

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by COL [redacted] (Appointing authority)

on 20 MAY 05 (Date) (Attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-13, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp [redacted] at 1100 hours (Place) (Time)

on 20 MAY 05 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the date each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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 1500 hours on 21 MAY 05 (Time) (Date) and completed findings and recommendations at 1200 hours on 22 MAY 05 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO	NA
1. Inclosures (para 3-13, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?			
b. Copy of notice to respondent, if any? (See item 9, below)	X		
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1 Explain all negative answers on an attached sheet. 2 Use of the NA 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?	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 this 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 adviser or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1 Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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

That all personnel involved in the Warning Shot, Fatally Wounding Local National Incident of 18 May 05, performed their duties within established Rules of Engagement (ROE) policies and procedures.

On 18 May 05, while conducting route clearance operations on Route [REDACTED], a mounted patrol from A Company, 1088th Engineers Battalion, 256th Brigade Combat Team, encountered a Local National (LN) pedestrian on an elevation portion of the route. Members of the patrol observed the LN to be holding a small round object in his right hand and wires clutched in his left hand. All members believed the round object in his possession to be a hand grenade.

Upon stopping the vehicles and dismounting, several members of the patrol gave hand and arm signals as well as verbal instructions to the LN that he should stop and lay prone on the ground. It should be noted that at least one soldier was giving the instructions in Arabic. The LN was observed to pause, turn away from the patrol, and then turn toward the patrol. As the LN walked toward the soldiers, at least two soldiers fired warning shots while all members of the patrol continued both visual and verbal instructions. The LN continued to close the distance between him and the patrol and gave no indication of compliance. At that time, a member of the patrol, CPL [REDACTED], fired a three round burst from his M249 (SAW) at the LN in an attempt to disable him by aiming for the LN's leg.

The LN fell to the ground and remained motionless. Once the patrol leader determined the area was secure, the patrol's medic approached the LN to offer medical aid. The medic observed one of the M249 (SAW) rounds had traveled through the LN's neck, causing a fatal wound. A search of the LN revealed that the object that appeared to be a hand grenade was in fact a potato with a metallic screw bottle cap wedged into the "top" of the potato.

Iraqi Police (IP) arrived on scene within a few minutes and assumed control of the area, the LN's possessions, and the LN's remains. At that time, the mounted patrol resumed with the route clearing mission.

NOTHING FURTHER

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

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

1. First line leaders continue to emphasize and enforce standards of conduct, specifically guidelines regarding ROE.
2. The Chain of Command commends CPT [REDACTED] the Commander of A Company, 1088th Engineers Battalion, for the appropriate use of graduate force and proper application of the ROE.

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)

MAJ
(Investigating Officer) (Signature)

(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.)

Non-concur with recommendation of praise for Company Commander. S3 should look into possible use of non-lethal force, ie. tasers during future situations such as this.

COL, IN
Acting Commander



DEPARTMENT OF THE ARMY
HEADQUARTERS, 256th BRIGADE COMBAT TEAM
CAMP [REDACTED] IRAQ
APO [REDACTED]

REPLY TO
ATTENTION OF:

S: 22 May 2005

ATZQ-256BCT

19 May 2005

MEMORANDUM FOR Major Major [REDACTED], HHC 256, APO [REDACTED]

SUBJECT: Appointment of Investigating Officer
Warning Shot, Fatally Wounding Local National
256 BCT No.: 05-167

1. You are hereby appointed Investigating Officer pursuant to AR 15-6 to conduct an informal investigation into the above referenced incident which occurred on or about 18 May 2005. You should rely on your military knowledge and experience when ascertaining the facts relative to the investigation and in the framing of your recommendations.
2. In your investigation, collect required sworn statements on DA Form 2823, Sworn Statement, ensuring that they are properly completed.
3. All interviewees suspected of possible Uniform Code of Military Justice violations will execute DA Form 3881, Rights Warning Procedure/Waiver Certificate.
4. Submit your findings and recommendations on DA Form 1574 to this headquarters within 72 hours. Your findings should include a comprehensive and chronological description of events as well as your understanding of why the incident occurred. Recommendations should include but not be limited to corrective actions designed to prevent future occurrences of the same or similar incidents. In the event your recommendations include disciplinary action, do not recommend specific levels of disposition or punishments.
5. At the conclusion of your investigation, you will submit your DA Form 1574 and all exhibits to the Staff Judge Advocate for legal review.

