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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  
2D BRIGADE COMBAT TEAM,  
4TH INFANTRY DIVISION (MECHANIZED)  
FOB KALSU, IRAQ  
APO AE 09312-0501

AFYB-AR-CDR

8 March 2006

MEMORANDUM FOR 1LT [REDACTED], Company B, 2<sup>nd</sup> Battalion, 8<sup>th</sup> Infantry Regiment, 2d  
Brigade Combat Team, 4th Infantry Division (M), FOB Kalsu, Iraq

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to AR 15-6, to conduct an informal investigation pursuant to AR 15-6, to investigate the circumstances surrounding the death of a local national during an incident that occurred on 8 March 2006 with HHC, 2/8 IN, 2 BCT.
2. All witness statements will be sworn and recorded on a DA Form 2823 if possible, and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of their rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of their rights.
3. Legal advice and assistance must be obtained from MAJ [REDACTED] at FOB Kalsu before you take any action on this matter. Consult with your legal advisor located at the 2BCT Legal Office, prior to your investigation. You will familiarize yourself with the provisions of AR 15-6 and the Guide for Formal Investigations.
4. Your report, together with all evidence marked as exhibits, will be submitted to me on a DA Form 1574 within 72 hours. Submit any requests for delay to me either orally or in writing. You will obtain a written legal review prior to submitting the completed investigation.

[REDACTED]  
COL, AR  
Commanding

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UNLESS OTHERWISE  
NOTED

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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 COL [REDACTED] 2BCT, 4ID(M)

*(Appointing authority)*

on 08 March 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 Kaisu at 2100

*(Place)*

*(Time)*

on 08 March 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.)*

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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 1300 on 12 March 2006

*(Time)*

*(Date)*

and completed findings and recommendations at 2000 on 14 March 2006

*(Time)*

*(Date)*

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

	YES	NO <sup>1)</sup>	NA <sup>2)</sup>
1 Inclosures <i>(para 3-15, AR 15-6)</i>			
Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>			
a. The letter of appointment or a summary of oral appointment data?			
b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>			
c. Other correspondence with respondent or counsel, if any?			
d. All other written communications to or from the appointing authority?			
e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>			
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>			
g. Information as to sessions of a formal board not included on page 1 of this report?			
h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?			

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

		YES	NO	N/A
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			
	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?			
	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)?			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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)?			
<b>FOOTNOTES:</b> 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.				

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

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

Please see the attached memorandum (enclosure II).

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

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

Please see the attached memorandum (enclosure II).

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)	(Investigating Officer) (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.)

Concur with finding of investigating officer. Unit has conducted appeal reviewed all procedures to avoid unnecessary shuffling.

Concur. Recommend case be closed. [Redacted] 2 Apr 1986

I approve the findings and recommendations.

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

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REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
B CO, 2D BATTALION, 8TH INFANTRY  
4TH INFANTRY DIVISION (MECHANIZED)  
FOB KALSU, IRAQ APO, AE 09312

