, VOIP 242-6145, DNVLT 551-3630.

12. DOWNGRADING INSTRUCTIONS: None.

[REDACTED] Four

Ex 1

Ex 2

Ex 1

[REDACTED]

The NCOIC

390.150.1
II-K-1-1

[REDACTED] Four

Fouo

Rose, Andrew CPT

From: [Redacted]

Sent: Monday, May 09, 2005 3:31 PM

To: [Redacted]

Subject: RE: Status of Patient [Redacted]

He died as a result of sepsis.

Details can be received from SSG [Redacted]

F

F+6

From: [Redacted]

Sent: Monday, May 09, 2005 9:25 PM

To: [Redacted]

Subject: Status of Patient [Redacted]

SFC [Redacted]

I'm trying to get the status of a Detainee named [Redacted] patient number [Redacted]. The detainee was shot in the stomach and arm. His status on 07MAY05 was unstable, when the escort left. I'm trying to get info. For the 15-6 report.

Thanks for your help.

70th Engineer Battalion, KODIAKS
Day / Night Battle Captains

VOIP: 242-6145

DSN: 318-856-0912

DNVT: 551-3630

F+6

Fouo

5/10/2005

EXHIBIT X