[REDACTED]
COL, IN
Acting Commander

912 - SERIOUS INCIDENT REPORT (BLUE 12)

FROM: [REDACTED]

SUBJECT: Serious Incident Report Number 181350MAY0501

- 1. Category: 1
- 2. Type of Incident: Warning Shct, fatally wounding local national
- 3. DATE/TIME: 181350MAY2005
- 4. Location: RT [REDACTED] vs [REDACTED]
- 5. Other Information
 - a. Training related: NO
 - b. Firing incident: NO

6. Personnel Involved:

- a. Subject
 - 1) Name: [REDACTED]
 - a) Rank or Grade: [REDACTED]
 - b) Social Security Number: [REDACTED]
 - c) Race: Black
 - d) Sex: Male
 - e) Age: 26
 - f) Position: Vehicle Dismount
 - g) Security Clearance: Y or N: No
 - h) Unit Station of Assignment: A1088th, Camp [REDACTED] Iraq
 - i) Duty Status: Active/Present

2) Summary of Incident:

While conducting route clearance operations on route [REDACTED], vicinity [REDACTED], the lead truck observed a local national male walking on the road. He started to approach the lead truck which immediately increased speed to create space. Vehicle two stopped and dismounted. The local national then began moving towards the second vehicle's dismounts. He had an object in his hand that looked suspicious. The local national was carrying the device in his right hand like he was carrying a grenade. The dismounts gave several verbal & visual warnings to the local national to stop and lay down on the pavement. He continued to approach the dismounted soldiers. A warning burst (3-4 rds) was fired by CPL [REDACTED] and the local national turned away from CPL [REDACTED]. Then the local national began to approach the vehicle dismounts again. CPL [REDACTED] fired a three round burst from his M249 (SAW) and all three rounds struck the local national. The platoon medic was called forward. The patrol attempted to determine what the device was in his hand. Once the device in his hand was identified not to be a hand grenade the medic attempted to treat the local national. He died within a minute or two. The patrol contacted higher both through FM and BFT. The patrol conducted a search of the individual and found 12,000 Dinar on his person. Within 10 minutes of the incident occurring the IP's arrived on site. The US soldiers from the patrol placed the body in a body bag. The IP's then took over the scene and the patrol continued on with our route clearance mission.

CARD 912

**256 BCT TSOP
REPORTS**

Commander Reporting: LTC [REDACTED]

7. Point of Contact: CPT [REDACTED] BTL CPT

8. Downgrading Instructions: N/A

9. Report Originated by: CPT [REDACTED] A/1088th

10. Report Released By: MAJ [REDACTED] BN S-3

11. Notification:
Position: Name: Time:

CARD 912

SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is ODCGOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 504; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1949 (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: Camp [redacted] Iraq
2. DATE (YYYYMMDD): 2005/05/18
3. TIME: 1643
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: O-3
8. ORGANIZATION OR ADDRESS: Company A, 1038th Engineer Battalion