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AFYB-ARD-B

12 MARCH 2006

MEMORANDUM FOR: Investigation Appointing Authority

SUBJECT: AR 15-6 Investigation Concerning the Death of Iraqi Local National

1. On 8 March 2006, I was appointed as the AR 15-6 Investigating Officer (IO) for the incident on 8 March 2006 in which the Scouts, HHC, 2-8 INF, 2BCT, 4ID ("Shadow") shot and killed a local national Iraqi by M-4 fire after having been engaged by small arms fire and an IED. I have conducted a thorough investigation of the circumstances surrounding this accident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. FACTS. On 08 March 06, the Scouts, HHC, 2-8 INF, 2BCT, 4ID ("Shadow") were operating a TCP in the northern Obeidi region of Iraq overwatching a north-south canal crossing at the intersection of [REDACTED]s and [REDACTED]s. At 0930 Shadow 1, CPT [REDACTED] was meeting with a local Shaik to build relationships and gather intelligence in the area (see exhibit A). At the static checkpoint at 0930 at dark blue Daewoo (exhibit H) approached the checkpoint roughly 200m away on the south side of the canal. The Daewoo refused to respond to Shadow's checkpoint and attempted to flee in the vehicle. The vehicle pulled up to the checkpoint, attempting to avoid it by driving back and forth, and then put the car in reverse at a high rate of speed (exhibit M). The scout platoon had set up a checkpoint at the same place before and experienced two similar circumstances where the vehicle attempted to flee the checkpoint. In one instance a vehicle approached the checkpoint and attempted to flee, but the scouts had an overwatch position at a blocking point to the east of the bridge. When they attempted to stop the fleeing vehicle, the vehicle opened fire on the scouts and sped away. The blue Daewoo showed the exact same actions that this previous vehicle did and provided the scouts with a basis to conclude that the vehicle may show a pattern of possible hostile intent. Based on their previous knowledge and the actions of the Daewoo, the scout checkpoint attempted to stop the vehicle by hand signals and charging the weapon (exhibits K,L). The vehicle did not stop and attempted to flee the checkpoint. Shadow performed escalation of force, which led to the firing of a single shot to the radiator and engine block to disable the vehicle. Radiator fluid was dumped from the vehicle and the engine was locked up with no injury to the 4 passengers (exhibit L). The four men in the Daewoo then returned fire at Shadow's TCP with RPK and AK-47 (exhibit G,H,I). The men fled on foot, 2 to the east and 2 went to the west. As the 4 enemy dismounts were running away they triggered



AFYB-ARD-B

SUBJECT: AR 15-6 Investigation Concerning the Death of Iraqi Local National

a defensive IED 80m from Shadow's TCP at grid [REDACTED]. The IED consisted of one 130mm round and an Anti Tank Mine (exhibit G). There was no damage to any equipment or injury to personnel. CPT [REDACTED] ran out of the Shaik's house with his dismounted squad and linked up with his mounted element. CPT [REDACTED] ordered his mounted element to chase the men moving east, while he took his dismounted squad to chase down the 2 insurgents who ran to the southeast (exhibits A, C, E, H). CPT [REDACTED] and his interpreter asked the locals as they maneuvered on the fleeing men if they saw the two men. They used the locals, who saw the two men running with weapons, to pinpoint the egress route of the enemy. Shadow 1 and his dismounts continued southeast until they regained contact with the two men running in dark dishdashas roughly 600m away at grid [REDACTED]. Shadow conducted a bounding overwatch and moved 200m closer; at that point CPT [REDACTED] gave the order to fire at the two men (exhibits A, I). SGT [REDACTED] identified the fleeing men and put his M-4 weapon sight on the man who was running with the brown dishdasha. He pulled his trigger and fired 15 rounds (exhibit L,M). Shadow continued to bound towards the men, crossing over two canals. They fired roughly 60 rounds of 5.56mm at the two men during the engagement. The two men did not return fire during the engagement. As Shadow 1 and his squad moved towards the last position of the 2 men they were waved down by local farmers (exhibits A,C,E). There was a man in the field wearing a dark brown dishdasha who had been shot by 5.56mm, single gunshot wound to the chest. His name was [REDACTED] and he was a family member of the locals who waved down Shadow 1 (exhibit A,G). When Shadow arrived to the field PFC [REDACTED] the platoon medic, rendered aid to the man, while S [REDACTED] called up a Medevac request. The man was x-sprayed and came up negative for any explosive residue. After aiding the man, locals reported that two men fled to the south with weapons. Shadow lost contact with the men, although they believed that the wounded man was one of the two that were fleeing and engaged them at the checkpoint. The family was thankful to the platoon for helping to keep the area safe (exhibits A,C,E). Shadow's mounted element did not gain contact with the other two men. The man was flown to a CF aid station where he later died. Shadow elements went up to the hospital the next day to help the family recover the body. Shadow stripped the Daewoo of all evidence and rendered it unusable, as per orders by higher. EOD and WIT arrived on scene at 1220. They collected 1 AK-47, 1 RPK with ammo belt, 7 x AK-47 magazines, 1 grenade, 1 ski mask. Due to contamination of evidence, no fingerprints were lifted, however WIT was able to lift a strand of hair from the AK-47 for further research. WIT also retained 1 cell phone, 1 global mapping CD and 1 audio cassette tape from the vehicle (exhibit G).

