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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**



**2D BRIGADE & 502D INF RGT
101ST AIRBORNE DIVISION (AASLT)
ROUTING SHEET**



SUBJECT AR 15-6 Investigation #06-116b (EOF Resulting in Death of Local National)	DATE ACTION INITIATED 17 Mar 06
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ORIGINATOR / ACTION OFFICER STRIKE LEGAL	OFFICE SYMBOL AFZB-KB-JA	TELEPHONE 242-4342	SUSPENSE
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ROUTING			
OFFICE	COMMENTS	INITIALS	DATE
BRIGADE S1			
BRIGADE S2			
BRIGADE S3			
BRIGADE S4			
BRIGADE S6 (SIGO)	o		
BRIGADE CHAPLAIN			
BRIGADE SURGEON			
BRIGADE SJA		[REDACTED]	11 Mar 06
BRIGADE CSM			
BRIGADE XO	Copy of TALON 6	[REDACTED]	12 Mar 06
DEPUTY COMMANDER	Reply, TAD TO COMMENTS 06-116a	[REDACTED]	14 Mar 06
BRIGADE COMMANDER		[REDACTED]	Sumner 06

IMPACT

PERSONNEL FUNDS TIME TRAINING SUPPLIES OTHER

SUMMARY

Sir -
The second "half" of 06-116. ✓/R CPT P

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2d BCT, 101st Airborne Division (AASLT)



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 2D BRIGADE COMBAT TEAM & 502D INFANTRY REGIMENT
 101ST AIRBORNE DIVISION (AIR ASSAULT)
 CAMP STRIKER, IRAQ 09398



REPLY TO
 ATTENTION OF

AFZB-KB-CDR

MEMORANDUM THRU Staff Judge Advocate, MND-B, Camp Liberty, Iraq

FOR Commander, MND-B, Camp Liberty, Iraq

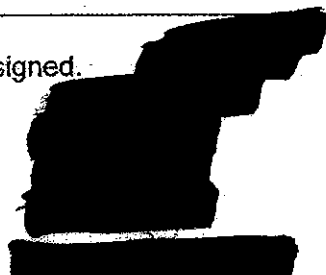
SUBJECT: Approval and Ratification of AR 15-6 Investigation #06-116a (Escalation of Force Resulting in Injury to Local National) Findings and Recommendations

1. The undersigned has reviewed thoroughly the aforementioned investigation conducted by Captains Michael Taylor and Michael Theisfeld, and approved by Lieutenant Colonel Thomas G. Kunk. I ratify and approve the findings and recommendations enclosed.

2. Commander's Comments:

I don't recall - Sgt *Chen at Camp C/154*
 Recalling Lat 16000 R CPT ~~was~~ Local F/L. Time was
 no visible hostile intent. - QADA was not off limits and
 the ~~unit~~ ~~person~~ while he met excess judgment, it
 did not really resemble any evidence to the area.

3. POC for this memorandum is the undersigned.



LTC, AD
 Acting Commander
 COL INT
 Commario!

*To be notified
 to launch when
 He*

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1-502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
Mahmudiyah North, Iraq APO AE 09398



AFZB-KB-CDR

9 March 2006

MEMORANDUM FOR Captain [REDACTED], Delta Company, TF 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 Escalation of Force incident.

1. You are hereby appointed an investigating officer, pursuant to AR 15-6, to investigate an incident as a result of Escalation of Force in C Co, 1st Battalion, 502d Infantry Regiment on or about 9 March 06. 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 type of weapon(s) involved in the incident.
- b. The soldiers' mission at the time of the incident.
- c. The existence, training and type of risk assessment and safety measures taken prior to 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. CPT [REDACTED], 2 BCT Command Judge Advocate [REDACTED] will serve as your legal advisor. The 1-502D BN S1 will provide necessary administrative support. The 101st 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]
SGT, USA
Military Paralegal



REPLY TO
ATTENTION OF

AFZB-KB-CDR

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1-502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
Mahmudiyah North, Iraq APO AE 09398



STRIKE

25 April 2006

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

SUBJECT: Appointment as an Investigating Officer to Investigate Escalation of Force incident.

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- 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 type of weapon(s) involved in the incident.
- b. The soldiers' mission at the time of the incident.
- c. The existence, training and type of risk assessment and safety measures taken prior to the incident.
- d. Additionally, if negligence is found, analyze what steps could be taken in the future to avoid it.

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4. Prepare the report of proceedings on DA Form 1574 and submit it to me within 24 hours.



LTC, IN
Commanding

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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 [REDACTED] Commander, 1st Battalion, 502d Infantry Regiment, 101st Airborne Division (Air Assault), FOB Mahmudiyah North, Iraq APO AE 09398
(Appointing authority)

on 25 April 2006 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Mahmudiyah North (Place) at 1000 hours (Time)

on 25 April 2006 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

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The (investigating officer) (board) finished gathering/hearing evidence at 2000 hours (Time) on 1 May 2006 (Date)

and completed findings and recommendations at 1030 hours (Time) on 9 May 2006 (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?			
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.

2	Exhibits (para 3-16, AR 15-6)	YES	NO	NA
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate --			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

The (investigating officer) (board), having carefully considered the evidence, finds:

See attached memorandum of findings and recommendations dated 9 May 2006.

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

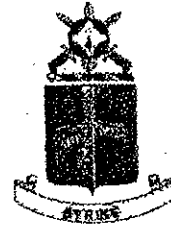
In view of the above findings, the (investigating officer) (board) recommends:

See attached memorandum of findings and recommendations dated 9 May 2006.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY, 1-502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
MAHMUDIYAH NORTH, IRAQ APO AE 09398



AFZB-KB-G

9 May 2006

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for Investigation #06-116b (EOF – death of LN)

1. 2 PLT C/1-502 IN was involved in an Escalation of Force (EOF) incident on 091448MAR06 at vicinity [REDACTED], resulting in a gun-shot wound to a local national female, who later died of her injuries. This incident was previously investigated by CPT [REDACTED] Delta Company, 1-502D and completed on 11 March 2006. 50SC552(b)(6)

2. Purpose. This memorandum outlines [REDACTED] original findings and recommendations as well as my follow-up findings and recommendations.

3. Summary of the Facts: Second platoon commenced searching the QQWF for signs of AIF activity and caches at approximately 091300MAR06. CPT [REDACTED] and SSG [REDACTED] both stated that the locals in the area recognize that they should not be in the QQWF and that they have rarely seen anyone there. It is believed that the local people feel this area is off limits because it was so prior to OIF. Additionally, the IA believes that the area is off limits as well. The 1-502 Chain of Command understands that the QQWF is not an off limits area.

Three vehicles were spotted traveling easterly towards the platoon at an estimated speed of 50-60 miles per hour. The first vehicle, a blue Bongo truck with four personnel standing in the back, was approximately 300 meters from the platoon when it was spotted. It was followed by a red sedan and a white pickup truck. SSG [REDACTED] viewed this as a possible hostile force due to the speed, location, and the interception of the maroon Espero immediately prior.

SGT [REDACTED] initially fired three warning shots about 10 meters in front of the blue Bongo truck with his M4. SPC [REDACTED] heard SSG [REDACTED] yell "warning shots" and followed SGT [REDACTED] fire with two more M4 rounds that impacted on the near side of the road in front of the vehicle. Because the Bongo truck failed to respond to the gunfire, SGT [REDACTED] and SPC [REDACTED] fired approximately two more rounds each at about the same distances in front of the vehicle. The Bongo truck finally came to an abrupt stop about 100 meters from the platoon. The two trailing vehicles also immediately stopped. During this EOF incident, the platoon fired approximately 10-12 rounds. There was only one tracer round fired; all other rounds were 5.56 ball.

The platoon observed multiple individuals carrying Safa Nawar Mohammed, the wounded passenger, from the bed of the Bongo truck. Most of the Soldiers involved were EFR qualified, and an EFR bag was present. The woman was shot in the head, and therefore,

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the Soldiers could not offer any further medical help to the woman. A medic was not present but would not have been able to help either. Hasty searches of the local nationals and their vehicles were completed and contact information was gathered. Nothing incriminating was found. The family requested to leave for the hospital and departed shortly thereafter. [REDACTED] is married to [REDACTED]. His phone number is 079001834570.

4. Original Findings. EOF procedures were followed appropriately in this situation. FRAGO 134 to OPOD 05-06, 27FEB2006 contained the most current guidance on EOF procedures at the time of this incident. It stated that graduated force should be initiated at 200 meters, an increase from 199 meters. This incident was initiated at 300 meters. There were no changes to escalation steps listed in this FRAGO.

a. [REDACTED] stated that he gave an EOF briefing prior to commencing the patrol as per battalion requirements.

b. 50-60mph is equivalent to 73-88fps, and 300 meters is approximately 984 feet. At that speed, the distance the vehicles had to travel to reach the platoon would be accomplished in 11-13 seconds. This incident unraveled in less than ten seconds. If more time were available, perhaps the platoon could have attempted to fire a star cluster or flare toward the approaching vehicles.

c. The platoon was not in a posture to receive vehicle traffic because civilians are so rarely in the area.

d. No visual signals were used because the element was not conducting a TCP of any sort.

e. It is likely that Safa Nawar Mohammed was shot because the Soldiers did not lead the blue Bongo truck enough. [REDACTED] was aiming approximately 10 meters in front of the vehicle while [REDACTED] aimed about 10 feet in front of it.

5. Additional Findings. After carefully considering the evidence, my findings are consistent with that of the original I/O, [REDACTED]. The patrol was in compliance with the EOF procedures as outlined in FRAGO 134 to OPRD 05-56, dated 27 February 2006.

a. No specific changes were made to their security set-up once the patrol returned to their original site to continue zeroing after the first EOF incident. They were set up approximately 50-70 meters off the road and had their vehicles pulling security with crew served weapons oriented to high avenues of approach. The security measures were sufficient according to [REDACTED]. According to [REDACTED], he felt, along with the patrol, that the vehicles were coming at them to retaliate against them for the previous EOF incident earlier that day. Because the vehicles were not suppose to be in that area; the high-rate of speed that they were traveling and the lack of response to the patrol's visual warnings to stop, [REDACTED] felt that they were faced with a legitimate threat. When the vehicles were approximately 200 meters from their position, [REDACTED] ordered

warning shots only. The warning shots had no effect on the vehicles and they continued to approach at the same rate of speed towards the patrol. It wasn't until after some more warning shots, did all three vehicles, which were approximately 150 feet away, stopped.

b. [REDACTED] (Exhibit B) and [REDACTED] (Exhibit C) both stated that the security posture of the patrol was not changed as a result to the previous EOF. Again, all vehicles and Soldiers were postured in order to provide 360-degree security of the patrol and Soldiers conducting the zeroing. According to [REDACTED] the patrol was still zeroing when the Blue Bongo Truck, red sedan, and white truck approached their location. The vehicles were traveling at a high-rate of speed and in-line, as if in a convoy formation. Neither vehicle nor their passengers heeded the visual hand signals by the patrol to stop. Once the vehicles failed to acknowledge the non-lethal signals to stop, warning shots were fired to the front of the lead vehicle (Blue Bongo). Again, [REDACTED] stated that because of the high rate of speed, and the failure to comply with the visual signs and warning shots, he felt that the vehicles provided a credible, physical threat, which he felt could possibly be in retaliation for the previous EOF incident.

c. The steps prior to the warning shots being fired were consistent with the guidelines outlined in the FR 30. The patrol had limited time due to the high rate of speed of the vehicles to conduct all non-lethal means available to stop the vehicles. [REDACTED] and [REDACTED] showed restraint and fired only warning shots while faced with danger.

d. All actions and guidance from [REDACTED] and the actions of [REDACTED] and [REDACTED] which resulted in the death of a LN was not due to negligence on their part. [REDACTED] and [REDACTED] viewed the speeding vehicles as a viable threat, proceeded with non-lethal means to stop the vehicles as time permitted, and only fired warning shots when the vehicles closed in within 300 meters.

6. Original Recommendations:

- a. No action be taken against the Soldiers and leadership of 2/C/1-502.
- b. With no way to train on firing at a moving vehicle, an effort should be made to discuss the problems of this type of firing and the ways to attempt to fire warning shots more safely in similar situations.
- c. It is also likely that tracer fire would be more appropriate for warning shots if available. It would be hard to tell if someone is firing toward you while traveling in a vehicle traveling at such a high speed unless the vehicle is being hit. Tracer fire in front of the vehicle may facilitate recognition of impending deadly force. A higher tracer mix, front-loaded tracer magazines, or a designated "warning-shot-man" are possible solutions.

7. Additional Recommendations: The recommendations by the previous I/O should stand for this incident with no further recommendations or actions towards the patrol.

AFZB-KB-G

SUBJECT: Findings and Recommendations for Investigation #06-116b (EOF – death of LN)

8. The point of contact for this memorandum is the undersigned at [REDACTED], and
[REDACTED]

[REDACTED]
CPT, AG
Investigating Officer

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CHRONOLOGY OF EVENTS
Investigation #06-116b (EOF - Death of LN)

9 March 2006 - All Times O/A

- 1250 - Cobra 2/3 SP PB Lutifiyah with 17 pax, 4 vehicles enroute to conduct area engagement vicinity of Al Qa Qa region.
- 1300 - Cobra 2/3 conducts Area Engagement
- 1300 - Patrol stops at vicinity grid [REDACTED] to confirm Zero on their optics. SUSCS52(b)(1)
- 1415 - PFC Ignacio observes a LN running to a maroon Espero and pull out from a destroyed building approximately 300 meters from their current location.
- Patrol attempts to visually (by waving and shouting) to stop vehicle with no response from Local National.
 - LN in Espero did not stop; Patrol proceeded to fire warning shots. Vehicle proceeded to speed up and flee the area. Patrol initiated EOF procedures.
 - Patrol went to their vehicles; pursued LN to a house located VIC grid [REDACTED] SUSCS52(b)(1)
 - Patrol approaches vehicle and observed that the LN had been shot in the leg. Further inspection of the vehicle revealed that there was one bullet hole through the driver's door.
 - LN received medical treatment on site by the patrol's medic who reported that no further treatment was required. LN was given a claims card.
 - A search of the house at [REDACTED] produced nothing significant to report. SUSCS52(b)(1)
 - SSG Anderson returned to building where LN was first observed to search and take pictures. Search produced nothing significant to report.
 - Patrol continued mission and continued zeroing at original location, [REDACTED] SUSCS52(b)(1)
- 1510 - While completing zeroing, patrol observes 3 x Vehicles (blue Bongo truck-lead vehicle; followed by a red sedan, then a white truck) moving west to east towards their position at a high rate of speed) approximately 60 mph.
- [REDACTED] and [REDACTED] conducted EOF measures when lead vehicle was approximately 300 meters from the patrol's position.
 - SGT Tehrani fired approximately 3 warning shots about 10 meters in front of lead vehicle (blue Bongo truck).
 - In response to [REDACTED] instructions "Warning Shots", [REDACTED] fired 2 rounds of warning shots that impacted on the near side of the road in front of the lead vehicle.
 - Lead vehicle (blue Bongo) did not stop due the warning shots; [REDACTED] and [REDACTED] proceeded to fire 2 more warning shots each.
 - Bongo Truck stopped approximately 100 meters from the patrol's position.
 - F1 [REDACTED] observed LN's carrying Safa Nawar Mohammed, a wounded passenger who was seated in the bed of the Blue Bongo. She had been shot in the head and no further medical treatment could be provided due to her wounds.
 - The vehicles and LN's were questioned and searched and there was nothing significant to report.
- 1651 - Patrol RTB.

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LIST OF EXHIBITS
Investigation #06-116b (EOF - Death of LN)

<u>TAB</u>	<u>EXHIBIT</u>
A.....	Statement of SSG [REDACTED] (091900MAR06)
B.....	Statement of SGT [REDACTED] 101100MAR06)
C.....	Statement of SPC [REDACTED] 01020MAR06)
D.....	Statement of SGT [REDACTED] (101041MAR06)
E.....	Follow-up Questions to SSG [REDACTED]
F.....	Follow-up Questions to SGT [REDACTED]
G.....	Follow-up Questions to SPC [REDACTED]
H.....	Serious Incident Report
I.....	DA Form 1594
J.....	Excerpt from FRAGO 134 to OPORD 05-56
K.....	MTI Assessment of the AL QAA QAA Facility
L.....	Storyboard

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EXHIBIT A

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: PB Lutifyah, IRQ
2. DATE (YYYYMMDD): 2006/03/09
3. TIME: 1900
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-6/ RA
8. ORGANIZATION OR ADDRESS: C co. 1-502D INF REGT 2BCT 101st ABN DIV (AASLT) APO AE 09398 Patrol Base Lutifyah, Iraq

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

APPROXIMATELY 091300MAR06 I WAS CONDUCTING AN AREA ENGAGEMENT OF THE AL QA QA FACILITY. DURING OUR PATROL I STOPPED AT VICINITY GRID [REDACTED] TO HAVE SOLDIERS CONFIRM THEIR ZERO ON THEIR OPTICS. AT THAT TIME AROUND 1415 PFC IGNACIO SPOTTED A MAROON ESPERO PULLING OUT FROM A DESTROYED BUILDING APPROXIMATELY 300 METERS SOUTH WEST OF OUR POSITION. WE VISUALLY TRIED TO WAVE HIM DOWN TO STOP. HE DID NOT STOP SO WE THEN RESPONDED TO WITH WARNING SHOTS. HE THEN BEGAN TO SPEED UP AND LEAVE THE SCENE, SO THE PATROL ENGAGED THE VEHICLE WITH WELL AIMED SHOTS. THE VEHICLE FLED OUT OF OUR SITE. WE THEN JUMPED IN OUR VEHICLES AND DROVE AFTER THE CAR. THE CHASE LED US TO HIS HOUSE AT VICINITY GRID [REDACTED]. I APPROACHED THE SUSPECT AND HIS VEHICLE TO SEE THAT HE HAD BEEN SHOT IN THE LEG. I INSPECTED THE VEHICLE AND FOUND 1 BULLET HOLE IN THE DRIVER SIDE DOOR. [REDACTED] AND A SQUAD OF SOLDIERS STAYED AT THE HOUSE TO SEARCH AND ASK QUESTIONS. HE ALSO RECEIVED MEDICAL ATTENTION. I LEFT THE SCENE ALONG WITH A SQUAD TO INVESTIGATE THE BUILDING THE SUSPECT WAS FIRST SPOTTED AT. I DID NOT FIND ANYTHING SIGNIFICANT TO REPORT. [REDACTED] AND THE SQUAD THAT SEARCHED THE SUSPECTS HOUSE LINKED BACK UP WITH ME WITH NOTHING SIGNIFICANT TO REPORT. I BEGAN TAKING PICTURES OF THE DESTROYED BUILDING, AND RETURNED TO THE AREA WHERE WE ENGAGED THE VEHICLE TO TAKE PICTURES FROM OUR POINT OF VIEW. THE SOLDIERS FINISHED THEIR ZEROING WHILE I CONTINUED TO TAKE PICTURES AND REPORT. THEN A GROUP OF 3 VEHICLES WAS SPOTTED HEADING TOWARDS OUR DIRECTION FROM WEST TO EAST, AT A SPEED APPROXIMATELY OF 60MPH AT AROUND 1458. THE LEAD VEHICLE WAS A BLUE BONGO TRUCK FOLLOWED BY A RED SEDAN, FOLLOWED BY A WHITE TRUCK. I THOUGHT IT WAS A POSSIBLE INSURGENT ATTACK. THEY WERE IN A POSITION TO DO A DRIVE BY ON OUR TROOPS. I OBSERVED MULTIPLE PERSONNEL IN THE BACK OF THE BLUE BONGO. THE VEHICLES WERE APPROXIMATELY 300 METERS AWAY WHEN [REDACTED] AND [REDACTED] CONDUCTED THEIR ESCALATION OF FORCE MEASURES. APPROXIMATELY 5 WARNING SHOTS WERE FIRED. IT TOOK THE VEHICLE APPROXIMATELY 200 METERS TO STOP. NONE OF THE SOLDIERS WERE INSTRUCTED TO ENGAGE THE TARGETS. THEY WERE INSTRUCTED TO FIRE WARNING SHOTS. AFTER THE VEHICLES STOPPED, A TEAM SIZE ELEMENT CAUTIOUSLY BEGAN TO PUSH TOWARDS THE SUSPECTED ENEMY VEHICLES. THE PERSONNEL WERE INSTRUCTED TO GET OUT OF THE VEHICLES. THE VEHICLES AND PERSONNEL WERE SEARCHED WITH NOTHING SIGNIFICANT TO REPORT. DURING THE SEARCH A FEMALE LOCAL NATIONAL WAS EVIDENTLY SHOT IN THE HEAD, DUE TO THE POSSIBLE RICOCHET OF THE WARNING SHOTS. WE ALLOWED THE PERSONNEL TO TAKE THE WOUNDED LOCAL NATIONAL TO THE HOSPITAL WHILE WE SECURED THE SITE. CO [REDACTED] ARRIVED AT THE SITE AROUND 1530 TO CONDUCT AN INVESTIGATION OF WHAT OCCURRED. AFTER THE INVESTIGATION MY PATROL, ALONG WITH AN INTERPRETER, WENT BACK TO THE HOUSE WHERE THE [REDACTED] WAS SHOT IN THE LEG. HE WAS NOT AT HIS HOME, BUT HIS BROTHERS WERE. WE GAVE THEM A CLEAR CARD AND ASKED THEM WHAT THE SUSPECT WAS DOING OUT THERE. THEY REPLIED THAT THE [REDACTED] WAS AWARE THAT HE WAS NOT SUPPOSE TO BE IN THE AREA, AND THAT HE HID BEHIND THE [REDACTED] HE WOULDN'T DETECT HIM. WE THEN LEFT THE HOUSE AND LINKED BACK UP WITH THE COBRA [REDACTED] TO RTB. I HAVE ALWAYS BEEN UNDER THE IMPRESSION THAT THE AL QA QA WAS AN OFF LIMITS AREA. ALL SOLDIERS WERE ALSO GIVEN A ROE BRIEF PRIOR TO CONDUCTING THE MISSION.

- Nothing Follows -

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

ADDITIONAL PAGES: [REDACTED]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

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 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 PB Lutifyah, IRQ	2. DATE (YYYYMMDD) 2006/03/09	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6/ RA	
8. ORGANIZATION OR ADDRESS C co. 1-502D INF REGT 2BCT 101st ABN DIV (AASLT) APO AE 09398 Patrol Base Lutifyah, Iraq			

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

APPROXIMATELY 091300MAR06 I WAS CONDUCTING AN AREA ENGAGEMENT OF THE AL QA QA FACILITY. DURING OUR PATROL I STOPPED AT VICINITY GRID MB 264 489, TO HAVE SOLDIERS CONFIRM THEIR ZERO ON THEIR OPTICS. AT THAT TIME AROUND 1415 [REDACTED] SPOTTED A MAROON ESPERO PULLING OUT FROM A DESTROYED BUILDING APPROXIMATELY 300 METERS SOUTH WEST OF OUR POSITION. WE VISUALLY TRIED TO WAVE HIM DOWN TO STOP. HE DID NOT STOP SO WE THEN RESPONDED TO WITH WARNING SHOTS. HE THEN BEGAN TO SPEED UP AND FLEE THE SCENE, SO THE PATROL ENGAGED THE VEHICLE WITH WELL AIMED SHOTS. THE VEHICLE FLED OUT OF OUR SITE. WE THEN JUMPED IN OUR VEHICLES AND DROVE AFTER THE CAR. THE CHASE LED US TO HIS HOUSE AT VICINITY GRID [REDACTED]. I APPROACHED THE SUSPECT AND HIS VEHICLE TO SEE THAT HE HAD BEEN SHOT IN THE LEG. I INSPECTED THE VEHICLE AND FOUND 1 BULLET HOLE IN THE DRIVER SIDE DOOR. [REDACTED] AND A SQUAD OF SOLDIERS STAYED AT THE HOUSE TO SEARCH AND ASK QUESTIONS. HE ALSO RECEIVED MEDICAL ATTENTION. I LEFT THE SCENE ALONG WITH A SQUAD TO INVESTIGATE THE BUILDING THE SUSPECT WAS FIRST SPOTTED AT. I DID NOT FIND ANYTHING SIGNIFICANT TO REPORT. [REDACTED] AND THE SQUAD THAT SEARCHED THE SUSPECTS HOUSE LINKED BACK UP WITH ME WITH NOTHING SIGNIFICANT TO REPORT. I BEGAN TAKING PICTURES OF THE DESTROYED BUILDING, AND RETURNED TO THE AREA WHERE WE ENGAGED THE VEHICLE TO TAKE PICTURES FROM OUR POINT OF VIEW. THE SOLDIERS FINISHED THEIR ZEROING WHILE I CONTINUED TO TAKE PICTURES AND REPORT. THEN A GROUP OF 3 VEHICLES WAS SPOTTED HEADING TOWARDS OUR DIRECTION FROM WEST TO EAST, AT A SPEED APPROXIMATELY OF 60MPH AT AROUND 1458. THE LEAD VEHICLE WAS A BLUE BONGO TRUCK FOLLOWED BY A RED SEDAN, FOLLOWED BY A WHITE TRUCK. I THOUGHT IT WAS A POSSIBLE INSURGENT ATTACK. THEY WERE IN A POSITION TO DO A DRIVE BY ON OUR TROOPS. I OBSERVED MULTIPLE PERSONNEL IN THE BACK OF THE BLUE BONGO. THE VEHICLES WERE APPROXIMATELY 300 METERS AWAY WHEN [REDACTED] AND [REDACTED] CONDUCTED THEIR ESCALATION OF FORCE MEASURES. APPROXIMATELY 5 WARNING SHOTS WERE FIRED. IT TOOK THE VEHICLE APPROXIMATELY 200 METERS TO STOP. NONE OF THE SOLDIERS WERE INSTRUCTED TO ENGAGE THE TARGETS. THEY WERE INSTRUCTED TO FIRE WARNING SHOTS. AFTER THE VEHICLES STOPPED, A TEAM SIZE ELEMENT CAUTIOUSLY BEGAN TO PUSH TOWARDS THE SUSPECTED ENEMY VEHICLES. THE PERSONNEL WERE INSTRUCTED TO GET OUT OF THE VEHICLES. THE VEHICLES AND PERSONNEL WERE SEARCHED WITH NOTHING SIGNIFICANT TO REPORT. DURING THE SEARCH A FEMALE LOCAL NATIONAL WAS EVIDENTLY SHOT IN THE HEAD, DUE TO THE POSSIBLE RICOCHET OF THE WARNING SHOTS. WE ALLOWED THE PERSONNEL TO TAKE THE WOUNDED LOCAL NATIONAL TO THE HOSPITAL WHILE WE SECURED THE SITE. COBRA 6 ARRIVED AT THE SITE AROUND 1530 TO CONDUCT AN INVESTIGATION OF WHAT OCCURRED. AFTER THE INVESTIGATION MY PATROL ALONG WITH AN INTERPRETER, WENT BACK TO THE HOUSE WHERE THE GUY WAS SHOT IN THE LEG. HE WAS NOT AT HIS HOME, BUT HIS BROTHERS WERE. WE GAVE THEM A CLAIMS CARD AND ASKED THEM WHAT THE SUSPECT WAS DOING OUT THERE. THEY REPLIED THAT THEIR BROTHER WAS AWARE THAT HE WAS NOT SUPPOSE TO BE IN THE AREA, AND THAT HE HID BEHIND THE HOUSE SO WE WOULDN'T DETECT HIM. WE THEN LEFT THE HOUSE AND LINKED BACK UP WITH THE COBRA 6 ELEMENT TO RTB. I HAVE ALWAYS BEEN UNDER THE IMPRESSION THAT THE AL QA QA WAS AN OFF LIMITS AREA. ALL SOLDIERS WERE ALSO GIVEN A ROE BRIEF PRIOR TO CONDUCTING THE MISSION.

- Nothing Follows -
[REDACTED]

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

ALL ITEMS ARE REDACTED UNDER 5USC552 (b) (6) UNLESS OTHERWISE NOTED USAPA V1.00

9. STATEMENT (Continued)

- Nothing Follows -
[REDACTED]

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

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 09 day of March, 2006 at PB Lutifiyah, IRQ

[REDACTED]
C co. 1-502nd INF REGT
Training Room NCO
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED] FSO C co. 1-502D INF REGT
(Typed Name of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

EXHIBIT B

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 (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: FDB Lubiyah
2. DATE (YYYYMMDD): 20060310
3. TIME: 1100
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS: 2nd Pth. Co. 1/502, 101st ABN

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

While conducting a patrol/wpas zero confirmation in the Al Qa Qa area, on 9 March 06, a dark red car approached our position. The vehicle was about 300m away. Warning shots were fired right away as the driver could not hear us yell or see us. After the initial warning shots were fired, the vehicle turned around quickly and sped away. The patrol mounted up and pursued the vehicle. We followed for 1.5-2.0k till we found the car. There were two males in the car. The LN who was driving had sustained a 5.56 wound to the upper leg. Myself and [REDACTED] treated both the entrance and exit wound. After securing the area, we moved back to our test fire position. After approx. 10 minutes three vehicles traveling west to east approached at a high rate of speed. I announced that I was firing warning shots. I fired 3 shots to the front of the vehicle. I continued shots to the right. I called a cease-fire immediately. The firing then stopped. I [REDACTED] bounded on foot with [REDACTED] element drove to the 3 vehicles. As I arrived, somebody yelled that they needed medical assistance. I grabbed a EFR bag from the lead vehicle. I moved up to where a LN male moved a LN female from the bed of a Bongo truck to the side of the road. The LN had sustained a head wound. No medical assistance was provided because of the severity of the wound. The warning shots were fired 10m to the front of the vehicle. I use a 1/4 Ball to tracer mix, At least 1 rd. I fired was a tracer.

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

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

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 NOTED

9. STATEMENT (Continued)

The total amount of rds fired at the head vehicle was approx. 10 rds.

Nothing Follows

10 March 06

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 10th day of March, 2006 at FOB Luta Lya

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT, IN Investigating Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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

EXHIBIT C

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 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: FOB Lutfiyah
2. DATE (YYYYMMDD): 20060310
3. TIME: 1820
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: E4
8. ORGANIZATION OR ADDRESS: Co 1-502

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

I was firing at a paper target to the east and a ceasefire was called. I was in the middle of changing magazines when I heard 3-4 shots fired behind me. I turned to see 3 vehicle traveling towards us at about 60-70 mph. I immediately looked to [REDACTED] for guidance and he was yelling warning shots. I fired twice into the dirt on the side of the road. [REDACTED] then told me to find some cover which I did. The vehicles did not slow down and I felt that it was a retaliation attack for the incident that happened prior. I felt like I was being threatened and someone fired two shots to my right and I fired again this time into the air. The vehicles finally stopped about 100-150 meters from our position. My magazine was loaded with [REDACTED]. My first two shots I fired were about 10 feet in front of the vehicle [REDACTED]. Nothing follows.
10 March 06

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
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 NOTED

STATEMENT OF

[REDACTED]

TAKEN AT

EOB Lutfiya WATED 10 March 06

9. STATEMENT (Continued)

[REDACTED]

10 March 06

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.

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of March 2006 at EOB Lutfiya

[REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

CPT, IN 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 D