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

On the afternoon of 18 MAY 2005, I was part of a TF [redacted] route clearance combat patrol. We were traveling north on route [redacted] in the vicinity of [redacted]. The lead vehicle an M114 (bumper number [redacted]) observed a local national walking along the route. This part of the route is an elevated expressway. As they approached the local national, he started moving towards their vehicle. As he got closer to the vehicle I could see that he was making a move towards their vehicle. Vehicle 1 picked up speed, we were traveling at approximately 10 MPH, the route clearance speed, and got way from the local national. Vehicle one then made a call that the local national was holding something suspicious in his hand, and it had wires coming out of it. I directed my driver to stop the truck. I was the vehicle commander of the second vehicle, bumper number [redacted]. I dismounted my vehicle along with 2LT [redacted] and CPL [redacted]. 2LT [redacted] was behind and to the right of me and CPL [redacted] was to my left and behind me. CPL [redacted] was dismounting from the opposite side of the vehicle that I was on. I observed that the local national was carrying something in his right hand. It was round in shape with a square top sticking out of it. There were two wires sticking out of the top also. The local national was carrying it underhand. It appeared to me to be a hand grenade and that he was holding down the "spoon." I began motioning for the local national to stop moving towards me and to get on the ground. The local national started to move towards me and the other dismounts from vehicle 2. I continued to give hand and arm signals, approximately four or five times, to the local national but he did not stop. I began moving to my right because the dismounts from vehicle one were in my line of fire. The local national then began moving towards CPL [redacted]. At that time CPL [redacted] fired a warning burst that hit the ground to the right of the local national. The dismounts from vehicle one were not in his line of fire. I continued to move to the right to get a clear shot. The local national turned to his right and stopped for a moment. He then turned and stopped. The local national then began moving towards CPL [redacted] again. I still did not have a clear field of fire because the dismounts from vehicle one were moving in the same direction that I was moving too. When the local national began moving again, he took approximately two steps and CPL [redacted] fired a burst from his SAW at the local national. All three rounds appeared to hit the local national, with the most obvious one hitting in the neck area. He stumbled and then fell to the ground. I used my [redacted] radio to call for the medic to move forward. At this time LTC [redacted] a rider is the [redacted] came forward and said that he spoke Arabic and asked if we needed any assistance talking to the local national. I did not think that it would be any use to talk to him because it was apparent that he had a fatal gunshot wound. I called for the dismounts from vehicle one to attempt to clear the hand grenade from the local national. I did not see that he had dropped it when he stumbled. Once we knew that there was no longer any threat, the medic came forward to attempt medical attention. I then began to insure that we had 360 degree security around the site. The medic CPL [redacted] pronounced the local national dead about 3 minutes after he was shot. We then contacted our battalion to inform them of the situation. I continued to direct the site security, moving vehicles around the perimeter that was set to improve our situation. Approximately 10 minutes from the time of the shots, the Iraqi Police arrived on scene. I do not know if anyone contacted them or they just showed up. We searched the body and found 12600 clear among other miscellaneous items on the local national. We then placed the body in a body bag. We tried to move the body into one of the IP's trucks but they told us that a IP general was coming to the site and for us not to move the body any further. Once we had conducted a hand off with the IP's we continued on with our route-clearance mission.

NOTHING FOLLOWS

10. EXHIBIT
11. ON [redacted] MAKING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [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.

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED]

DATED 2003/05/18

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of MAY, 2005 at

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED]
(Name of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)
53, 5th Precinct
(Authority To Administer Oaths)

INITIALS OF [REDACTED] STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

ALTERNATIVE: Title 10 USC Section 501; Title 5 USC Section 2951; E.O. 9397 dated November 23, 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 Camp [redacted], Iraq	2. DATE (YYYYMMDD) 20050518	3. TIME 1630 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. GRADE/STATUS LTC		
8. ORGANIZATION OR ADDRESS AHC 25th ABCT			
9. [redacted]			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the above date I was riding as an observer in the [redacted] operated by elements of A1088 Eng. Co. The unit was conducting Counter IED missions on MSR [redacted].

At approximately 1530 hrs (time estimate approximate) Vehicle 1 ([redacted] vehicle) returned to the remaining elements that there was an unidentified Iraq male in the roadway coming toward their vehicles. I was seated in the rear seat of the [redacted] which was approximately 100-150 meters behind vehicle 1. As I looked out the front window I could see the man that vehicle 1 was talking about. He was coming toward vehicle one & I tried to get in the right rear view. Then he suddenly turned & began running toward vehicle #2 & the occupants of vehicle 2 who were now dismounted. Various occupants of vehicle #1 also dismounted & the 2 lead elements were trying to secure the area & ~~bring~~ off the man who kept changing them. The man ^{had} ~~was~~ holding something in his hand & making a threatening gesture. I heard someone report over the radio that the man looked like he had something in his hand, perhaps a grenade. As I continued to watch, the man disappeared from my view as vehicle #2 was blocking the view. I saw what appeared to be pavement exploding in that vicinity which led me to believe someone was

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

STATEMENT OF LTC [REDACTED]

TAKEN AT [REDACTED]

City [REDACTED]

DATED 20150518

9. STATEMENT (Continued)

firing a warning shot. Later I heard over the radio that someone had fired a warning shot & that one of the shots ricocheted & struck the man. I asked SSG [REDACTED] if anyone spoke Arabic - he said no, and not knowing the man's condition I offered to go help w/ translations since I speak & understand a little Arabic. As I approached the area, I saw the man bleeding profusely from a wound in his throat. The medic tried to help him but the wound was fatal. CPT [REDACTED] took photos of the scene & had a soldier search the area around - none detected. A few minutes later the Iraqi police arrived and took charge of the scene on the way, where we placed in a body bag. CPT [REDACTED] also turned over about 100 thousand New Jersey Dollars to the police. Lying near the man's ~~head~~ appeared to be a potato with a bottle cap on top and wires which made the object appear to look like a grenade. While talking to the Iraqi police, they told me that they believe this man & he was been chasing cars on the highway before. They said he was crazy. From everything I saw, the Soldiers did everything possible to protect themselves from what appeared to be a man with a grenade hanging from his waist - and at the same time our escalated force to protect the force and develop the situation.

LTC [REDACTED]

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 AND WITHOUT COERCION, UNLAWFUL THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR REWARD, WITHOUT

My Oath Number:

ACZ [REDACTED]
Fogus [REDACTED]
DSJ [REDACTED]

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of MAY 2005 at Camp [REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

Commander
(Authority To Administer Oaths)

SWORN STATEMENT

For use of this form, see AR 190-46; 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
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2005-MAY-18	3. TIME 1335	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS SSG E-6	
8. ORGANIZATION OR ADDRESS A Co 108th Eng BN 256th BCT			

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

WHILE TRAVELING NORTH ON [REDACTED], Doing Route Clearance When we got half way on an overpass a man was approaching us with his hand's filled with an item with wire's coming out of both when he got closer about 50 meters our Gunner in vehicle one tried to warn him numerous time's the he ran in the front of the vehicle our Gunner shot warning shots to warn him. The man ran pass the vehicle toward the convoy. Two Dismounts myself + SFC Perry got out of the vehicle and persued him by that time he was away's down the road. Closer to the Convoy Dismounts waited for him trying to keep a distance warning him the whole time. when he got to close the Gunner fired warning shots as well then they spotted the items. Dismount from vehicle 2 warned him by shouting and then fired warning shots. on the last set of warning shots, the man the fell to the ground when someone wanted him to be searched when the medic checked him it was too late. I was told to go back to the vehicle to provide security.

[REDACTED] Nothing Else Follows [REDACTED]

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

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of MAY, 2005
as Comdr

[REDACTED]

(Typed Name of Person Administering Oath)
Comdr
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-49; the proponent agency is ODCSDFP

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide communications 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 RTE [REDACTED] NC	2. DATE (YYYYMMDD) 20050518	3. TIME 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O1	
8. ORGANIZATION OR ADDRESS A CO, 1083 EN BN, 256 BCT			

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

We were doing a route clearance mission on RTE [REDACTED] heading north, Almost to RTE [REDACTED] when we observed an individual walking on the highway. He walked to the backside of Vehicle one (I was in vehicle two, back seat passenger side) and approached their vehicle (one). Vehicle one sped away from him and we halted and were told by [REDACTED] that he had something in his hand. We dismounted on order of CPT [REDACTED] and approached the individual, shouting and motioning for him to put his hands up and lie down. He continued to walk toward us and we continued to shout for him to get down. We pointed our weapons at him and continued to shout at him and motion for him to get down. He continued towards us up to 25 meters and we backed up, continuing to shout and gesture for him to lay down. He continued toward us and CPT [REDACTED] fired a warning burst in his direction. The man continued toward us and CPL [REDACTED] fired another burst. The man clutched his neck and blood spurted out. We backed up while he turned and laid down. We were very suspicious of the objects he held in his hands, which appeared to be a shing top over a circular object, approximately

10. EXHIBIT	11. I [REDACTED] MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" _____ TAKEN AT _____ DATED _____

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

9. STATEMENT (Continued)

grenade size. We inspected the items and found them to be a potato with a bottle cap stuck in the top. He also had wires in his other hand. CPL [redacted] our medic, was called up to render aid and placed a dressing over the wound in his neck, which had an entrance wound near his lower left neck and an exit wound near his upper left neck, indicating the path of the rocket. He was pronounced dead on the scene by CPL [redacted] soon after. The Iraqi police soon arrived and took possession of the remains and personal belongings, which also included a wad of cash approximately one inch thick. We remounted our vehicle and resumed mission.