3. FINDINGS. Based on all the evidence presented in this investigation, the Shadow platoon acted in accordance with the Rules of Engagement and used proper escalation of force in firing upon the fleeing individuals. After the 4 men fired on Shadow's checkpoint, triggered an IED, and ran off with weapons, there is no doubt that the men posed an imminent threat to both coalition forces and innocent Iraqi civilians.

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At the static checkpoint, Shadow conducted proper escalation of force by waving, signaling, showing, charging, and then firing a warning shot (exhibits B, I). In addition, they had previous knowledge on which to base the actions of this vehicle. Twice, a vehicle had shown these same actions in response to the checkpoint and then turned out to be hostile. Once the four men fired on the checkpoint they were hostile enemy, and the fact that they ran away with their weapons furthers the fact that they were a hostile threat even as they fled. In addition, because they had triggered an IED as they ran, they had the potential to trigger another one. Based on information gathered from locals, the two men were fleeing south with weapons and the local civilians felt this to be a great threat to their lives (exhibit A). So it is clear that these two men posed a hostile threat towards coalition forces and innocent Iraqi people or infrastructure.

The next portion of the incident that must be examined is whether Shadow had positive identification of the two men, since there was a time when Shadow lost contact with the enemy. When Shadow platoon first saw the two men fleeing east they saw that they were wearing dark dishdashas. CPT [REDACTED] regained contact with the two men by using the locals to describe the men and where they went. The locals stated that there was two men wearing dark colored dishdashas and carrying weapons and they pointed to the position where they ran (exhibit I). Shadow used the local to pinpoint the position to the southeast where they ran and it was then that they saw two men wearing dark dishdashas running away. It is important to note that very rarely will you see Iraqis running in these farm areas, unless they are running away from coalition forces. Once they were spotted by Shadow's platoon they took cover to apparently hide. As Shadow began to bound towards the men, the men ran way once again. They matched the description of the two men who fled from the TCP and they were clearly suspicious in their activities of running and hiding. Based on all of the previous incidents that occurred and the description of the men running away, Shadow lawfully opened fire on the two men in accordance with the Rules of Engagement.

With respect to the man that was killed, Ali Hussein Anaad, it is still unclear as to whether he was involved in the attack or not. His family claimed that he was innocent and that he was farming in the field when he was shot. His x-spray came up negative for explosives, and subsequent search of the area he was around came up clear. What is interesting, however, is the reaction of the family to his death and when Shadow first arrived on scene. They kissed CPT [REDACTED] and thanked him for keeping the area safe. According to the soldiers of Shadow platoon, they were not overly upset about his death. Does this mean that perhaps he was involved somehow in the attack or other insurgent activity? Not necessarily, but it's certainly worthy of noting. Due to the evidence in the Daewoo being compromised by Shadow (not using gloves), the WIT team was not able to lift any fingerprints from the weapon or the vehicle that would have possibly confirmed or denied Ali Hussein Anaad's involvement in the attack. The WIT team did gather a piece of hair for forensic investigation, but at the time of this report the results had not been released. Nevertheless, this man did fit the description of one of the men who was fleeing and was in the same area as the two men in their egress route. He was either involved in the attack and the family tried to cover for him, or he was an innocent

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AFYB-ARD-B

SUBJECT: AR 15-6 Investigation Concerning the Death of Iraqi Local National

farmer at the wrong place at the wrong time. Either way, Shadow properly engaged the enemy dismounts and did their best to minimize collateral damage by using only M-4 and M-16.

4. RECOMMENDATIONS. No further investigation needs to be conducted into this matter. There is no need for any punishment or corrections, since the platoon acted correctly in response to enemy contact. If not conducted already, recommend putting out IO message in the area about the incident so that insurgent forces cannot use the incident against us in their own IO message.



ILT, AR  
Investigating Officer

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DEPARTMENT OF THE ARMY  
2<sup>ND</sup> BATTALION 8<sup>TH</sup> INFANTRY REGIMENT  
4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
FORT HOOD, TEXAS 76544

AFYB-ARD-CDR

28 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Appointment orders for Investigating Officer conducting 15-6.

1. 1LT Scheinberg is appointed to investigate the killing of an Iraqi trying to escape a tactical checkpoint.
2. The following individual will be appointed Investigating Officer for the above-mentioned 15-6:

<u>NAME</u>	<u>SSN</u>	<u>INVESTIGATION #</u>
-------------	------------	------------------------

[REDACTED]

[REDACTED]

[REDACTED]

3. Point of contact for this memorandum is [REDACTED] at DSN [REDACTED]

[REDACTED]  
COL, AR  
Commanding

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PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

Investigation of death of local national Iraqi  
on 08 March 06.

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

12 March 06  
Date

[REDACTED]  
Signature

[REDACTED]  
Printed Name and Rank

[REDACTED]  
Social Security Number

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REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
B COMPANY, 2D BATTALION, 8TH INFANTRY  
4TH INFANTRY DIVISION (MECHANIZED)  
FOB KALSU, IRAQ APO, AE 08312

AFYB-ARD-B

12 MARCH 2006

MEMORANDUM FOR: Investigation Appointing Authority

SUBJECT: Privacy Act Statements

1. The purpose of this memorandum is to document that the Privacy Act Statement (5 U.S.C 522a) was provided orally to the following soldiers by the Investigating officer, 1LT [REDACTED]

1LT [REDACTED]	HHC, 2-8 INF, 2BCT, 4ID
SGT [REDACTED]	HHC, 2-8 INF, 2BCT, 4ID
SSG [REDACTED]	HHC, 2-8 INF, 2BCT, 4ID

[REDACTED]  
1LT, AR  
Investigating Officer

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**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**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 <b>FOB KALSU, IRAQ</b>	2. DATE <b>12 NOV 06</b>	3. TIME <b>1115</b>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <b>HHC 2/8 INF, 2 OCT, 4 ID</b>		
6. SSN [REDACTED]	7. GRADE/STATUS <b>E-6</b>	<b>FOB KALSU, IRAQ</b>	

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army, **1LT [REDACTED]** and wanted to question me about the following offense(s) of which I am suspected/accused: **Investigation of death of local national Iraq**

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <b>B Co, 2-8 Inf, 2 BCT, 4 ID</b>
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-waiver**

- I do not want to give up my rights  
 I want a lawyer  
 I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent, (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is DDCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**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 Kalsu	2. DATE 12 Mar 06	3. TIME 1112	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS HHC 2-8 IN		
6. [REDACTED]	7. GRADE/STATUS E-5/SGT		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army, [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: Investigation of death of local National IV98i

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any question or say anything.
  - Anything I say or do can be used as evidence against me in a criminal trial.
  - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print) [REDACTED]		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE HHC 2/8 IN, 2BCT 410 FOB KALSO, IRAC		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		6. ORGANIZATION OF INVESTIGATOR BCO, 2-8 INF, 2 BCT, 410
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-waiver**

- I do not want to give up my rights  
 I want a lawyer  
 I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. [For personnel subject to the UCMJ] "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

[For civilians not subject to the UCMJ] You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODSCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**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 Kalsay, Iraq	2. DATE 12 Mar 06	3. TIME 1045	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS HHC 2-8 IN, 2BCT, 4ID		
6. SSN [REDACTED]	7. GRADE/STATUS O3/CPT		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army, 1LT [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: Investigation of death of local national Iraqi  
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.  
 - or -  
*(For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print) [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE HHC, 2-8 IN, 2BCT, 4ID	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. TYPED NAME OF INVESTIGATOR 1LT [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR B Co, 2-8 Inf, 2BCT, 4ID

**Section C. Non-waiver**

- I do not want to give up my rights  
 I want a lawyer  
 I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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

SWORN STATEMENT

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

LOCATION FOB KALSU, IRAQ	DATE 9 MAR 06	TIME 1444	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5/SGT	
ORGANIZATION OR ADDRESS HHC 2-8IN, 2 BCT, 4ID			

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

ON OR ABOUT 080930 MAR 06, MY SQUAD ALONG WITH ANOTHER SQUAD AND CAPTAIN [REDACTED] WERE MEETING WITH SHEIK [REDACTED] AT HIS HOUSE AT [REDACTED] 5. WHEN OUR FLASH TCP AT MB 547 522 WAS HIT WITH SMALL ARMS FIRE AND AN IED, WHEN A DARK BLUE DAEWOO TRIED TO AVOID THERE TCP. THE OCCUPANTS OF THE CAR FLED AFTER ENGAGING THE TCP WITH SMALL ARMS FIRE. TWO INSURGENTS RAN WEST, ONE WEARING A DARK BROWN MAN DRESS AND ONE WEARING A GRAY MAN DRESS, THE OTHER TWO INSURGENTS RAN EAST. OUR DISMOUNTED SQUADS BEGAN TO PERSUE THE INSURGENTS FLEEING EAST. WE DID NOT HAVE VISUAL CONTACT WITH THE INSURGENTS, SO WE BEGAN ASKING LOCALS IF THEY HAD SEEN THEM RUN BY. THE LOCALS POINTED US TOWARD THEM AND SAID THEY HAD WEAPONS. ONCE WE GAINED VISUAL CONTACT WITH THE INSURGENTS WE BEGAN FIRING ON THEM. WE THEN BEGAN MANEUVERING ON THEIR POSITION. ONCE WE GOT WITHIN 200 METERS OF THEIR POSITION LOCALS BEGAN COMING UP TO US THANKING US AND TELLING US THAT THERE WAS A MAN THAT WAS SHOT AND HE WAS IN THEIR FIELD. WHEN WE GOT TO THE MAN OUR MEDIC BEGAN TREATMENT AND THE MEDEVAC WAS CALLED UP. AFTER A FEW MINUTES MORE PEOPLE STARTING SHOWING UP AND SAYING THEY WERE RELATED TO THE MAN. AFTER THE MEDEVAC WE WALKED BACK TO OBJ COPPER AND ALONG THE WAY ALL OF THE LOCALS WE ENCOUNTERED WERE EXPRESSING GREAT GRATITUDE. NOTHING FOLLOWS.

SUSC552 (b)(6)

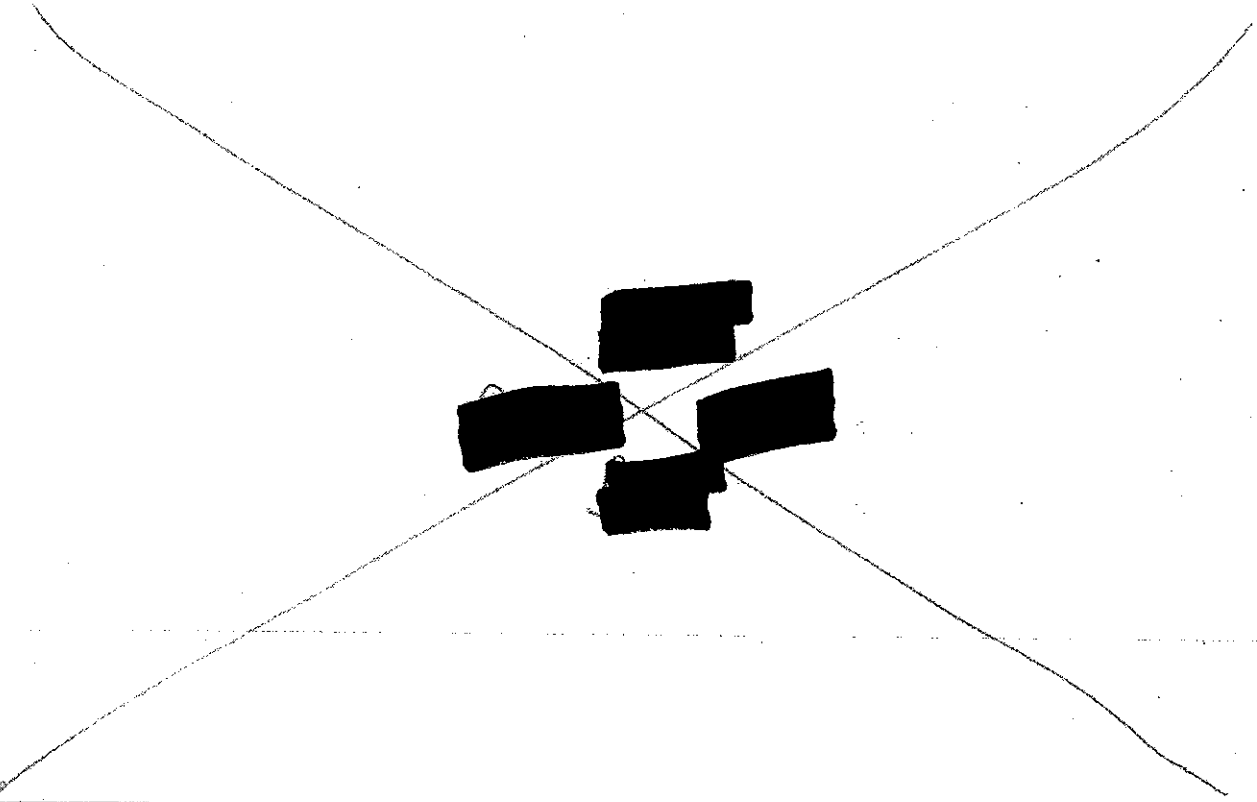


EXHIBIT C	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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: FOB Kalsa, Iraq
2. DATE (YYYYMMDD): 2006/03/12
3. TIME: 1100
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: O-3 / CPT
8. ORGANIZATION OR ADDRESS: HHC 2-8 IN, 2BCT, 410

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

- 1. Q Did you brief your platoon on Escalation of force and ROE prior to the mission?
A yes
2. Q Did you go through Escalation of force before firing?
A yes
3. Q Did you feel threatened by the two men?
A yes
4. Q What is your assessment on the male that was shot?
A He was either a farmer in the wrong place at the wrong time, or he was involved with insurgents and his family was covering for him; he fit every description on the men we were chasing.
5. Q Anything else you would like to Add?
A We conducted the proper escalation of force, and our platoon was fired upon with automatic weapons and with an IED. The two we chased east, and the man who was shot fit every description, from age to appearance, as the men we were after.

10. EXHIBIT: B
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

ALL ITEMS ARE REDACTED UNDER 5 USC 552 (B) (6) UNLESS OTHERWISE NOTED USAPA V1.00

STATEMENT OF

[REDACTED]

TAKEN AT

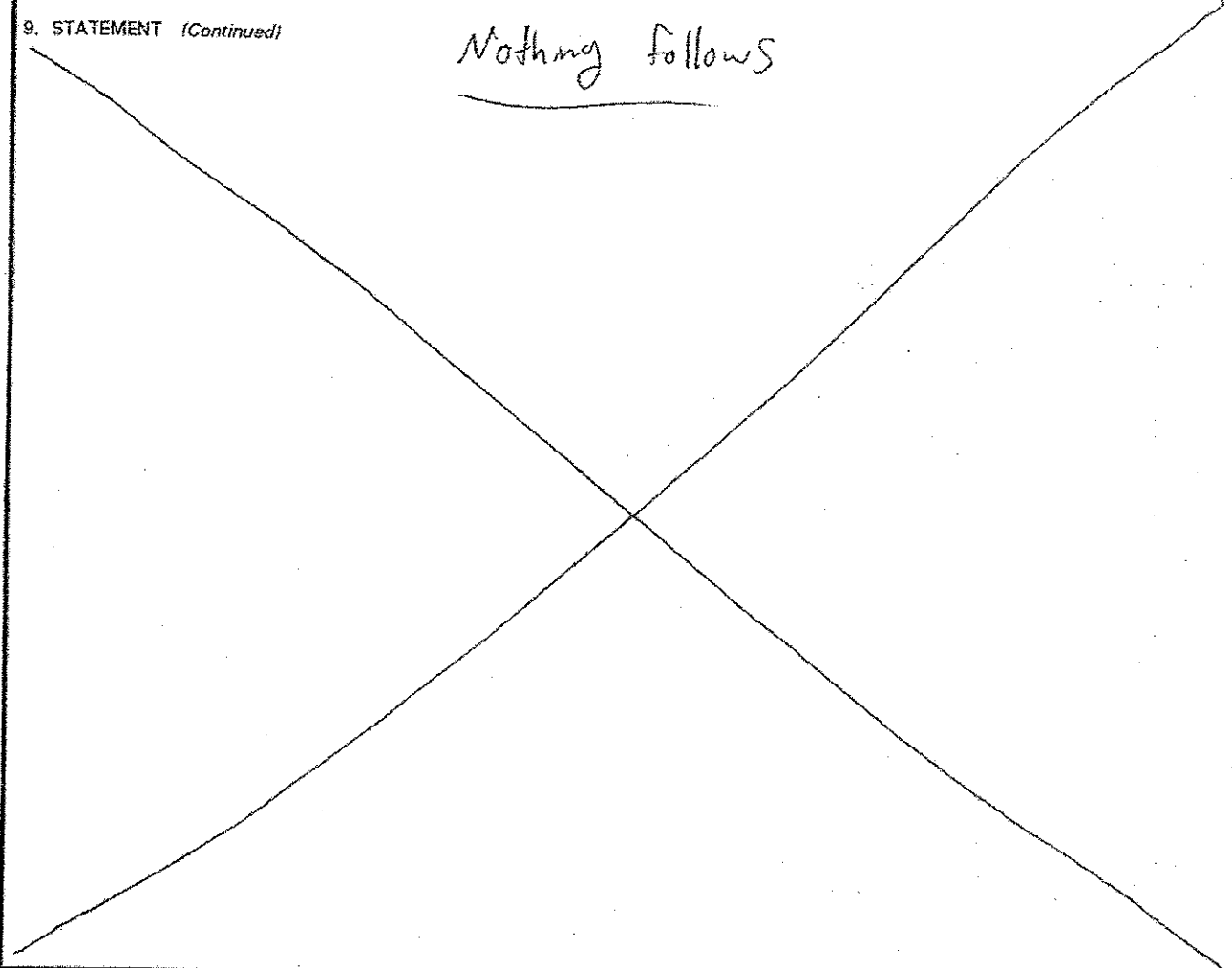
FOR Katsu

DATED

2006/03/12

9. STATEMENT (Continued)

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:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of March, 2006 at FOR Katsu

[REDACTED]

(Signature of Person Administering Oath)

ILT [REDACTED]

(Typed Name of Person Administering Oath)

Investigating Officer

(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 ODCSOPS

LOCATION FOB KALSU, IRAQ	DATE 9 MAR 06	TIME 1315	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-3/CPT	
ORGANIZATION OR ADDRESS HHC 2-8IN, 2 BCT, 4ID			

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

On or about 08 0930 Mar 06, I along with two dismantled squads, was meeting with Sheik [REDACTED] in his house at [REDACTED] when our flash TCP at [REDACTED] was hit with small arms fire and an IED. The TCP came into small arms contact with 4 military age males, driving a dark blue Daewoo, 3 were wearing black or dark brown man dresses and one had a gray man dress. The 4 insurgents returned small arms fire, detonated and IED as they fled the scene on foot. Two individuals fled west away from my dismantled element, and two fled east toward my dismantled element. My mounted element began to chase the insurgents fleeing west, as I attempted to get a report of the insurgents fleeing east. The two insurgents that fled east were reported by the locals as fleeing with weapons. My dismantled element did not have visual contact with the insurgents fleeing the scene, but after receiving the report from our flash TCP we maneuvered east in an attempt to gain contact. As I maneuvered the element east I spoke with locals who reported seeing two insurgents in dark man-dresses moving east with weapons. On or about 0945, [REDACTED] we regained visual contact with two individuals running southeast at approximately 600m. I instructed a team to lay down covering fire, which caused the insurgents to stop and duck for cover, while the other team continued in pursuit. We conducted this bound and overwatch for approximately 150m when we set up on a berm and regained visual contact of two individuals fleeing towards the southeast. Once again I instructed the team to lay covering fire as the other moved towards the individuals. We were forced to negotiate two canal crossings approximately 300m apart. As we crossed the second canal we noticed a local national (LN) male flagging us down. I spoke with the LN who said that a man was shot, as he escorted us to the wounded man he expressed his thanks for our presence and kissed me on the cheek. As we arrived on the scene we noticed various family members, mostly women, crying and crouching next to a body. We instructed the family to move out of the way and I told my medic [REDACTED] to render aid. The LN who was shot was approximately 21-25, and was wearing a dark brown man dress, the exact description of the men we were pursuing. The wound was a single shot to the right breast with no exit wound. As my medic rendered aid, I instructed the remainder of the squad to pull security and scan for runners, at this time I worked up a 9-line MEDEVAC request. The MEDEVAC was sent to higher at approximately 1005 hrs by Shadow 7 [REDACTED] continued to rendered aid as I spoke with the males at the house. They reported they saw two men fleeing southeast towards the Obedi region, and that the Obedi is were most of them live or hideout. Dustoff arrived on station at 1100hrs and flew the wounded LN to Baghdad. The LN was reported KIA 20 minutes after arriving at the CASH in Baghdad. I then questioned all of the men on site, we consolidated and reorganized, and moved back to OBJ Copper [REDACTED]. As we walked back to OBJ Copper all of the locals in the area expressed great gratitude of our presence in the area and requested that coalition forces patrol the area more frequently. The platoon consolidated and reorganized on OBJ Copper with the battalion EOD team and at approximately 1400 we returned to FOB Kalsu. Nothing follows.

SUSC552(6)

SUSC552(6)

SUSC552(6)

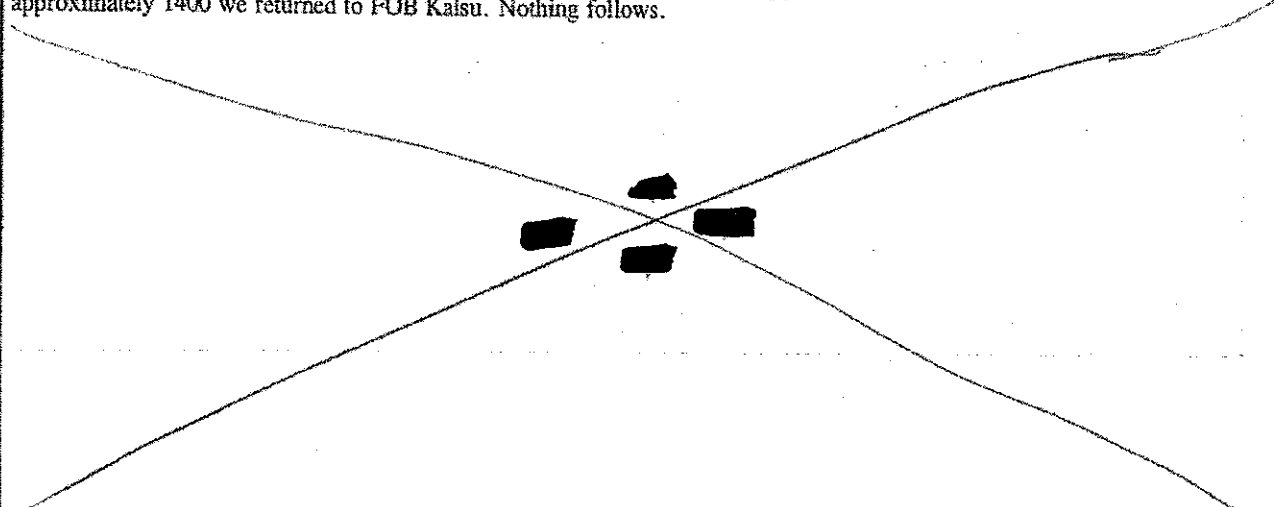


EXHIBIT A	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS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

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: FOB Katsu, Iraq; 2. DATE (YYYYMMDD): 20060312; 3. TIME: 1119; 4. FILE NUMBER; 5. LAST NAME, FIRST NAME, MIDDLE NAME; 6. SSN; 7. GRADE/STATUS: E-5/SGT; 8. ORGANIZATION OR ADDRESS: HHC 2-8 JIN

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

1. Q Were you briefed on ROE and Escalation of force prior to the mission?

A yes

2. Q Did you go through Escalation of force?

A yes

3. Q Did you feel threatened by the two men?

A yes

4. Q What is your assessment of what happened?

A I feel the man running from us was the same man that fired on our TCP and fled with a weapon.

5. Q Do you have anything else to add?

A No

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT TAKEN AT DATED

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



STATEMENT OF

[REDACTED]

TAKEN AT

FOR Kalsu

DATED

2006/03/10

9. STATEMENT (Continued)

Nothing follows

ALL ITEMS ARE  
REDACTED UNDER  
5USC552(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 10 day of March, 2006 at FOR Kalsu

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

1st [REDACTED]  
(Typed Name of Person Administering Oath)

Investigative Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES