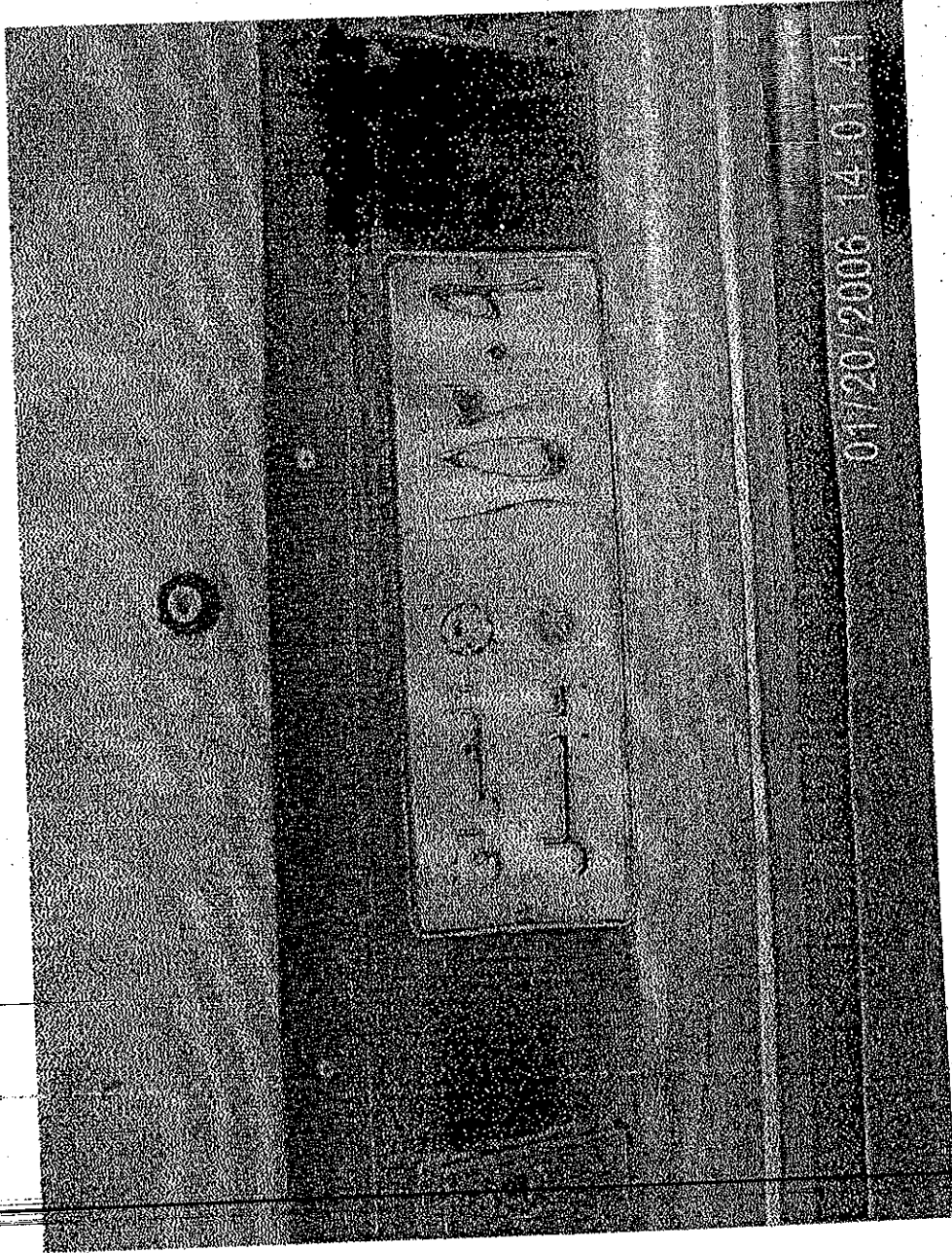


WEST

01/20/2006 13:42:27

5 USC 552 (B) (1)



License plate of shot car

# Assumptions

- Soldiers estimated car was going at least 15-20mph
- Two soldiers decided to fire at least 5 warning shots
- Warning shots did not cause a visible reaction in the driver
- Driver made conscious decision to go around cars waiting for inspection
- Driver is from 14 Kilo (local area). He had to have known about the long established IA checkpoint and periodic inspections
- Soldier who fired determined quickly that warning shots were not effective and had to use deadly force because of the rapidly decreasing distance between car and friendly forces at the inspection area.