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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of MAY, 2005 at Camp [redacted]

[redacted signature area]

(Typed Name of Person Administering Oath)
COLMAN DEY
 (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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 3951; 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 At [REDACTED]	2. DATE (YYYYMMDD) 30.5.05.18	3. TIME 1330	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4/EPL	
B. ORGANIZATION OR ADDRESS Co A 1082th Eng 256 BCT APO AE 09326			

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

At approximately 1345 on 18 May 05 as my platoon was conducting route clearance on [REDACTED], a man walked in front of the first vehicle of our convoy. This first ~~at~~ vehicle pulled pass the man, then they decided to interrogate him when we saw them disarmant, everyone in my vehicle, which was second in the convoy, dismounted also. By this time, the man was approaching our vehicle with what looked to be a grenade in one hand and something in his other hand. The gunner in my vehicle fired a warning shot, ~~to~~ but the man kept coming. The gunner fired another warning shot, but the man still advanced. By this time the man was about 20 meters away. I shouted "Aqwal tara almeec!" at the man three times, but he still kept coming. This means "Stop or I will shoot" in Arabic. By this time the man was closing in on 10 meters from myself and Cpl. [REDACTED]. I then shot a burst of warning shots at the man's feet. The man staggered but kept approaching with what looked to be a grenade in his hand. At this time I engaged the man with deadly force. One shot went through the man's throat, killing him. Nothing follows.

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

9. STATEMENT (Continued)

[REDACTED]

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 HOPES OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INCITEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of MAY, 2005 at Camp [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Commander
(Typed Name of Person Administering Oath)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

Title 10 USC Section 391; Title 5 USC Section 2951; E.O. 9307 dated November 22, 1943 (SSN)

To provide commanders and law enforcement officials with means by which information may be accurately and securely maintained and retrieved. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

1. LOCATION

Camia, Iraq

2. DATE (YYYYMMDD)

2005 05 18

3. TIME

1700

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS

A Co. 1088 256 BCT

8. SSN

7. GRADE/STATUS

E-4

1. Spc. [redacted]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 13:45 an Iraqi National approached our convoy. He walked up to the first vehicle and he was acting suspicious. I was in the second vehicle along with Cpl. [redacted] Sgt. [redacted] Cpt. [redacted] and Lt. [redacted]. The civilian was between vehicle one and two. Everyone from the first vehicle got out and shouted get down. Everyone from our vehicle got out, he started to approach Cpl. [redacted]. He had something in his hand and we couldn't tell what that the object was, but it was something with a wire connected to it. Cpl. [redacted] kept telling the man to stop. Cpl. [redacted] took warning shots at him and he didn't stop. Cpl. [redacted] fired shots again and the civilian fell to the ground. The medic checked the civilian and he died.

Nothing else follows.

10. EXHIBIT

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

DA FORM 2029, DEC 1998

DA FORM 2029, JUN 72, IS OBSOLETE

UBANA V1.00

8. STATEMENT (Continued)



AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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 18 day of MAY, 2005 at [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

Signature of Person Administering Oath

ORGANIZATION OR ADDRESS

[REDACTED]

(Typed Name of Person Administering Oath)

[REDACTED]

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOP3

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 901; 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
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [redacted] I Co	2. DATE (YYYYMMDD) 2005 May 19	3. TIME 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SER [redacted]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS A Co 1088 ENGR. BN 256th Brigade			

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

I SGT. [redacted] was the M2HB Gunner in the second vehicle on a Route Clearance mission heading North on Route [redacted] at Grid Location [redacted]. When climbing the first overpass before our ^{turnaround} _{ref. etc.} Point, I witnessed a Local National approach our number one holding in his hand what looked like a transmitter device. Capt. [redacted] my Company Commander who was in the second vehicle also gave the order to the number one vehicle to move away from the Local National. AS the vehicle pulled away from the LN, Capt. [redacted] got out of my vehicle and began to approach the LN with intent to bring the Local National to a halt and interrogate him. When the Local National had been approached he then moved toward Capt. [redacted] - AS he moved closer to Capt. [redacted] I noticed SPC [redacted] approaching the Local National. The Local National then began to move back and forth between Capt. [redacted] and SPC [redacted] AS if he intended to harm one of them so I SGT. [redacted] fired a warning shot, thinking the Local National would have stopped. The Local National continued moving at the two of them when he headed towards SPC [redacted] SPC [redacted] told the Local National to stop. The Local National kept heading towards him and SPC [redacted] shot

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

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

B. STATEMENT (Continued)

working shirt at the man's feet. I then seen the Local National holding his neck and blood coming out. I ser. [redacted] called the vehicle that the medic was in and reported the casualty. The medic came to the scene to assess the [redacted] the situation and declared the Local National dead. The IP's then came to the scene and collected the body.

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 18 day of May, 2005 at [redacted]

[redacted]
 (Signature of Person Administering Oath)

[redacted]
 (Typed Name of Person Administering Oath)

C. Don Anderson
 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES