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Memorandum for Record, dated 28
February 2007, Subject: Declassification
Guidance for Operation Iraqi Freedom
(OIF) 05-07 issued by the 4th Infantry
Division G2**



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
CAMP LIBERTY, IRAQ APO AE 09376

REPLY TO
ATTENTION OF

AFZS-LI-Z

30 March 2006

MEMORANDUM FOR Assistant Division Commander (Maneuver), 4th Infantry Division, Camp Liberty, Iraq, APO AE 09344

SUBJECT: Recommendation – 15-6 Investigation Escalation of Force (16 MAR 06)

1. I concur with the findings and recommendations. While this incident is unfortunate, the Marine's actions are consistent with the Rules of Engagement. With the exception of making a condolence payment for the deaths of the local nationals involved, I recommend that this investigation be closed with no further action.

2. POC is the undersigned at [REDACTED]

[REDACTED]
Commanding

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5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

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 LTC [REDACTED] Commander 1/1 Marines
(Appointing authority)

on 16 Mar 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 Abu Ghraib at 1700
(Place) (Time)

on 16 Mar 06 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the date 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.)

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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 1000 on 23 Mar 06
(Time) (Date)
and completed findings and recommendations at 1500 on 24 Mar 06
(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?	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 (Certificates, 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?	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/statements 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 3-3b, 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 respondent (para 3-3, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the manner 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 3-4c, 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 real, 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 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.

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

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

See attached memorandum.

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)

(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 oral) as a numbered inclosure.)

I approve the findings and recommendations.



THOMAS C. MAFFEY
Brigadier General, US Army
Assistant Division Commander (Maneuver)


ACTM/6



UNITED STATES MARINE CORPS
1ST BATTALION, 1ST MARINES,
RCT 5, I MEF FWD
UNIT 40155
FPO AF 96426-0155

5800
Legal
22 Mar 06

FIRST ENDORSEMENT on Captain [REDACTED] Preliminary 5800 dated 20 Mar 06

From: Commanding Officer
To: Commanding General, Multi-National Corps-Iraq
Via: Commanding Officer, Regimental Combat Team-5
Commanding General, Multi-National Forces-West

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID [REDACTED] ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2 WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

508552630

1. I concur with the Findings of Fact and Opinions, and Recommendations of the Investigating Officer.
2. Although PFC [REDACTED] failed to strictly adhere to the EOF procedures, I believe that due to the fact that there has been an increase in SVBIED attacks in AO Raleigh, the high rate of speed of the vehicle and the failure of the driver to respond like all other drivers, PFC [REDACTED] actions were appropriate under the circumstances.
3. Task Force 1/1 is attacking this as a training issue to educate Marines on proper EOF procedures. We have already incorporated these recommendations into all Task Force 1/1 re-set training, to include proper training (ROC drills of potential EOF scenarios) of turret gunners, and TTP's that ensure multiple personnel are utilized for the different levels of EOF (1 for flag waving, one as a designated marksman, and one to fire the pop-up) all under the control of the vehicle commander.
4. At the earliest opportunity, the Investigating Officer shall account for the injuries and identities of all of the passengers and the identities of the KIA involved in the EOF incident.
5. No further investigative action is required.

[REDACTED]
ACTING

ALL ITEMS ARE
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508552(B)(6)
UNLESS OTHERWISE
NOTED



UNITED STATES MARINE CORPS
 1ST BATTALION, 1ST MARINES
 RCT 5, I MEF FORWARD
 UNIT 40155
 FPO AP 96426-0155

IN REPLY REFER TO:
 5800
 Legal
 20 Mar 06

From: Captain [REDACTED]
 To: Commanding Officer

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID [REDACTED] ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES *SUSC552(b)(1)*

- Ref: (a) JAGINST 5800.7C (JAGMAN)
 (b) FRAGO 183 [23 JUL 05 DTU] TO MNC-1 OPORD 05-07
 (c) FRAGO 388 [10 Nov 05 DTU] TO MNC-1 OPORD 05-02
 (d) MNF-W FRAGO 379-05 [Reporting and Investigation Requirements for Escalation of Force]

- Encl: (1) Appointing Order
 (2) SIGACT 16 1700C MAR 06
 (3) SIGACT Storyboard 16 1700C MAR 06
 (4) Diagram of EOF Incident
 (5) Photo of Scene of EOF Incident Facing Eastbound on MSR Michigan
 (6) Photo of Driver's Side of Vehicle
 (7) Photo of Passenger's Side of Vehicle
 (8) Photo of Passenger Compartment of Vehicle
 (9) Photo of Rear of Vehicle
 (10) Sworn Statement of 1stLt [REDACTED]
 (11) Sworn Statement of PFC [REDACTED]
 (12) Sworn Statement of Sgt [REDACTED]
 (13) Sworn Statement of Sgt [REDACTED]
 (14) Sworn Statement of PFC [REDACTED]
 (15) Sworn Statement of LCpl [REDACTED]
 (16) Sworn Statement of SGT [REDACTED]
 (17) Sworn Statement of [REDACTED]
 (18) Sworn Statement of Pvt [REDACTED]
 (19) Sworn Statement of LCpl [REDACTED]

1. In accordance with references (a) through (d) and enclosure 1, I was appointed to conduct a Preliminary Inquiry into the facts and circumstances surrounding the escalation of force (EOF) incident that occurred vicinity of grid [REDACTED] on 16 March 2006, involving Marines of Mobile Assault Platoon-2 (MAP-2), Weapons Company, 1st Battalion, 1st Marines and resulting in serious injury up to 10 civilians and the death of 3 Iraqi civilians. *SUSC552(b)(1)*

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID ██████████ ON S08C55266) 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

2. On 16 March 2006, MAP-2 was ordered to escort a recovery vehicle to the vicinity of checkpoint 39, grid ██████████ S08C55266) MAP-2 left FOB Abu Ghraib (AG) at approximately 1650. At approximately 1700 the convoy turned west onto ██████████ in the vicinity of Checkpoint 39. In a field to the south of ██████████ S08C55266) MAP-2 located the Charlie Company 7-ton truck that was the focus of the recovery effort. The lead vehicle (vehicle #1) of the convoy, commanded by Sgt ██████████ and containing PFC ██████████ LCpl ██████████ PFC ██████████ and LCpl ██████████ halted to determine the best location at which to place a blocking position. No vehicle control devices were yet in place as the MAP-2 platoon commander, 1stLt ██████████ decided where to place his vehicles. At this time, the .50 caliber machine gunner in vehicle #1, PFC ██████████ noticed a civilian van, heading eastbound, approaching the convoy on ██████████. The vehicle was traveling at S08C55266) approximately 60-70 mph. Neither at this time, nor at any time during the incident, could PFC ██████████ see how many passengers were in the vehicle. When the vehicle approached to within 300 meters of the convoy, PFC ██████████ began to waive a red flag, signaling the civilian vehicle to stop. The vehicle did not stop or change course in any way, but continued toward the convoy at approximately 60-70 mph. EOF procedures require that if a vehicle fails to respond to the flag, a pop-up flare must be used in an attempt to signal the vehicle to stop. As the vehicle came to within 250-200 meters of the convoy, PFC ██████████ made the decision not to fire the pop-up flare because he believed that he did not have time to do so. (At 60-70 mph, a vehicle will travel approximately 300 meters in 7-8 seconds.) Instead of firing the pop-up flare, PFC ██████████ fired one warning shot into the ground in front of the civilian vehicle with the .50 caliber machine gun. EOF procedures required PFC ██████████ to fire the warning shot with his M-16A4 rifle. However, PFC Perez made the decision to fire the warning shot with the .50 caliber machine gun because he did not believe that he had sufficient time to fire warning shots with the M-16A4 and then transition to the .50 caliber machine gun if required. The vehicle did not respond to the warning shot and continued toward vehicle #1 at approximately 60-70mph. Per enclosure 12, the occupants of the civilian vehicle noticed the MAP-2 convoy ahead on MSR Michigan and requested the driver to stop. The passengers stated that the driver ignored their pleas and sped up. As the vehicle came to within 200-150 meters of vehicle #1, PFC ██████████ fired approximately 2 rounds into the grill of the civilian vehicle. The vehicle did not stop or alter its course in any way, but continued eastbound toward vehicle #1 at approximately 60-70

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED IN THE VICINITY OF GRID [REDACTED] ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT
PLATOON 2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES (SUSC5526)(U)

mph. PKC [REDACTED] fired two-6 round bursts at the windshield of the civilian vehicle when it came to within 125-50 meters of vehicle #1. The rounds hit the vehicle and it veered southbound off of [REDACTED] as it came to within 50 meters of vehicle #1. The civilian vehicle came to a stop in the field south of [REDACTED]. Prior to arriving in AO Summit, elements of Task Force 1/1 had experienced 4 VBIEDs within several days in AO Raleigh. As a result, the MAP-2 waited to approach the civilian vehicle, believing that the vehicle may have been a VBIED. At about this time Marines of MAP-2 witnessed muzzle flashes and heard AK-47 gunfire approximately 700 meters to the west of their position. MAP-2 did not establish PID and did not return fire. It is unclear who fired the shots, or if the shots were intended for MAP-2. Eventually it was determined that the vehicle would not explode and MAP-2 and Charlie Company Marines approached the vehicle. The vehicle contained approximately 12 people although it is unclear exactly how many passengers were in the vehicle. Approximately 9 passengers were injured and 3 passengers were KIA. As corpsmen on the scene treated the injured Iraqis, a group of Iraqi Police (IP) and a platoon of Iraqi Army (IA) arrived at the scene. The IPs and IA began to load the wounded civilians into an ambulance. The injured were transported to AG, and the IPs took custody of the 3 civilian KIA and the vehicle. (SUSC5526)(U)

3. MAP-2 was tasked with escorting a recovery vehicle to a field where a Charlie Company 7-ton truck was stuck in the mud. MAP-2 was responsible for providing security for the recovery effort.

4. The Marines of MAP-2 received extensive ROE and EOF training prior to deployment. MAP-2 received training at Mojave Viper in November and December 2005. MAP-2 also received ROE and EOF training during a SASO package at March Air Force Base prior to deployment. Further, the Marines of MAP-2 attended at least 2 Battalion lectures on ROE and EOF prior to deployment. Prior to every mission, including the mission on 16 March 06, MAP-2 receives instructions and orders on ROE and EOF.

5. Three Iraqi males were killed as a result of the EOF incident (Abbas Muhammad Aythiab and 2 unknown individuals). The known KIA was verified by his wife, also a passenger, Radja Badur Ayfan. There are some discrepancies concerning which passengers were killed. Ayfan reports that the driver was killed, but MAP-2 reported that the driver was treated and taken to AG. There are also some discrepancies between the witnesses

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID MB 12065 84862 ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

concerning the number of wounded civilians. The Marines of MAP-2 believe that there were 9 Iraqi civilians injured (total of 12 passengers). The passenger Radja Badur Ayfan stated that there were 11 total passengers in the vehicle. However, the hospital released the names of 10 injured Iraqi civilians (total of 13 passengers). Per enclosure 12, the names, sex and ages of the individuals on the hospital's list are: Iman Khalid Nimur, male, 22; Fatima Badur Ayfan, female, 42; Sijad Ra'ad Khalid, male 9; Allah Rahim, male, 18; Abbas Hassan Hadi, male, 15; Sadur Nuril, female, 54; Radja Badur Ayfan, female, 50; Halsham Muhammad, male, 24; Khalida Hassan Khayir, female, 46; Zahra Hassan Hadi, female, 15 months. HET-07 is currently attempting to verify the passenger list and determine the names of the KIA and the number of injured passengers.

6. The Investigating Officer believes that MAP-2 and PFC Perez responded appropriately during the EOF incident. The Marines of MAP-2 were aware of the recent increase of SVBIED attacks in AO Raleigh, and recognized that the civilian vehicle as a possible SVBIED. Further, at the speed the vehicle was traveling, PFC Perez had only 7-8 seconds to react to the vehicle and employ all EOF measures before it would have reached vehicle #1. Although PFC Perez did not use a pop-up flare and fired warning shots with the .50 caliber machine gun rather than his M-16A4, his actions were reasonable considering the limited time he had to respond to the threat.

7. In future incidents, MAP-2 must be prepared to immediately employ the full range of EOF measures. One Marine cannot be solely responsible for employing each of the measures. Any single EOF action (flag, pop-up flare, warning shot, kill shot) should be assigned to individual Marines. This allows a unit to progress through the EOF procedures rapidly, and ensures that each of the measures are used. In the case at hand, the pop-up flare and the M16A4 warning shots may have been employed if Marines other than PFC Perez were responsible for those actions. MAP-2 received reset training on this topic on 17 March 06. The Battalion will continue to instruct the respective platoons on this topic during all reset training events. Although the driver of the vehicle is yet unidentified, statements from passengers of the vehicle show that the driver was unresponsive to not only the EOF procedures, but to the demands of the passengers of the vehicle. The passengers gave no insight into the reasons the driver failed to stop the vehicle.

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED IN THE VICINITY OF GRID [REDACTED] ON S05C55200
16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT
PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

8. CERP condolence payments will be made to the injured and to the families of the deceased. Those payments will be made once the Investigating Officer is able to verify the identities of the injured and the deceased. The POC for Task Force 1/1 CERP condolence payments is Captain [REDACTED] at [REDACTED] Camp Fallujah, Iraq.

9. The Investigating Officer is of the opinion that the ultimate cause of this EOF incident was the actions of the driver of the civilian vehicle. The speed of the vehicle and the driver's refusal to react to any of the EOF measures required PFC [REDACTED] to fire killing shots at the vehicle in defense of himself and his unit.

10. The Investigating Officer is of the opinion that no further investigation of this EOF incident is required. The Investigating Officer will continue to work with HET-07 in an attempt to properly identify the civilian KIA and the injured passengers.

11. The POC for this matter is Captain [REDACTED] at [REDACTED] or [REDACTED]

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UNLESS OTHERWISE
NOTED



UNITED STATES MARINE CORPS

1ST BATTALION, 1ST MARINES
RCT 5, 1 MEF BWD
UNIT 48155
FPO AP 96426-0155

PROPERTY REFER TO
5830
S-1
16 Mar 06

From: Commanding Officer, 1st Battalion, 1st Marines
To: Captain [REDACTED]

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT INVOLVING MAR
2, WEAPONS COMPANY, ON 15 MARCH 2006

Ref: (a) JAGINST 5800.7C (JAGMAN)

1. This appoints you, per Chapter II, Part A of the reference, to conduct a preliminary inquiry into the facts and circumstances surrounding the Escalation of Force (EOF) incident involving elements of Mobile Assault Platoon 2, Weapons Company, on 16 March 06.
2. Investigate any fault, neglect or responsibility therefore, and recommend appropriate administrative or disciplinary action. Report your findings of fact, opinions, and recommendations in letterform by 1630, 19 Mar 2006, unless you request in writing and are granted an extension. You may also recommend that a command investigation take place if necessary to conduct further investigation. If you have not previously done so, read chapter II of the reference in its entirety before beginning your investigation.
3. Ensure that personnel are fully identified, the first time they are mentioned in the final report; i.e., rank, full name (first, middle initial, last, SSN, MOS) armed forces component, complete unit and address.
4. You are encouraged to seek advice from the Battalion Adjutant or Regimental Staff Judge Advocate during the course of your investigation.
5. This inquiry is your primary duty until all the requirements of paragraph 2, above, have been met.

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Legal Officer
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Section IV - Findings

The investigating officer, having carefully considered all evidence, finds:

1. On 16 March 2006, Mobile Assault Platoon-2 (MAP-2) was ordered to escort a recovery vehicle to the vicinity of checkpoint 39, grid [REDACTED] 50SC5524(D)
2. MAP-2 left FOB Abu Charab (AG) at approximately 1600.
3. At approximately 1700 the convoy turned west onto MSR Michigan in the vicinity of Checkpoint 39.
4. In the field to the south of [REDACTED] MAP-2 located the Charlie Company 7-ton truck that was the focus of the recovery effort. 50SC5524(D)
5. Sgt [REDACTED] commanded the lead vehicle (vehicle #1) of the convoy which contained PFC [REDACTED], 1Cpl [REDACTED], PFC [REDACTED] and 1Cpl [REDACTED] halted to determine the best location at which to place a blocking position.
6. No vehicle control devices were yet in place as the MAP-2 platoon commander, 1st Lt [REDACTED] was deciding where to place his vehicles.
7. At this time, the .50 caliber machine gunner in vehicle #1, PFC [REDACTED] noticed a civilian van, heading eastbound, approaching the convoy on [REDACTED] 50SC5524(D)
8. The vehicle was traveling at approximately 60-70 mph. Neither at this time, nor at no time during the incident, could PFC [REDACTED] see how many passengers were in the vehicle.
9. When the vehicle approached to within 300 meters of the convoy, PFC [REDACTED] began to waive a red flag, signaling the civilian vehicle to stop.
10. The vehicle did not stop or change course in any way, but continued toward the convoy at approximately 60-70 mph.
11. As the vehicle came to within 250-200 meters of the convoy, PFC [REDACTED] made the decision not to fire the M249 because he believed that he did not have time to do

Findings (cont.)

300. (At 100 mph, a vehicle will travel approximately 100 meters in 1 second.)

12. Instead of firing the pop-up flare, PFC [REDACTED] fired the warning shot into the ground in front of the civilian vehicle with the .50 caliber machine gun.

13. EOP procedures required PFC Ferex to fire the warning shot with his M-16A4 rifle. However, PFC [REDACTED] made the decision to fire the warning shot with the .50 caliber machine gun because he did not believe that he had sufficient time to fire warning shots with the M-16A4 and then transition to the .50 caliber machine gun if required.

14. The vehicle did not respond to the warning shot and continued toward vehicle #1 at approximately 60-70 mph.

15. Per disclosure 12, the occupants of the civilian vehicle noticed the MAJ-2 convoy ahead on [REDACTED] and requested the driver to stop. 50SC552(b)(1)

16. The passengers stated that the driver ignored their pleas and sped up.

17. As the vehicle came to within 200-150 meters of vehicle #1, PFC [REDACTED] fired approximately 2 rounds into the grill of the civilian vehicle.

18. The vehicle did not stop or alter its course in any way, but continued eastbound toward vehicle #1 at approximately 60-70 mph.

19. PFC [REDACTED] fired two 6 rounds bursts at the windshield of the civilian vehicle when it came to within 175-50 meters of vehicle #1. The rounds hit the vehicle and it veered southbound off of [REDACTED] as it came to within 50 meters of vehicle #1. 50SC552(b)(1)

20. The civilian vehicle came to a stop in the field south of [REDACTED] 50SC552(b)(1)

21. In the days prior to Task Force 1/1's arrival to AO Summit, 5 VBIEDS occurred in AO Raleigh, 1 of which was aimed at elements of Task Force 1/1. As a result, MAJ-2 waited to approach the civilian vehicle, believing that the vehicle may have been a VBIED.

ALL ITEMS ARE
REDACTED UNDER
50SC552(B)(6)
UNLESS OTHERWISE
NOTED

Findings (cont.)

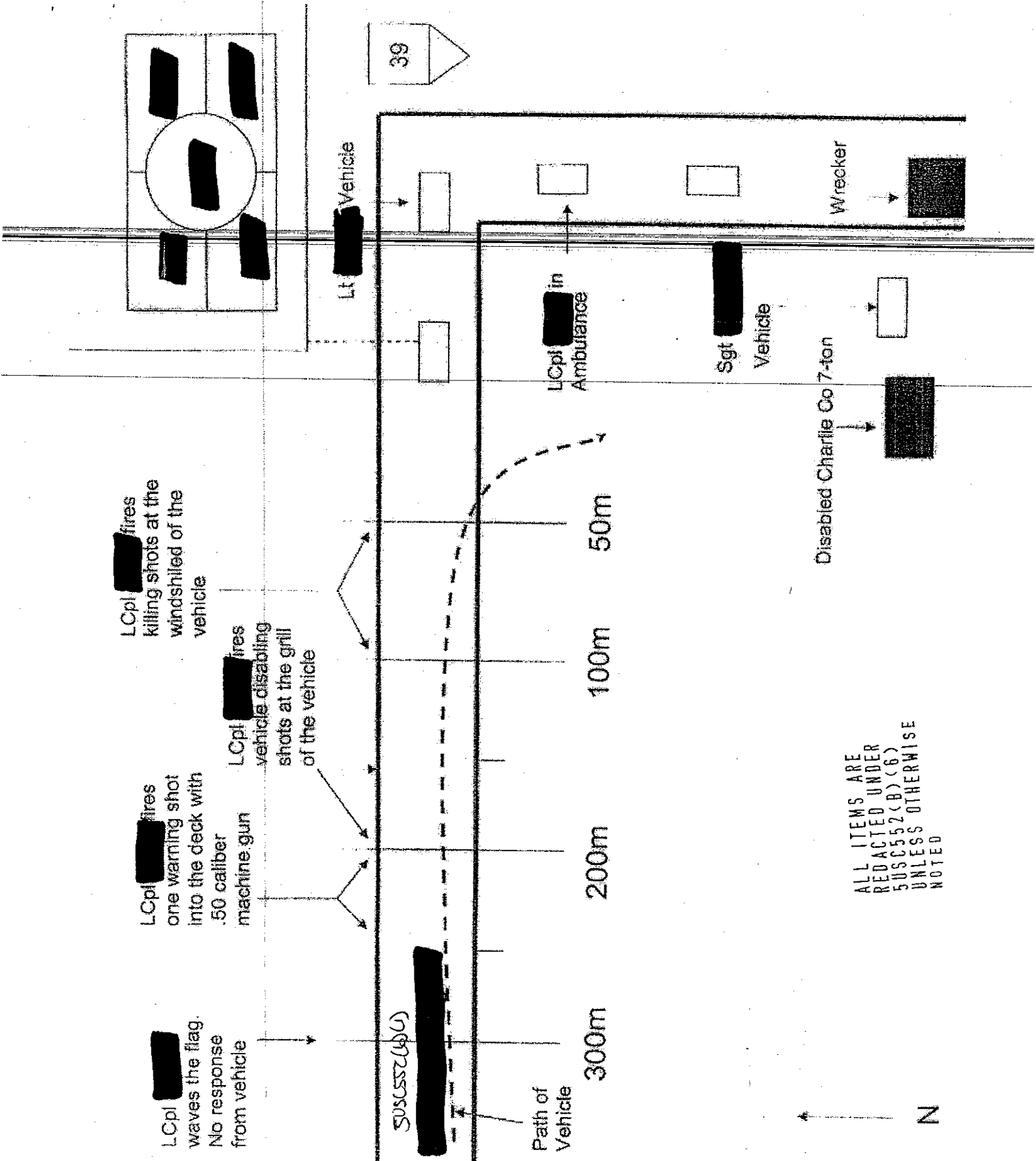
22. At about 0715 Lima Marines of MAP-2 witnessed muzzle flashes and heard AK-47 gunfire approximately 700 meters to the west of their position.
23. MAP-2 did not establish PID and did not return fire.
24. Eventually it was determined that the vehicle would not explode and MAP-2 and Charlie Company Marines approached the vehicle.
25. An explosion on the scene created the injured Iraqis, a group of Iraqi Police (IPs) and a platoon of Iraqi Army troops arrived at the scene.
26. Three Iraqi civilians were KIA.
27. Two injured Iraqi civilians were checked into the hospital at Abu Ghraib.
28. The IPs and A began to load the wounded civilians into an ambulance.
29. The injured were transported to AG, and the IPs took custody of the civilian KIA and the vehicle.

Section V - Recommendations

In view of the above findings, the investigating officer recommends:

1. MAP-2 receive further training on proper EOF procedures including the appropriate weapons used to fire warning shots.
2. Task Force 1/1 develop an EOF plan that relies on more than one person to employ the full spectrum of EOF procedures that all fall under the control of the vehicle commander.
3. Task Force 1/1 will continue to train platoons on proper EOF procedure during all "reset training" events.
4. Task Force 1/1 units will be instructed during re-set training on different scenarios on EOF procedures that focus on units immediately arriving at a designated position.

**Document was Removed under
Exemption 5 USC 552(b)(1) or (2) because
it is either Classified Secret or Top Secret
and non-degradable to Unclassified**



ALL ITEMS ARE REDACTED UNDER 5USC552(B)(6) UNLESS OTHERWISE NOTED

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 (SSA).
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 Abu Ghraib	2. DATE (YYYYMMDD) 2006 03 17	3. TIME 1535	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]			7. GRADE/STATUS 1 LT
8. ORGANIZATION OR ADDRESS MOBILE ASSAULT PLATOON 2			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I am the platoon commander for mobile assault platoon 2 1/1.
 On 060316 I was tasked with escorting a recovery vehicle to pull a 7 ton out of the mud in the vicinity of checkpoint 39. When we arrived on scene my lead vehicle slowed to a stop so that he could ask me where I wanted him to establish his blocking position. While we were discussing this, I heard a round of fire from his 50 c-1. I had been looking at my map and I looked up when I heard the shot fired. I saw a blue KIA driving toward my lead HMMWV at extremely high speed. I estimate the speed to be between sixty to seventy miles per hour. I saw the gunner shoot into the grill and then a few seconds later he fired another burst into the grill. I estimate that he fired into the grill at 75m and he made his kill shot into the grill at 50 meters. He fired 1-3 shots at 75 and a 6-8 round burst for the kill shot. The vehicle did not alter its course and speed at any point in the execution of force. After the car skidded off the road, I sent my carpenter & a combat aidman to provide medical aid. A squad from Charlie was already on the scene when they arrived. Some one later said that one of them fired a burst of m80 at the van but I didn't see this. When I asked my lead vehicle what had happened they told me that he had used his fling at 300m and his vehicle commander told him to use a pop-up flare. He felt that he had no time and he

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 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.

STATEMENT OF [REDACTED]

TAKEN AT

ABU GHRAIB

DATED 060317

8. STATEMENT (Continued)

fired a warning shot to the ground with his 50 cal. He said he saw small arms fire 400-500m to his west at this time. I did not see the small arms fire from my position but I was not paying attention so I could have missed it. My vehicle commander reported the fire as being a 6-8 round burst of AK. He told me he made the grill shot at 75m and the kill shot at 40-50m at this time. Two Iraqi Army platoons were on site as well as a squad of Iraqi police. We stabilized the patients and moved them to Abu Ghraib. I counted three dead, and five wounded. I did not hear any gunfire aside from our 50 cal fire. This incident occurred at 1400. I could not see inside the vehicle until it turned away. When I saw the vehicle I thought that it was VBLED. It was moving abnormally fast for Iraqi traffic flow. We had had five VBLED attacks in our AO in the last week, one of which struck our sister company A company. The van made no indication that he had seen any of our escalation of force procedures, and did nothing to show that he had no hostile intent. Based on the vehicles course and speed I believe that if the gunner had not fired, the van would have collided with my lead vehicle, regardless if he had braked at the 75 meter mark.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

WITNESSES:

[REDACTED]
 Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of March 2006
 at Abu Ghraib

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[REDACTED], Captain, USMC
 (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 50 USC Section 3071; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM).
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 ABU GHRAIB	2. DATE (YYYYMMDD) 060317	3. TIME 1423	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		7. GRADE/STATUS EZ / ACTIVE	
6. ORGANIZATION OR ADDRESS 1/1 WPNS Co MAP 2			

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

WE WERE GIVEN A MISSION, ESCORT TYPE, TO ESCORT A TRUCK TO PULL C Company's 7 TON THAT HAD GOTTEN STUCK, OUT OF ITS CURRENT POSITION WE LEFT THE FOB OUT OF THE WEST GATE AND TURNED RIGHT THEN PROCEEDED TO [REDACTED], WHERE WE TURNED LEFT TRAVELING SUSC 552(6)(d) WEST BOUND INTO THE ONCOMING TRAFFIC LANE. WE ALMOST IMMEDIATELY SPOTTED C COMPANY'S 7 TON STUCK IN THE MUD. WE WERE LOOKING FOR AN ALTERNATIVE ROUTE TO THEIR POSITION WHEN A MINIVAN TRAVELING EAST BOUND AT A HIGH RATE OF SPEED CAUGHT MY ATTENTION, IT WAS CLOSING IN ON OUR POSITION FAST. WHEN WE GOT TO APPROX 300M OUT I WAVED MY RED FLAG AT IT, IT DID NOT SLOW OR TRY TO PULL OFF OF THE ROAD, I WAS NOT USED TO THIS EVERY OTHER TIME I HAD USED MY FLAG CARS STOP INSTANTLY OR PULL TO THE SHOULDER. SINCE THE VAN WAS COMING SO FAST PROBABLY 50+ MPH I WENT CONDITION 4

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2	PAGES
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ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE

STATEMENT OF

[REDACTED]

TAKEN AT ABU GHRAIB

DATED 060317

9. STATEMENT (Continued)

BEFOR I TRYED TO FLAG THE VAN I WENT FOR A POP UP BUT DID NOT FEEL I HAD TIME TO EMPLOY ONE, THAT IS WHY I WENT TO MY NEXT OPTION MY FLAG. AFTER FLAGING AND GOING COND. I ON MY .50 CAL THE CAR WAS APPROX 200M BUT STILL CLOSING FAST SO I PUT 1 SHOT TO THE DECK STILL NO RESPONSE SO I PROCEEDED TO PUT ABOUT 2 ROUNDS TO THE GRILL STILL NO RESPONSE SO AT THIS TIME THE VAN WAS ABOUT 75-125M AND STILL NOT SLOWING OR PULLING OFF OF THE ROAD SO I FIRED APPROX 2-6 ROUND BURSTS TO THE FRONT OF THE VAN IN THE MIDDLE OF MY SECONDE BURST THE CAR BEGAN TO VEER TOWARD THE SHOULDER SINCE WE HAD C Co. OVER THERE I CEASED FIRE ONCE THE CAR WENT OFF THE SHOULDER DOWN THE INBANKMENT I AT NO POINT IN TIME COULD EVER TELL HOW MANY OR WHO WAS IN THE VEHICLE.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED Signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of March, 2006 at Abu Ghraib, Iraq.

[REDACTED Signature]

(Signature of Person Administering Oath)

Captain, USMC

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED Initials]

PAGE 2 OF 2 PAGES

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. 8397 dated November 22, 1943 (SSA).
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 <i>ABU GHURAYIB, IRAQ</i>	2. DATE (YYYYMMDD) <i>20060317</i>	3. TIME <i>1435</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]			7. GRADE/STATUS <i>ES/Active</i>
8. ORGANIZATION OR ADDRESS <i>HQ T. 41, ACTS, 1 MET (AWD)</i>			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 INFORMATION FROM HOSPITAL STAFF AND PATIENT INTERVIEWS PERTAINING TO 161700CMAR06 EOF INVOLVING MAP 2, WPNS, 1/1.

1. AT 2100 ON 16 MARCH 2006 I MADE LIAISON WITH THE BATTLE CAPTAIN, 344 CSH, ABU GHURAYIB CONCERNING MY INTENT TO INTERVIEW THE WOUNDED CIVILIANS INVOLVED IN THE EOF ON 171700CMAR06. THE BATTLE CAPTAIN PROVIDED ME WITH A LIST OF TEN PATIENTS WHO WERE BROUGHT IN TOGETHER AFTER THE EOF. THE PATIENT INFO ON THE LIST WAS OBTAINED FROM THE CSH STAFF, VIA AN INTERPRETER, WHILE INITIAL ASSESSMENTS OF THE PATIENTS WERE BEING CONDUCTED. THE ATTENDING SURGEON GRANTED ME PERMISSION TO INTERVIEW TWO PATIENTS, ISN [REDACTED] AND ISN [REDACTED]. THESE TWO PATIENTS WERE LUCID AND IN STABLE CONDITION AFTER TREATMENT. TWO PATIENTS, ISN [REDACTED] AND [REDACTED] HAD BEEN TRANSFERRED TO THE 10TH CSH PRIOR TO MY ARRIVAL. THE REMAINING SIX PATIENTS WERE UNDERGOING TREATMENT AND WERE NOT AVAILABLE FOR INTERVIEW.

2. ISN [REDACTED] (HEREAFTER REFERRED TO AS 883) PROVIDED THE FOLLOWING: 883 A IS 55 YEAR OLD IRAQI FEMALE; HER NAME IS [REDACTED] 883, HER HUSBAND, SISTER, NIECE AND NEPHEW WERE TRAVELING FROM HASWA TO THE SHURLAH NEIGHBORHOOD OF BAGHDAD. 883 AND HER FAMILY WERE TRAVELING WITH WHAT 883 REMEMBERS AS ELEVEN PASSENGERS IN A BLUE KIA TWELVE PASSENGER MINIBUS. THEY HAD HIRED THE MINIBUS AS A TAXI. THE DRIVER WAS SPEEDING DOWN THE ROAD WHEN THE VEHICLE APPROACHED COALITION FORCES (CF). UPON REALIZING THAT THE CF WERE AHEAD THE PASSENGERS TOLD THE DRIVER TO STOP. THE DRIVER IGNORED THE PASSENGERS AND INCREASED SPEED. THE PASSENGERS BEGAN YELLING AT THE DRIVER TO STOP, BUT THE DRIVER IGNORED THEIR PLEAS. THE CF THEN OPENED FIRE ON THE MINIBUS. 883 STATED THAT THREE MALES, THE DRIVER, AN UNIDENTIFIED MALE (UIM), AND HER HUSBAND WERE KIA. 883 IDENTIFIED HER HUSBAND AS ABBAS MUHAMMAD AYTHIAB, AN IRAQI MALE WHO WAS KILLED IN THE EOF. 883 IDENTIFIED HER SISTER AS [REDACTED] A 61 YEAR OLD IRAQI FEMALE WHO WAS WOUNDED (ISN [REDACTED]). 883 IDENTIFIED HER NIECE AS [REDACTED] A 15 MONTH OLD IRAQI FEMALE (ISN [REDACTED]). 886 RECEIVED SUPERFICIAL ABRASIONS AS A RESULT. 883 IDENTIFIED HER NEPHEW AS [REDACTED] A 15 YEAR OLD IRAQI MALE (ISN [REDACTED]).

3. ISN [REDACTED] (HEREAFTER REFERRED TO AS 885) PROVIDED THE FOLLOWING: 885 IS A 46 YEAR OLD IRAQI FEMALE; HER NAME IS [REDACTED] 885, HER DAUGHTER, SON AND GRANDSON WERE TRAVELING IN A BLUE KIA MINIBUS, WHICH WAS SERVING AS A TAXI. THE FAMILY WAS TRAVELING FROM HASWA TO BAGHDAD WHEN THE VEHICLE APPROACHED A CF ROADBLOCK. THE

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>MBE</i>	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.

ALL ITEMS ARE REDACTED UNDER 5 USC 552 (B) (6) UNLESS OTHERWISE

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

STATEMENT OF [REDACTED]

TAKEN AT Abu Ghurayib, IZ DATED 2006 03 17

6. STATEMENT (Continued)

VEHICLE WAS TRAVELING AT A HIGH RATE OF SPEED AND THE PASSENGERS YELLED AT THE DRIVER TO STOP. THE DRIVER CONTINUED AT A HIGH RATE OF SPEED AND THE VEHICLE WAS FIRED UPON BY THE CF ROADBLOCK. THREE MEN INSIDE THE MINIBUS WERE KILLED AS A RESULT. 885 IDENTIFIED HER DAUGHTER AS [REDACTED] A 22 YEAR OLD IRAQI FEMALE (ISN [REDACTED]). 885 IDENTIFIED HER SON AS [REDACTED] A 30 YEAR OLD IRAQI MALE (ISN COULD NOT BE OBTAINED FROM CROSS-REFERENCING THE 334 CSH PATIENT LIST). 885 IDENTIFIED HER GRANDSON AS [REDACTED] A 9 YEAR OLD IRAQI MALE (ISN [REDACTED]).

4. AFTER INTERVIEWING THE FOLLOWING: 883; 885; CSH ATTENDING; PLT CMDR, MAP 2, WPN5 1/1, PLT SGT, MAP 2, WPN5 1/1 SEVERAL FACTS HAVE YET TO BE DETERMINED. THE THREE KIA WERE TAKEN TO A LOCAL IRAQI POLICE (IP) STATION AND I HAVE YET TO ESTABLISH THE IDENTITY OF TWO OF THE KIA. AT PRESENT THE JCC HAS BEEN CONTACTED AND 1/1 IS REQUESTING THAT THE JCC COORDINATE WITH THE IPS FOR THE IDENTITY OF THE THREE KIA. 883 CLAIMS THAT THE DRIVER WAS KILLED, BUT THE PLT CMDR AND PLT SGT OF MAP 2 CLAIM THAT THE DRIVER WAS NOT KILLED, BUT WIA. THE PLT CMDR AND SGT SAW THE MALE WHO THEY BELIEVE IS THE DRIVER BEING TRANSPORTED TO THE ABU GHURAYIB HLZ FOR TRANSFER TO ANOTHER LOCATION. THEIR DESCRIPTION OF THE WOUNDS RECEIVED BY THE DRIVER COINCIDES WITH THE INJURIES RECEIVED BY ISN [REDACTED] WHO WAS TRANSFERRED TO 10TH CSH. MAP 2 CLAIMS THAT THERE WERE EIGHT PASSENGERS IN THE VEHICLE AND THAT FIVE WERE WIA WHILE THREE, WHO WERE MEN, WERE KIA. 883 CLAIMS THAT THERE WERE ELEVEN PASSENGERS IN THE VEHICLE, AND THAT THE DRIVER WAS KIA. TEN WIA WERE BROUGHT IN TO THE 334 CSH AFTER THE EOF. THESE TEN WIA, PLUS THE THREE KIA, WOULD BRING THE TOTAL NUMBER OF PASSENGERS TO THIRTEEN.

5. THE FOLLOWING INFORMATION STILL NEEDS TO BE OBTAINED. WHO IS ISN [REDACTED] WHO IS ISN [REDACTED] WHO IS ISN [REDACTED] WHO ARE THE TWO UNIDENTIFIED KIA? WHO WAS THE DRIVER AND WAS THE DRIVER KIA OR WIA? IS ISN [REDACTED] THE DRIVER? WAS [REDACTED] THE SON OF 885, KIA OR WIA? AT PRESENT I AM AWAITING A RESPONSE FROM THE IP AS TO THE IDENTITIES OF THE KIA. ON 17 MARCH I WILL RETURN TO THE 344 CSH IN ORDER TO TALK TO THE PATIENTS WHO WERE NOT IN STABLE CONDITION DURING MY INITIAL VISIT TO THE CSH.

ISN	NAME	SEX	AGE	INJURY
[REDACTED]	[REDACTED]	F	22	LEFT LEG BLAST INJURY
[REDACTED]	[REDACTED]	F	42	SHRAPNEL TO RGT CHEST/RGT WRIST PARTIAL AMP
[REDACTED]	[REDACTED]	M	9	BILATERAL LWR EXT BLAST
[REDACTED]	[REDACTED]	M	18	GSW LWR RGT EXT
[REDACTED]	[REDACTED]	M	15	MULTI TRAUMA PELVIC/LEFT LEG
[REDACTED]	[REDACTED]	F	54	[REDACTED]
[REDACTED]	[REDACTED]	F	50	RGT FOOT/SHOULDER BLAST
[REDACTED]	[REDACTED]	M	24	[REDACTED]
[REDACTED]	[REDACTED]	F	46	GSW RGT FLANK
[REDACTED]	[REDACTED]	F	15 MONTHS	MINOR CUTS

ALL ITEMS ARE REDACTED UNDER 50 USC 552 (B) (6) UNLESS OTHERWISE NOTED

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT ABU GHURAYB, IC

DATED 2006 03 17

9. STATEMENT (Continued)

END OF STATEMENT

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR [REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of March, 2006 at Abu Ghurayb, Iraq

(Signature of Person Administering Oath)

[REDACTED] Captain, USMC
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 304; 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: ABUL GHRAIB
2. DATE (YYYYMMDD): 2006 03 17
3. TIME: 1430
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
7. GRADE/STATUS: SGT/E-5 ACTIVE
8. ORGANIZATION OR ADDRESS: 1/1 WPAL Co MAP 2

9. I, SGT [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
AT ABOUT 1630 ON 2006 MARCH 16 1/1 WPAL Co MAP 2 PLATOON STEPPED OFF ON PATROL TO RECOVER A STUCK 7-TON IF COMPANY 'C' IN THE AREA OF CP 39. I WAS IN THE LEAD TRUCK AS THE VC. PFC [REDACTED] DRIVER, PFC [REDACTED] GUNNER, PFC [REDACTED] BACK LEFT SEAT, AND WPL SGT [REDACTED] BALK RIGHT SEAT. UPON LEAVING THE WEST GATE I TURNED NORTH ON A SIDE ROAD WD TO CP 39. THEN TURNED WEST ONTO ROUTE [REDACTED] I DROVE WEST FOR ABOUT 100 METERS UNTIL I SAW THE STUCK 7-TON. THE PFC GUNNER ADVISED ME TO MOVE UP ANOTHER 100M TO GET A BETTER LOOK IN ANY OTHER SIDE ROADS THAT LEAD TO THE 7-TON. AFTER LOOKING TO THE SOUTHWEST I NOTICED A ROAD RUNNING NORTH SOUTH THAT WAS A BETTER PATH TO THE TRUCK. I ADVISED LC [REDACTED] AND SAID I WAS GOING TO MOVE UP TO THE NEXT INTERSECTION AND TAKE A LEFT(SOUTH). AS SOON AS I CORNER FORWARD I NOTICED A BLUE VAN MOVING AT 60 TO 70 MILES PER HOUR TOWARDS OUR TRUCK. I YELLED TO MY GUNNER TO "POP A POP UP". AT THAT POINT HE WAS ALREADY WAVING A RED FLAG TO SIGNAL THEM TO STOP. HE DID NOT HAVE ENOUGH TIME TO USE A POP UP DUE TO THE SPEED OF THE VAN THE VAN WAS ABOUT 100M OUT. THATS WHEN I TOLD MY GUNNER TO 'FIRE'. AT THAT TIME HE FIRED ABOUT 2 ROUNDS INTO THE REAR WITH THE .50 CAL I BELIEVE. THE VAN WAS ABOUT 200 TO 250 METERS AWAY. THE VAN STILL MADE NO ATTEMPT TO STOP OR MOVE OFF THE ROAD. THEN THE GUNNER FIRED ABOUT 3 ROUNDS IF .50 CAL INTO THE GRILL. STILL THE VAN MADE NO ATTEMPT TO STOP OR MOVE OFF THE ROAD. THEN MY GUNNER FIRED ABOUT 4 TO 8 ROUNDS INTO THE WOOD SHIELD OF THE VAN AT ABOUT 75 METERS AWAY.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]
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