2nd Brigade Combat Team  
Office of the Staff Judge Advocate



Confidential Documents  
for



---

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



REPLY TO  
ATTENTION OF

HEADQUARTERS, 1-502D INFANTRY REGIMENT  
101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
Mahmudiyah North, Iraq APO AE 09398



AFZB-KB-CDR

20 January 2006

MEMORANDUM FOR [REDACTED] D Co, 1-502D Infantry Regiment, 2d Brigade Combat Team,  
101st Airborne Division (Air Assault), FOB Mahmudiyah North, Iraq APO AE 09398

SUBJECT: Appointment as an Investigating Officer to Investigate EOF resulting in the death of a LN.

1. You are hereby appointed an investigating officer, pursuant to AR 15-6, to investigate incident involving the EOF resulting in the death of a LN in C CO, 1st Battalion, 502d Infantry Regiment on or about 20 January 2006. The scope of your investigation will include:
  - a. The exact time and place of the incident.
  - b. How exactly the incident occurred to include the events leading up to and concurrent with the incident.
  - c. The soldiers' mission at the time of the incident.
  - d. Additionally, if negligence is found, analyze what steps could be taken in the future to avoid it.
2. As an investigating officer, you will use formal procedures under AR 15-6. There are no designated respondents. Respondents may be designated based on your recommendations during the course of the investigation. Counsel for each respondent, if requested, will be designated by subsequent correspondence.
3. [REDACTED] 2 BCT Command Judge Advocate [REDACTED], will serve as your legal advisor. The 1-502D BN S1 will provide necessary administrative support. The 101<sup>st</sup> AA Criminal Investigation Division Command (CIDC) will provide technical support, including preserving physical evidence, if needed.
4. Prepare the report of proceedings on DA Form 1574 and submit it to me within 24 hours.

FOR COMMANDER:

[REDACTED]

Adjutant

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

15-6 Investigation Exhibit List

#06-084 Escalation of Force

- A. MFR VOIP conversation
- B. Diagram of the incident
- C. Over view of the grid
- D. [REDACTED] Sworn Statement
- E. [REDACTED] Sworn Statement
- F. [REDACTED] Sworn Statement
- G. [REDACTED] Sworn Statement
- H. [REDACTED] Sworn Statement
- I. [REDACTED] Sworn Statement
- J. [REDACTED] Sworn Statement
- K. [REDACTED] Sworn Statement
- L. [REDACTED] Sworn Statement

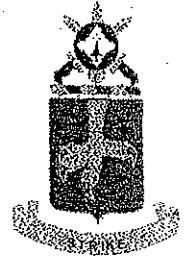
ALL ITEMS ARE  
REDACTED UNDER  
5 USC 552(B)(6)  
UNLESS OTHERWISE  
NOTED

**Exhibit A**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1<sup>st</sup> Battalion, 502D INFANTRY REGIMENT  
101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
FORT CAMPBELL, KENTUCKY 42223-5913



AFZB-KB-D

22 JAN 06

MEMORANDUM FOR RECORD

SUBJECT: VOIP conversation between [REDACTED], C co Commander, and [REDACTED]  
[REDACTED] 212200JAN06

1. To follow up on the 15-6 investigation of a shooting at CP [REDACTED] on 20 JAN 06, [REDACTED] called [REDACTED] to follow up on the following questions: Has the company or IA conducted searches at this TCP before? When? How often? How? Is this the same different from past events? Where is the EOF format [REDACTED] used?
2. During the conversation, [REDACTED] said that this was the first time that C co had helped out the IAs with CP [REDACTED]. Usually, MITTs does the TCP checks, and they do them often. Up until the incident though, C co had not done a TCP check. [REDACTED] also said that the IAs usually conduct searches at that location in the TCP but they do not search every car. The IA Battalion gives the IAs a list of specific cars to search on certain days (i.e. Opels on Mondays, Bongos on Tuesday, etc.). Concerning the EOF briefing, [REDACTED] said that the briefing format that [REDACTED] should have used is posted in their CP. It is from a frago published by the 1-502 INF under coordinating instruction, Annex 2 to Annex C para 4S. He said he was not sure if this was the exact format [REDACTED] used to brief the element though.
3. Based on the Investigating Officer's previous conversation with [REDACTED] the briefing he gave consisted of the EOF that states: Shout, Show (arms signals, weapons raised), warning shots, disabling shots, then lethal force from the smallest caliber weapon (i.e. M4).
4. POC for this memorandum is the undersigned @ [REDACTED]

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

[REDACTED]  
[REDACTED]  
3<sup>rd</sup> PLT, D co/1-502 IN REGT

14351



**Exhibit B**

**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**

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**Exhibit C**

**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**

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**Exhibit D**

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 [REDACTED]	2. DATE (YYYYMMDD) 20060220	3. TIME 1455	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. OFFICE OR HOME ADDRESS C2-101 BTB, Attached to C1-502, 2BCT, 101 AA			

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

Today (20 JAN 06) I was part of a mission to do a joint operation TCP with the Iraqi Army at the checkpoint <sup>suassz</sup> located at MSR [REDACTED] e. [REDACTED]. About <sup>1100</sup> 1200 [REDACTED] (BXI) [REDACTED] gave us our patrol brief that we supporting the Jundis. We went over our ROE and escalation of force, shout show, warning shot, vehicle disable, operator kill. we walked through South Lutifiyal and met the IA at the checkpoint and [REDACTED] posted the soldiers to their respective areas. [REDACTED] and I worked with two IA and check vehicles coming from the west. Over the time from 1130 to 1300 ~~we~~ there were 3 warning shots fired from the overwatch position on the building on the North side of the checkpoint. Each time the vehicles that wouldn't stop for the soldiers on the ground stopped for the warning shot. About 1310 or there about I heard two shots fired behind me, I stopped to look but was only able to glance because I was watching the driver of the vehicle I was currently searching. The shots continued and all of us turned to see. I saw a couple maybe 2 shots go into the windshield. I turned back around and completed my vehicle inspection and sent the guy [REDACTED]

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" 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.

9. STATEMENT (Continued)

through the checkpoint. I figured the situation was out of my hands and under control so I continued to search vehicles with the IA. A few minutes later [REDACTED] told me to stop all traffic and turned them around. Sometime after 1400 I was ordered to bring it in and form up to leave. We thanked the IA and returned to the FOB by through walking through Lutifiyah. We were briefed by the commander to fill out sworn statements. [REDACTED]

Nothing follows [REDACTED]

AFFIDAVIT

[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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of January, 2006 at Lutifiyah, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)  
Investigating Officer  
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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

**Exhibit E**



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.

56L 552  
(B)(1)

1. LOCATION <i>F08 Lutifiyah Chow hall</i>	2. DATE (YYYYMMDD) <i>20060120</i>	3. TIME <i>1457</i>	4. FILE NUMBER
<i>IA checkpoint</i>	<i>18:05</i>		
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
		<i>E-5</i>	
8. ORGANIZATION OR ADDRESS			
<i>1st Co. 1502</i>			

56L 552  
(B)(1)

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

At 11:00 hrs we received our patrol brief, our escalation of force briefing, and our ROE brief. At this time we moved through the compound to the IA side of the compound at which time we exited into South Lutifiyah. We then moved through the west side of town toward the checkpoint. At this time we had started doing a joint TCP with the IA's. There was some miscommunication with a couple of vehicles about stopping but they received the hint quickly and stopped as soon as they were told. At about 13:05 myself *[REDACTED]*, and *[REDACTED]* were searching a vehicle coming off *[REDACTED]* onto temple at the checkpoint. At this time I heard warning shots that *[REDACTED]* was firing at the vehicle as I turned to observe the vehicle the vehicle did not stop. I raised my weapon and I observed 4 rds. go through the windshield. The <sup>drivers side</sup> door opened and the man fell out of the vehicle. At this time I walked toward the car and observed that the man was obviously dead. I looked to the passenger side and saw an Iraqi army soldier pull a child out of the car. The kid was in shock but received no injuries. At this time we secured the area and allowed no more

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> 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 INDICATED.

STATEMENT OF [REDACTED] TAKEN AT FOB Lutifiyah DATED 20 Jan 05

9. STATEMENT (Continued)

vehicles to pass through the checkpoint shortly after more IA soldiers arrived with an Ambulance. The kid was taken away by another Iraqi man and the brother of the dead guy showed up. They put the body into the ambulance and took him away. Shortly after 2-6 arrived with the company commander. The commander then took photos and began his investigation. Then we moved back through south Lutifiyah and returned to base.

nothing follows

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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me; a person authorized by law to administer oaths, this 21 day of January, 2006 at Lutifiyah, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

Investigating Officer  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

**Exhibit F**

SWORN STATEMENT

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

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 FOB Lutfiyah	2. DATE (YYYYMMDD) 2006 01 20	3. TIME 1455	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6	
8. ORGANIZATION OR ADDRESS CG 1-502 IN HQ			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: SUCCESS (X)

At 1100 hours, we gathered outside the main Building, were issued a mission brief and ROE Brief, we then moved out to the TRP at the intersection. At about 1120, we arrived at the TRP. First item I noticed was an elevated guard position on a roof top. I selected [REDACTED] and [REDACTED] to occupy the position. I selected [REDACTED] because he is a medic and I wanted him "out of harms way" as much as possible. I selected [REDACTED] because of his combat experience, his marksmanship skills, and his decision making abilities, and the fact that he has a 5X scope on his rifle. I then broke up the remainder of the team into 2, Oman search teams with 1 IA soldier with them.

at about 1200 hours, I notice the west bound lane of traffic was starting to back up into Route [REDACTED], so I moved [REDACTED] from the East bound lane to the west bound lane to allow the west bound lane to search 2 vehicles at one time. The vehicles were stopped about 100-120 meters from the TRP and they called forward when the search team was ready. There was 3 or 4 warning shots fired at vehicles who moved around other vehicles and sped towards the Dismant. The warning shots were to the front and side of the vehicles. at about 01320, I was manning the East bound lane of traffic, when I heard a warning shot, the another a couple seconds latter, I looked up to the Guard position to see see [REDACTED] fire one shot. I then noticed a white vehicle moving, and saw 3 rapid shots into the window, windshield, of the vehicle, the vehicle came to a rolling stop.

SUSC 552 (B)(1)

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 \_\_\_\_\_ 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 FOIA Critical DATED 20 Jan 2006

9. STATEMENT (Continued)

as the Driver slumped out of the car. I then moved [REDACTED] the RTO, and told him to call it up. Myself, [REDACTED] and another Soldier slowly moved toward the vehicle. 2 IA soldiers rushed past us, rolled over the Driver, I asked "Is he dead" and The Soldier then grabbed a young male, about 15 years old, and ran him to a Taxi cab. I stopped the cab, and had [REDACTED] the medic, look at him, and The child was unharmed, but in shock. "Doc" [REDACTED] then checked the Driver for a pulse, and there was none. I then called "Cobra Mike" and gave a situation report, and requested a body bag. The IA, had called for a QRF arrive on the scene with an Ambulance. We ID'ed the Body and tried to keep the deceased on the scene until Cobra Six arrived, but the mans family loaded him onto a stretcher and moved him. I then secured the scene and closed the intersection to all non-military traffic.

[REDACTED]

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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of January, 2006 at Luffkin, Pa

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)  
Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

**Exhibit G**

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 Fob. Lut C Co 1-502 IN	2. DATE (YYYYMMDD) 20060120	3. TIME 1455	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/59T	
8. ORGANIZATION OR ADDRESS C CO 1-502 IN			

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
on 20 JAN 06 1100 our patrol left to TCP. Patrol Brief Told us we would be doing a joint TCP with IA soldiers, Escalation of Force was covered in briefing. When we arrived at the TCP [REDACTED] Told me to go onto the roof with [REDACTED]. We were to over watch the TCP and fire warning shots if necessary. at approx 1310 I saw [REDACTED] raise his weapon towards the east I turned that direction and saw a white car driving into the dirt going around 2 cars that had <sup>ALREADY</sup> stopped on approaching the TCP. At approx. 50 meters from where a vehicle was being searched [REDACTED] fired a warning shot. When the vehicle did not stop I fired a warning shot, ~~STID~~ HAM fired again, I fired 2 more times into the front of the white car.

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

STATEMENT OF [REDACTED] TAKEN AT 1455 DATED 20 Jan 06

9. STATEMENT (Continued) I WAS prepared to Fire into the CAR when I SAW [REDACTED] HAD ALREADY Done So. On Firing into when [REDACTED] Fired into the windshield the vehicle Stopped, The Driver Fell out OF The CAR [REDACTED] Called me down From The Roof to Check the driver. when I Approched the CAR I WAS Told the Driver WAS dead And to Check the Child that WAS in the CAR. AS I WALKED By the Driver He WAS on His BACK And Staring. After Checking That the Child WAS OK I went BACK to the Driver to Verafy That He WAS Dead. After the Company Commander took Pictures And ASKED Questions to my self And [REDACTED] we moved BACK to the FOB.

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.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of January 2006 at [REDACTED]

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

Investigating Officer (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES



**Exhibit H**

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 Job Row 1-502 C.Co.	2. DATE (YYYYMMDD) 20060120	3. TIME 1500	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

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

5-5552 (B)(1)

Today, Jan 20, 2006, went in a patrol to set up a TCP  
at an intersection [REDACTED], we got a patrol brief,  
before we left the job and left the job at 1100, got to  
the intersection at 1120, about 2 and a half hours of doing  
the vehicle checks, we got a situation with a vehicle coming  
from south [REDACTED] it was in a high rated speed,  
and [REDACTED] gave the vehicle a few warning shots  
after we already gave him signals to stop and show our  
weapons at him, at 1305 [REDACTED] engage the vehicle while  
committing a hostile intent against us.

Nothing follows

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

**Exhibit I**

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 C 1/507 IN Latifia	2. DATE (YYYYMMDD) 20060720	3. TIME 1955	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS C 1/507 IN, 2 BCT, 101 ABN			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
At 1100 we left on a patrol led by [REDACTED] after receiving his patrol brief. The intent of the patrol was to link up with the local Iraqi Army at a checkpoint on route [REDACTED] right next MSR [REDACTED] and search vehicles while pulling security. I was instructed along with [REDACTED] to pull security from an elevated position on top of a building on the road. From the time that we began searching vehicles and stopping others at a safe distance until we were ready to call and wave them forward to be searched there had been 3 separate vehicles that decided to ignore what was going on. All three vehicles were signaled to stop and then received one warning shot in the dirt to their front. All three vehicles stopped on all three separate occasions.  
Some time later a vehicle turned off [REDACTED] and decided to drive onto the side of the road, passing the 2 vehicles waiting to be searched at a speed of around 25 mph. After he had cleared 2 car lengths and kept going at the same speed towards our people who were searching 2 vehicles I started to feel threatened. [REDACTED] and I began firing warning shots with time in between to see if he would slow down. He didn't slow down at all and that's when I fired 4 rounds into the driver hitting him with 3. He was less than 50 meters from our people when we shot the car.

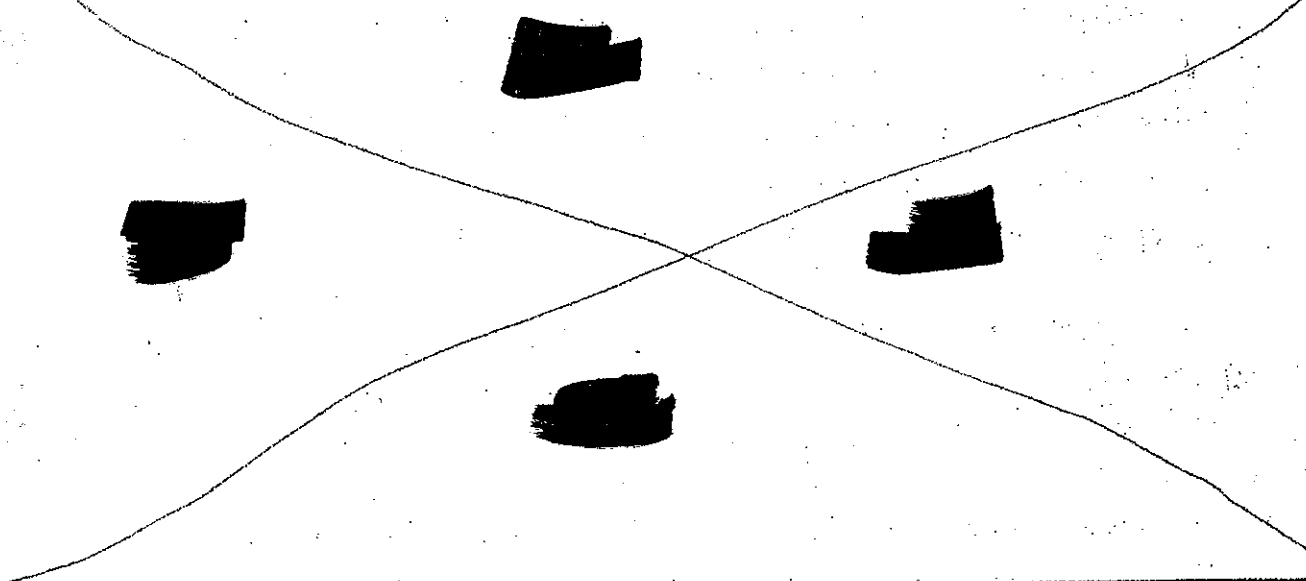
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT FOB Latifia DATED 20 Jan 2006

9. STATEMENT (Continued)

After the driver stopped and opened the door, collapsing on the ground both Iraqi Army and our people secured the area and blocked off traffic. I remained on the roof pulling security. Upon closer inspection by the Iraqi Army there was a child passenger that was lying down out of my and [REDACTED] view from the roof. We waited until [REDACTED] showed up to investigate the incident. The vehicle was removed from the road and we walked back to the FOB.



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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT, [REDACTED]

PAGE 2 OF 2 PAGES

**Exhibit J**

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 FCB LATIFIYAH	2. DATE (YYYYMMDD) 20060120	3. TIME 1455	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

Today we were getting ready for a mission that we had. We gathered together about 100 hrs for the patrol brief. We were told by our leader [REDACTED] that we were heading to the [REDACTED] checkpoint to conduct TCPs with the IA soldiers. We were briefed on our ROE and escalation of force. At the checkpoint we set up 2 groups to search ~~the~~ vehicle and personnel traveling east and west. [REDACTED] also ~~was~~ placed [REDACTED] and [REDACTED] on top of a nearby roof to overwatch. We had been searching cars for about 2 hours. I was searching this one car, while about 3 other vehicles were stopped about 75 meters from my position. I looked up and there was a vehicle that was coming around the stop cars with no intention to stop. I motioned for the vehicle to stop when I heard some one fire there weapon. The vehicle was still coming toward us and was then fired upon by [REDACTED]. I saw 4 shots hit the windshield and the vehicle came to a stop. I saw the driver open the door and then fell out. I ran up to the car just as I reached the driver I noticed there was a kid in the passenger seat. The IA's

5 USC 552 (B)(1)

OVER

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" 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 FOB LATIYAH DATED 2006/12/20

9. STATEMENT (Continued)

grabbed the kid and took him to another car. The kid was not wounded. Our RTO, SPC. Batten called the shooting up. From then the IAs and an Ambulance came to the scene and took the driver away. A few minutes later one of our elements arrived with our CO. [REDACTED] then took notes and some pictures and we returned to the FOB.

NOTHING ELSE FOLLOWS

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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of January, 2006 at Baghdad, Iraq

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

Investigating Officer  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES



**Exhibit K**

**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 FOB Laticia	2. DATE (YYYYMMDD) 20060120	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS Co. 1502			

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

SUCCESSZ  
(B)(1)

On 20 Jan 06 at 1100 we were giving patrol brief by [REDACTED]. He was brief us about what we will be doing. He said that we will be doing a joint TCP with the IA at the [REDACTED] checkpoint, he also explained the ROE & the escalation of force as his does before every patrol. We arrived at the checkpoint at 1130, there [REDACTED] again informed us of the ROE, and escalation of force, and telling us what and where to be. He said that we will be conducting vehicle searches. We continued to do vehicle search, we had given a warning shot to three other vehicles and they stop. AT 1305 traffic was backed up because of the vehicle searches, we had them 100m away from the position we were at. Two minutes later a white 4 door sedan came speeding around the other vehicles, that's when [REDACTED] and [REDACTED] shot 4 warning shots at this vehicle, the vehicle continued to proceed, I heard [REDACTED] more shots fired through the windshield. [REDACTED] and myself, [REDACTED] I heard [REDACTED] was able so that we can treat him, but he was dead. There was a boy in the passenger seat, he was in shock he was ok. I called up Cobra mic at 1311 to inform them of our situation. Cobra mic told me to let [REDACTED] know to secure the [REDACTED] area no traffic to go through the check point. Cobra Mic told me that Cobra 6, was in route to our location. Cobra 6 arrived and took control of the situation.

NOTHING Follows

10. EXHIBIT	11. INITIAL [REDACTED] MAKING STATEMENT	PAGE 1 OF _____ 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.

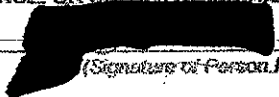
STATEMENT OF Do not use TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)



AFFIDAVIT

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



(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of January, 2006 at Lake Park, Fla



(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS



(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 2 PAGES

**Exhibit L**

SWORN STATEMENT

For use of this form, see AFM 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 Jab Luftfahr	2. DATE (YYYYMMDD) 2006 01 20	3. TIME 1305	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS CPL/E-4	
8. ORGANIZATION OR ADDRESS Co 11502			
9. [REDACTED]			

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1100 we received a brief for our TCP op. ROE, escalation of force at which point we moved out to our objective thru Luftfahr. Upon arriving I was placed at the [REDACTED] end of [REDACTED] TCP. Vehicles were for the most part compliant to our orders. Yet some would barrel down on our pos. Warning shots fired from the tower stopped cars in our direction. Cars began to pile up on both ends. I heard a shot from the rear turned to look saw to more shots fired and hit in front of the vehicle. At which point I turned back to the vehicle parked at our end. Then turned back around to see same vehicle going around other vehicles heading to the TCP. Vehicle was not stopping after the warning shots. At which point the vehicle was shot. Stopping the vehicle at which point I turned back to my end of the TCP.

Success (BX1)

Nothing Follows

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

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. 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 WITH \_\_\_\_\_ REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE \_\_\_\_\_.

(Typed Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of January, 2006 at Lathrop, Iraq

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES