

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is CTJAG

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

SECTION I - APPOINTMENT

Appointed by Commander, 48th BCT, BG [redacted] (Appointing authority)

on 5 July 05 (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 in [redacted] Iraq (Place) at 1400 (Time)

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

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

The (investigating officer) (board) finished gathering/hearing evidence at 1700 (Time) on 6 July 05 (Date) and completed findings and recommendations 1500 (Time) on 7 July 05 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO <sup>1)</sup>	NA <sup>2)</sup>
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 3, 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 N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2 Exhibits (para 3-16, AR 15-6)		YES	NO	N/A
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>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)?			

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) (board), having carefully considered the evidence, finds: Farrakhan Khalid Abraham  
that the shooting of a local national (██████████) on 5 July, 2005 was due to no negligence on the part of SSG  
██████████. Appropriate use of force was utilized throughout the incident IAW with published rules for use of force. SSG  
██████████ utilized his escalation of use of deadly force as applicable throughout this incident.  
The sequence of events, as listed in exhibit 3a through 3f (sworn statements), clearly demonstrates the appropriate use of force  
throughout this incident. To further amplify this, SSG ██████████ utilized the moments prior to the shooting to review the ROE  
with his crew one more time. He received a current ROE brief from his commander 3 days prior to the incident and personally  
gave one to his crew the day before. This platoon clearly understands the ROE and utilizes them on a daily basis.  
His response to the incident was quick and effective. His mission was to protect the EOD in order to allow them to do their job.  
Clearly, he did exactly that and followed the ROE to the letter. This was an unfortunate event, no doubt, however, according to  
eye witnesses and based on personal interviews conducted by myself, I find that a greater weight of evidence than supports a  
contrary decision, shows that SSG ██████████ was justified in this incident. Any soldier, put in this set of circumstances, would  
act in a similar fashion.

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

In view of the above findings, the (investigating officer) (board) recommends:  
No further action be taken.

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)

CPT

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in \_\_\_\_\_, 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.)

  
  
BG. LINE, USA  
Commanding



48 BCT Commander's 15-6 Worksheet

  
BG, USA  
Commanding



HEADQUARTERS  
48<sup>th</sup> BRIGADE COMBAT TEAM, 3<sup>rd</sup> INFANTRY DIVISION  
CAMP ██████████, BAGHDAD  
APO, AE 09372

S 8 JULY 2005

JA

5 JULY 2005

MEMORANDUM FOR CPT ██████████, HHC 108<sup>th</sup> AR

SUBJECT: Appointment as 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, paragraph 2-1(a)(3) into investigate the facts and circumstances of the alleged shooting of a civilian, on 050908JUL05, involving unknown personnel of 108<sup>th</sup> AR. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is completed, this will be your primary duty responsibility.
2. Your investigations and findings will include, but not be limited to the following:
  - a. The exact chronology of events;
  - b. Did the person(s) involved have proper training on cordon and search, patrolling, and Rules of Engagement;
  - c. Were the Rules of Engagement followed;
  - c. Was the incident reported correctly; and
  - d. What is the 48BCT SOP dealing with cordon and search, patrolling, and Rules of Engagement?
3. You will use informal procedures under AR 15-6, Chapter 4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented on DA Form 3881. Witness statements should be sworn and recorded on DA Form 2823.
4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.
5. Before proceeding with the investigation you must contact 1LT ██████████ at the Brigade TOC for an initial legal briefing. 1LT ██████████ will serve as your primary legal advisor.
6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor.

JA  
SUBJECT: Appointment as 15-6 Investigating Officer

7. If during the course of your investigation you discover systemic training deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.



BG. LINE, USA  
Commanding



DEPARTMENT OF THE ARMY  
48<sup>TH</sup> BRIGADE COMBAT TEAM  
1<sup>ST</sup> BATTALION 108<sup>TH</sup> ARMOR  
██████████, IRAQ

WPC2AA

5 July 2005

MEMORANDUM FOR: CPT ██████████, HHC 1-108<sup>th</sup> AR BN, 48BCT, 3ID FOB ██████████, Iraq 09378

SUBJECT: Appointment as Investigating Officer

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the engagement of local national that occurred at West of ██████████ Grid Vic. ██████████ on 5 July 2005 in which a HHC, 1-108<sup>th</sup> AR Battalion,
2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
3. In your investigation you need to determine:
  - a. What was the sequence of events that led up the incident?
  - b. Was there a ROE briefing given to the crew? If so, by whom?
  - c. When was the last time ROE Briefing attend?
  - d. Was proper ROE used?
  - e. Were there any malfunctions to the weapon?
  - f. Was the response to the incident quick and effective?
  - g. Were there any other contributing factors that, if changed, could have altered the outcome?
4. You may obtain assistance from the Command Staff Judge Advocate of 48BCT, 3ID. Judge Advocate will serve as your legal counsel and can be contacted at 646-2010 (see Major ██████████ coordinate). Prior to starting your investigation, you should contact him for legal guidance concerning your investigation.
5. Submit your findings and recommendations on DA Form 1574 to for legal review no later than 7 July 2005.

██████████  
LTC, AR  
Commanding



EXHIBIT INDEX

- A. Chronology of events
- B. DA 2823-Sworn Statement from SSG [REDACTED] dated 05 July 2005
- C. DA 2823-Sworn Statement from 1LT [REDACTED] dated 06 July 2005
- D. DA 2823-Sworn Statement from SFC [REDACTED] dated 06 July 2005
- E. DA 2823-Sworn Statement from SGT [REDACTED] dated 05 July 2005
- F. DA 2823-Sworn Statement from SFC [REDACTED] dated 05 July 2005
- G. DA 2823-Sworn Statement from SPC [REDACTED] dated 06 July 2005
- H. DA 2823-Sworn Statement from SGT [REDACTED] dated 05 July 2005
- I. DA 2823-Sworn Statement from SSG [REDACTED] dated 05 July 2005
- J. DA 2823-Sworn Statement from SGT [REDACTED] dated 05 July 2005
- K. DA 2823-Sworn Statement from SSG [REDACTED] dated 05 July 2005
- L. CIR
- M. Appendix 3 to Annex R to the Infantry Brigade TACSOP

**Exhibit A**

## Chronology

- 050630JUL05 Mortars/EOD SP from FOB to IED site VIC ██████████
- 050733JUL05 3<sup>rd</sup> PLT E TRP begins IED Cordon vic ██████████
- 050827JUL05(approx) SGT ██████████ spots individual during initial sweep to IED location with SSG ██████████, SFC ██████████, and SSG ██████████
- 050828JUL05(approx) SGT ██████████ fires warning shot, SSG ██████████ shouts "cough" at individual, continues move toward individual shouting cough and fires 3-5 warning shots in front of individual.
- 050829JUL05(approx) SSG ██████████ fires fatal GSW to local national(██████████)
- 050830JUL05(approx) SSG ██████████ informs SFC ██████████ (EOD) that the individual has fallen down and is showing no movement. SFC ██████████ informs him to continue escort mission to IED site and that he will notify the CAV of the downed individual.
- 050845JUL05 Medics confirm death of ██████████ *Farrahah Kahlid Abraham*
- 050906JUL05 108<sup>th</sup> Cav-Reports that the female has been confirmed dead after one of the Battalion Medics examine the wounds and tried to revive the victim. All of the elements have consolidated and the Eagle element is medevac the victim to the local ██████████ hospital.
- 050934JUL05 The Punisher escort and EOD element reports in their brief that they fired (4) warning shots at the female, trying deter the individual from walking towards the area of the friendly US forces were located. *Yahia Kareem Hamedi*
- 051030JUL05 Dr. ██████████ assumed custody of the deceased
- 051055JUL05 Eagle reports that their Blue element has dropped off the female body at the local ██████████ hospital, along with link up of the Iraqi Police returning to the site of the victim family.
- 051400JUL05 Received Appointment orders
- 051500JUL05 Received initial verbal guidance from LTC ██████████

- 051530JUL05 Received Sworn Statement from SSG [REDACTED]
- 051620JUL05 Received Sworn Statements from SGT [REDACTED] and SSG [REDACTED]
- 051730JUL05 Interviewed SSG [REDACTED]
- 061830JUL05 Received Sworn statements from SFC [REDACTED]
- 071000JUL05 Received Sworn Statements from SFC [REDACTED], SPC [REDACTED], SGT [REDACTED], SSG [REDACTED], and SGT [REDACTED]. All CAV statements were delivered by SFC [REDACTED]

## **Exhibit B**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION FOB ██████ Iraq	2. DATE (YYYYMMDD) 2005/07/05	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME ████████████████████	6. SSN ██████████	7. GRADE/STATUS SSG	
8. ORGANIZATION OR ADDRESS HHC, 1-108TH AR, 48 BCT			

9. I, ██████████, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 0630hrs 5 JUL 05, the mortar platoon departed FOB ██████ enroute to a known IED south west of the FOB (Grid ██████). Once on site, we were told there was an IED placed between two large mounds of dirt and rocks approximately 25 meters apart. I was informed by LT ██████ (Mortar Platoon Leader) and SSG ██████ (EOD) that the suspected triggerman house was to the south, approximately 300 to 500 meters through a palm grove. After E troop secured the near and far side of the IED (including 4 houses), SFC ██████ (EOD), SSG ██████ (EOD) and SGT ██████ (MORT) and I moved to a point 200 meters south of the IED - in between the trigger house and the IED site. All of us began to search for command detonation wires leading to the IED. I told SGT ██████ that if we encountered anyone in our search area, we would fire a warning shot in order to detain them in order to prevent them from detonating the IED while EOD was working at the site. As we continued to move and were directly in line with the trigger house and IED, SGT ██████ observed a local national moving between the EOD/MORT element and the trigger house. SGT ██████ fired a warning shot and pointed at the person, and I immediately moved towards the threat. I observed a person walking at a "range walk" pace. At this point we were separated by about 100 meters, and I yelled "COUGH (Arabic for "STOP") as loud as I could. When the person did not stop I fired two to three quick warning shots. The person only responded by continuing to walk at a fast pace, and then quickly grabbed a white bag off the ground, threw it over her shoulder, and changed direction towards the trigger house ( increasing her speed to a shuffled run). At this point I had moved closer to her having crossed under a barbed wire fence. I was extremely concerned that the bag the person had just picked up contained a remote detonating device, and the persons reactions to my verbal commands and warning shots led me to believe the individual had hostile intent. The act of picking up the bag after being told to "STOP" and after receiving warning shots elevated my concern for the safety of my EOD/MORT element. At this point I again yelled "COUGH" as loud as I could. There is no doubt in my mind that the person heard me. She did not stop so I fired another two to three controlled warning shots. These shots were 2 to 3 feet in front of the person and she still continued to move at a faster than "range walk" pace towards the trigger house. At this point, I had a canal between myself and the individual and could not move any closer without finding a crossing site. As the person moved towards a thickly vegetated area enroute to the trigger house area, I felt she posed a direct threat to the lives of all friendly forces in the immediate area. At no time up to this point did the individual react in an ordinary way to my warning shots. She never looked in my direction, made any kind of protective gestures, or hesitated in her movement at all. Her movement at this point was at a shuffled run. Her only concern appeared to be the bag and moving to the house. I again yelled "COUGH", as she moved nearer to the thick vegetation where I knew I would no longer be able to stop her. When she did not respond, I fired a single aimed shot, striking the individual. After I fired, SFC ██████ directed me to secure SSG ██████ (who was in the bombsuit). He stated that he would handle coordinating with E troop as to the last known location of the shot individual. Sometime later, SSG ██████ (E TRP) informed me that they had performed first aid on the individual upon arriving on the scene, however, the individual had expired due to wounds sustained.

----- NOTHING FOLLOWS -----

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT ██████████	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

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

9 STATEMENT (Continued)

AFFIDAVIT

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

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

\_\_\_\_\_  
MORTAR PLATOON LEADER  
HHC 108th AR, 48th BCT  
ORGANIZATION OR ADDRESS  
  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)  
COMPANY COMMANDER  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

Flant letters 05 July 05 1930 - 1805

ROE w/ CO CPR Fri night 2230 1 July prior to [REDACTED] bunker resupply -

- SSA [REDACTED] gave one to his section on Sunday 3rd of July to his crew
- also Comes ROE and at all times...
- Cav troop did not have the area cordoned off - SSA [REDACTED] use 4 of the markers to help in the outer cordon... fields were not searched prior to EOP on scene... ECU did not know to overwatch the "trigger house" - they were on an ambush all night - but did not overwatch the correct house...

was not a ROE brief today...

have Sgt [REDACTED] a quick for brief as EOP was getting in the hands Su.A...

Robot had already verified that IED was at location...

was not preventable - a guard prevented SSA [REDACTED] from closing any further with the individual. "There was not a way for [REDACTED] to prevent this action" according to SSA [REDACTED]s...



## **Exhibit C**

### SWORN STATEMENT

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#### PRIVACY ACT STATEMENT

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**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 ██████, Iraq	2. DATE (YYYYMMDD) 2005/07/06	3. TIME 1409	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME ████████████████████	6. SSN ██████████	7. GRADE/STATUS O2/1LT	
8. ORGANIZATION OR ADDRESS HHC 108th AR APO AE 09372			

9. I, ██████████, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 050630JUL2005, the mortar platoon left FOB ██████ with SSG ██████, SFC ██████, and PFC ██████ of EOD to dispose of a known IED location at grid vic ██████. When we arrived at the location, we linked up SFC ██████, who was an NCO from the E troop platoon securing the site. They said that the IEDs were in two rock piles, which were about thirty meters apart. The rock pile nearest to our location was about 150-200m away to the west, located on the south shoulder of the road. The trigger house for the IED, which was about 500m south of the IED, had been identified by the informant who gave the location of the IED. The vegetation between the trigger house and the IED consisted of palm groves and dense undergrowth, which became thicker as one approached the trigger house from the north. EOD asked E troop if the trigger house had been secured. E troop said that they had not been aware of the trigger house, but that they would secure it for EOD. At this point, EOD got out their Talon robot and began to probe the area of the IED to identify its location. They identified one IED in the center of the rock piles. About an hour after E troop went to secure the trigger house, they said that the house had been secured. SSG ██████ then put on the bomb suit to go and look for command wire leading from the house to the IED. SSG ██████, SGT ██████, and SFC ██████ went with SSG ██████ as a security element during his movement through the brush. SSG ██████ and the security element left the inner cordon from the road and traveled into the bush between the IED and the trigger house. As they left the inner cordon, my vehicle was east of the IED on the inner cordon, facing west. I watched them move in to brush as I sat in my 1114 and monitored the radios. I lost sight of them about 3-5 minutes after they left. About 10 minutes later, SFC ██████, the mortar platoon sergeant, came to my vehicle and asked me if I had "heard those shots". I said "no" and he replied that they had come from that direction and indicated in the direction that EOD and the security element had traveled. I looked and did not see anyone. I continued to look down the road and a few minutes later saw SSG ██████ inspecting the IED. He and the security element returned to the inner cordon shortly after that. At that time SSG ██████ told me he had shot someone in the leg (he thought) and that the E troop medics were looking at the wounded person. He briefly told me the circumstances of the incident and I said it sounded he did the right thing. As EOD continued the process of preparing to detonate the IED, SSG ██████ of E troop told me that they were trying to get a medevac for the wounded person because the medic said the person had been shot in the base of the spine. After EOD had detonated the IED, (about 15-20 minutes after returning from looking for the command wire), SSG ██████ of E troop said that the individual had died at the scene. SSG ██████ took a preliminary statement from SSG ██████ and then the mortars and EOD departed the EOD site to return to FOB ██████.

NOTHING FOLLOWS

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED SIGNATURE]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of July, 2005 at FOB [REDACTED], Iraq

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

## **Exhibit D**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION FOB ██████████, Iraq	2. DATE (YYYYMMDD) 2005/07/06	3. TIME 15:17	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME ██████████	6. SSN ██████████	7. GRADE/STATUS SFC	
8. ORGANIZATION OR ADDRESS 717 EOD			

9. I, SFC ██████████, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Regarding Shooting event from the morning of 5 Jul 05

During the IED incident, Myself, SGT ██████████, and SSG ██████████ were all acting as a local security team for SSG ██████████ who was in the bomb suit. During the recon from the truck to the IED, SSG ██████████ decided to go to the south of the suspected location, skirting the road by about 100 meters. In a direct line south from the IED, during the approach, SGT ██████████ noticed a person approximately 75 meters to our southwest. He immediately fired a warning shot in order to prevent the person from approaching any closer. SSG ██████████ then directed him to follow SSG ██████████ who was continuing on his recon to the IED. SSG ██████████ then proceeded outside of the fenced in area that we were in, and fire more warning shots. The person continued in a slow deliberate approach to approximately 50 meters. During this time, SSG ██████████ warning shot pattern was two single rounds, while shouting halt in Iraqi to the person. Then a procession of three more single rounds, and still shouting halt. During this time, myself and SSG ██████████ continued to recon to the north on our approach to the IED. One more shot was fired, and SSG ██████████ called out to me that the person had been hit. I verified the situation by asking if she had been hit. He replied that she had. I directed him to follow SSG ██████████, while I broke off from the recon to see to the injury. At this time, a team from the supporting cav unit approached from the southeast, and I directed them to see to the casualty while we finished the IED. During our final approach to the IED, another person was on a donkey directly across from the road from the IED. Once this person was removed, the IED was exactly located, and the rounds were disposed of.

On an after the fact, I have heard that the shot came from 250 yards away. That is not true. SSG ██████████ broke off from our location to confront the person. At their closest, our team and the person was 50 meters away. SSG ██████████ also came back to our location, and then was sent up to SSG ██████████. This is when the other team approached. It would be easy to understand the distance error. I also happen to know that if you are deliberately aiming at something on the move even with a scope, at 250 yards, that is an extremely low percentage chance. To the best of my legal knowledge this was a shooting that occurred to a person that had ignored at least six previous warning shots and continued to approach an BOD team leader that was working on an IED.

Upon arrival to FOB ██████████, I personally conducted a round count from SSG ██████████' M-4 magazine. There were 23 rounds remaining in the magazine.

*NOTHING FOLLOWS* ██████████

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT ██████████	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

STATEMENT OF SFC [REDACTED] TAKEN AT FOB [REDACTED] DATED 2005/07/06

9. STATEMENT (Continued)

**AFFIDAVIT**

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

\_\_\_\_\_  
(Signature of Person Making Statement)

**WITNESSES:**

\_\_\_\_\_  
SPCA/HAC 1-1089 AA

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
[REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of JULY, 2005 at FOB [REDACTED]

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

COMMISSIONED OFFICER  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_

PAGE OF PAGES

## **Exhibit E**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (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 ██████ Iraq	2. DATE (YYYYMMDD) 2005/07/05	3. TIME 1420	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME ████████████████████	6. SSN ██████████	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS HHC/ 1-108th AR APO AE 09372			

9. I, ██████████, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 0630 on 05JUL2005, the mortar platoon left FOB ██████████ on an EOD escort mission to grid ██████████. We linked up with E troop/ 108th CAV on site, who had set up an outer cordon. At about 0830, SSG ██████████ of the mortar platoon and I were assigned as guards for SSG ██████████ and SFC ██████████ from EOD. Our team walked in a generally south west direction between the IED on the road and the trigger house to look for any command wires to the IED. The area was a dense palm grove with thick underbrush. As I was walking, I saw an individual pop up from the shrubs between the us and the trigger house and started to walk toward some dense brush and the trigger house. I fired a warning shot and the individual continued to move toward the brush. After the shot, SSG ██████████ came up to my left and fired another warning shot and yelled "cough". The individual continued to move away. SSG ██████████ fired again and yelled "cough" but the individual continued to move toward the brush. SSG ██████████ yelled "cough" again and shot a final time. During the the time SSG ██████████ was engaging the individual, I continued to move with EOD. SSG ██████████ came back to the group and said something to the effect of "The individual went down" and we continued our EOD mission.

NOTHING FOLLOWS

10. EXHIBIT	11. INITIALS OF PERSON 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 BE INDICATED.



STATEMENT OF [REDACTED]

TAKEN AT 1420

DATED 2005/07/05

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED SIGNATURE]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of JULY, 2005 at

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]  
(Signature of Person Administering Oath)

[REDACTED NAME]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Command Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

## **Exhibit F**

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (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 [redacted] 2. DATE (YYYYMMDD): 20050705 3. TIME: 1600 4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] 6. SSN: [redacted] 7. GRADE/STATUS: E7

8. ORGANIZATION OR ADDRESS: E Troop 108th Cavalry, 48th BCT

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 6 July 05 @ approximately 0730 our platoon (3rd E 108 Cav) left FOB [redacted] to assist 1st Platoon in cordoning off an IED location so that EOD could respond and destroy the IED. When we arrived, approx. 0750, the platoon began splitting into sections in the vicinity of the IED, [redacted]. One section, my truck (E31) and E33 (Sgt. [redacted]) moved to the west side of the area. SSG [redacted] truck (E34) stayed on the east side of the area. E32 (Sgt. [redacted] vehicle) and E36 (Sgt. [redacted]'s vehicle) moved to the south side of the area. As we were completing our link up to relieve 1st Platoon in place, shots were heard to my southeast (in the vicinity of E32 + E36). I initially heard one shot and after a pause of a several seconds, more shots were heard. Sgt. [redacted] reported to me that shots were being fired somewhere near his location (in a palm grove). A short time later Sgt. [redacted] called me on the radio and advised me that a female civilian was injured and that she had been shot by a U.S. soldier. Efforts to coordinate a medevac were hampered by the EOD's use of warlock ECM which prevented both me and Sgt. [redacted] from being able to talk to SSG [redacted], the platoon sergeant.

I was in the process of clearing houses to the west of the IED location when Sgt. [redacted] informed me that the female civilian had been shot in the spinal cord. A few minutes after that, Sgt. [redacted] again called me on the radio. He told me that the female civilian had died.

10. EXHIBIT: [redacted] 11. INITIALS OF PERSON MAKING STATEMENT: [redacted] PAGE 1 OF 34 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 BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT FOB [REDACTED] DATED 6 July 05

9. STATEMENT (Continued)

After EOD had detonated the IED I had 3rd Platoon collapse ourordon and link up at SSG [REDACTED] location. I spoke with all TC's about what they had observed then went with SGT [REDACTED] back to the location where he had previously been. At this time the female civilian had been placed in a body bag and was being transported in SGT [REDACTED] truck. Prior to going back to the incident location SSG [REDACTED] told me that he had spoken to two soldiers who had been providing security for EOD and one of them, SSG [REDACTED] had admitted to shooting the Iraqi female.

SGT [REDACTED] led me back to his previous location where I met with Mr. [REDACTED] at Grid [REDACTED] Mr. [REDACTED] Amir told me that he was related to the victim, that she was his uncle's wife. (My conversations with Iraqi civilians were facilitated by my translator - [REDACTED]) Mr. [REDACTED] Amir was aware that his aunt had been shot. He told me that her name was [REDACTED] Farrahah Khalid Abrahim. He told me that she had resided at # [REDACTED] in the [REDACTED] neighborhood. Sgt. [REDACTED] led me and a dismounted security team back to the exact location where Mrs. [REDACTED] Farrahah had been shot - grid [REDACTED]. Photos of the location were taken.

The victim had been shot and had fallen in a farmers field. Some packaging materials for 1st aid supplies that had been used on Mrs. [REDACTED] Farrahah were still on the ground. A large bundle of plants that she had apparently been harvesting was still on the ground there also. The incident location was south of the roadway where the IED had been planted. The distance to the roadway was approximately 200-300 meters by my visual estimate.

I then linked back up with my platoon at SSG [REDACTED] and took the body to the [REDACTED] hospital. I initially met with Mr. Hassan Al Harub [REDACTED] Mirdiyah, the morgue attendant. The body was unloaded by stretcher from SGT [REDACTED] truck and SGT [REDACTED] took digital photos of Mrs. [REDACTED] Farrahah face and the bullet wound.

I observed a small blue bruise on Mrs. [REDACTED] Farrahah abdomen and an

Amir Najim Mohamed

Amir

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES

STATEMENT OF [REDACTED] TAKEN AT FOB [REDACTED] DATED 6 July 05

9. STATEMENT (Continued)

entrance wound on her back. There was no exit wound. The entrance wound was in the middle portion of her back, just to the right of her spine.

Mr. [REDACTED] located Lt. [REDACTED] of the hospital security department and Dr. <sup>Yahia Kareem Hamedi</sup> [REDACTED] of the medical staff. Both of them were informed of the situation. Dr. [REDACTED] said that he would assist with releasing the remains to the family. Dr. [REDACTED] assumed custody of the deceased at 051030 July 05. <sup>Yahia</sup>

As I was preparing to leave the hospital I met with Iraqi Police Lt. Col. [REDACTED] Chief of Police of the [REDACTED] District. I advised him about the situation and offered <sup>Mahmoodiyah</sup> to help his police officers notify the victim's family that she was dead. LTC [REDACTED] had a patrol car meet with me. Together with the IP we returned to Mrs. <sup>Farrakhat's</sup> [REDACTED] residence.

I met with several family members including her son, her husband, and Mr. [REDACTED], whom I had previously spoken with. I informed them through <sup>my</sup> interpreter that she was dead. I expressed my condolences and attempted to answer their questions. After a few minutes of speaking with the family of Mrs. <sup>Farrakhat</sup> [REDACTED], my platoon and the 4 IP officers who had accompanied me left the residence. My platoon returned to FOB [REDACTED] and I informed my commander of the details of the incident. I directed SGT [REDACTED], SGT [REDACTED], SSG [REDACTED], and SPC [REDACTED] to write statements about the incident since they all had first-hand knowledge about what had happened.

Nothing Follows [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF <sup>13</sup> 4 PAGES

STATEMENT OF [REDACTED] TAKEN AT FBI DATED 6 July 05

9. STATEMENT (Continued)

*Nothing Follows*

*SFC 6 July 05*

**AFFIDAVIT**

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

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7<sup>th</sup> day of July, 2005 at FBI [REDACTED] FBI

[REDACTED]  
E TRP 108 CAU  
ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
E/108<sup>th</sup> 108<sup>th</sup> Cavalry  
ORGANIZATION OR ADDRESS

[REDACTED] /JG  
(Typed Name of Person Administering Oath)

Not a [REDACTED] CAP 72109  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

## **Exhibit G**

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 20050706 3. TIME 07:20 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS 1st F BATTALION 48th BCT

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

Third pl. left the FOB @ 7:33 on a sector patrol/IED cordon mission. While securing the cordon I heard what sounded like two warning shots followed by two volleys of three or four shots each. After moments later I heard a call for a medic amid the traffic on the radio (icom). Sgt. [redacted] covered my position so I could move to the patient. On arrival I found an approx 70 y/o female in the left recumbent position. I rolled her over to find her pupils were fixed and dilated, pulse was weak (fading), [redacted] and her breathing was Apnic and labored. I continued my assessment and observed an entry wound in the spine (high lumbar). SPC [redacted] and [redacted] helped me load the patient on a litter and move her to the humvee for Evac. At the [redacted] humvee I reassessed to find no signs of life (OBV45) No pulse, no respirations, pupils fixed and dilated. We then moved the patient to 1st platoon. There, Cpl. [redacted] confirmed that the female had expired. We moved to the [redacted] morgue and turned the remains over to [redacted] authorities.
Muhmidiyah

Nothing follows [redacted] 061005

10. EXHIBIT 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 BE INDICATED.



**Exhibit H**

STATEMENT OF [REDACTED]

TAKEN AT 07.20

DATED

20080706

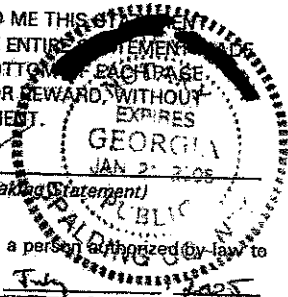
9. STATEMENT (Continued)

Nothing follows. 06 Jun 08

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 BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED SIGNATURE]  
(Signature of Person Making Statement)



Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of July, 2008 at FOB [REDACTED], Iraq

[REDACTED SIGNATURE]  
(Signature of Person Administering Oath)

[REDACTED NAME]  
(Typed Name of Person Administering Oath)

Notary Public Spalding Co., GA  
(Authority To Administer Oaths)

WITNESSES:

[REDACTED] SGT E-5  
E-Troop 108th Cav. 48th BCT

ORGANIZATION OR ADDRESS

[REDACTED]  
E/108th Cavalry

ORGANIZATION OR ADDRESS

[REDACTED]

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 PMG.

**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 Grid [REDACTED], IRAQ	2. DATE (YYYYMMDD) 2005 07 05	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS E TRP 108th CAV. 3rd PLT.			

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

On July 5 2005 around 0730 we left FOB [REDACTED] to relieve 1st platoon, who was overwatching a I.E.D. (Improvised Explosive Device) at Grid [REDACTED]. EOD was also at this location. Upon our arrival we found that 1st platoon already had a good perimeter on both sides of the I.E.D. I was then told by my platoon Sgt. to go with E-32 (Sgt. [REDACTED]) to a location at the suspected trigger man to relieve some of 1st platoon's soldiers at Grid [REDACTED]. Upon our arrival Sgt. [REDACTED] told me that the East house was not secure. After the house had been searched and all the people inside were brought outside, I heard a single shot. I started toward the gate when I heard 3 more quick shots. Sgt. [REDACTED], Cpl. [REDACTED] and I ran to our trucks. E-32 Gunner said the shots came from the Palm tree field (North West). Cpl. [REDACTED] and I were in the palm tree field (searching for the person/persons that did the shooting) when Sgt. [REDACTED] said over the radio that a woman was on the ground. We headed that way we he then said that she had been shot. When I got to there location I saw a woman lying face down with a bag of flowers on her head. Sgt. [REDACTED] immediately called for a medic. Spec. [REDACTED] was on his way when Cpl. [REDACTED] and I went west to see if we could find the shooter (later we found out that a U.S. Soldier shot her) but found no one.

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

9. STATEMENT (Continued)

We then returned back to where the trucks were. The woman was being put into the back of my truck when I arrived. After several minutes passed. We moved back to our link up point with 1st platoon at Grid. [REDACTED] where I thought a medivac chopper was in route to, but it was not called. The woman died in the back of my truck (E-36). SFC. [REDACTED] told the family and we then took the body to the [REDACTED] hospital.

Mahmudiyah

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.

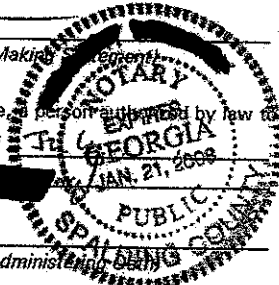
[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7<sup>th</sup> day of [REDACTED] at [REDACTED]

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

Notary Public, Spalding Co., Georgia  
(Authority To Administer Oaths)



WITNESSES:

[REDACTED] SGT E-5  
E-1000 108<sup>th</sup> Cav. 48<sup>th</sup> BCT  
[REDACTED] E-6  
ORGANIZATION OR ADDRESS

[REDACTED] E-6  
[REDACTED]  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

**Exhibit I**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION [redacted] 2reg - FOB [redacted]	2. DATE (YYYYMMDD) 2005 07 05	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SSN [redacted]	7. GRADE/STATUS SSG	
8. ORGANIZATION OR ADDRESS E/108 <sup>th</sup> Cavalry, 3 <sup>rd</sup> PLT			

9. I, SSG [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 5 July 05 about 0845, while providing security for an EOD Team dispatched to identify and render safe a possible IED location, I observed SSG [redacted] of the EOD Team, along with 3 soldiers (his security team) walk to the west and south of my position, in order to approach the possible IED from the west (left flank), while the team was in a palm grove I heard first a single shot, then a short series of shots, I had a 2 vehicle section with 10 soldiers securing some houses and civilians in the direction of the shots, I called my section leader SGT [redacted] and asked the security detail still in vehicles at my location if they had communication with their dismounted element because I heard the shots coming from their last known location, I was told they did not. A few minutes later SGT [redacted] informed me an FM that he had a female casualty that sustained a gunshot wound to her back, about this time ~~the~~ the IED, EOD search team arrived back to my location, I then asked SSG [redacted] if his team fired any shots, he said yes they did, at a person to their rear, he then proceeded to deal with the confirmed IED, I was then notified by SGT [redacted] that the female casualty had died.

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

SS6 [REDACTED]

TAKEN AT

FOB [REDACTED]

DATED 2005 07 05

9. STATEMENT (Continued)

AT This Time EOD called fire in to hole and blew the IED, after the dust had settled I asked to see and speak with the Security man who fired at the female, I talked with SS6 [REDACTED] who told me a Sgt [REDACTED] fired 1 shot, and he SS6 [REDACTED] fired 3 shots at the female because she didn't respond to him, telling her to get back (Koff in Iraqi) I asked SS6 [REDACTED] <sup>whether</sup> he aimed at the ground or the female's leg, he told me he aimed center of mass, but that the female was between a bush, when he fired.

I then told SS6 [REDACTED] I had to ask him these questions because the female had died, 1<sup>st</sup> LT [REDACTED] was also present during this conversation

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 CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED] E6  
Troop E 108<sup>th</sup> CAV

ORGANIZATION OR ADDRESS

[REDACTED] SGT E-5  
E-Troop 108<sup>th</sup> Cav. 48<sup>th</sup> BCT

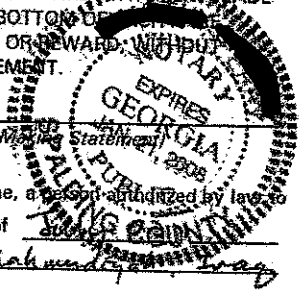
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of July at FOB [REDACTED] Mahmudiya, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Notary Public Spalding Co. Georgia  
(Authority To Administer Oaths)



INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

## **Exhibit J**



**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION [REDACTED], IRAQ, [REDACTED]	2. DATE (YYYYMMDD) 20050705	3. TIME 1430	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS E TROOP, 108 CAV, 48 BCT, 3RD ID			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 ON 05 JULY 2005, AT 0732 HRS WERE RELIEVING 1ST  
 PLT E/108 CAV AT GRID LOCATION [REDACTED] WHERE  
 AN IMPROVISED EXPLOSIVE DEVICE HAD BEEN LOCATED  
 ON THE SOUTHSIDE OF THE ROADWAY. 1ST PLT HAD  
 SET UP A PERIMETER AROUND THE IED AND  
 EOD PERSONELL WERE ON SITE AND PREPARING TO  
 DISARM THE DEVICE BY DESTROYING IT IN PLACE,  
 WITH THE USE OF EXPLOSIVES. MY VEHICLE, E-32,  
 ALONG WITH E-34 AND E-36 SETUP ON THE EAST  
 SIDE BLOCKING POSITION. E-31 AND E-33 SETUP TO  
 THE WEST SIDE BLOCKING POSITION. UPON MAKING  
 CONTACT WITH 1ST PLT, PLT SGT, SFC [REDACTED], HE  
 GAVE A BRIEFING OF THE SITUATION AND ADVISED SSG  
 [REDACTED], 3RD PLT, PLT SGT, THAT WE NEEDED TO  
 MOVE A SECTION (2 TRUCKS) TO THE SOUTH SIDE OF  
 THE PERIMETER OF THE IED. SFC [REDACTED] SAID  
 THAT SSG [REDACTED] AND SSG [REDACTED] WERE AT  
 THE LOCATION, GRID [REDACTED] AND NEEDED  
 HELP SECURING MORE HOUSES AT THEIR LOCATION.  
 MYSELF IN E-32 WITH E-36 MOVED TO THE LOCATION  
 SFC [REDACTED] INDICATED, ARRIVING AROUND 0800 HRS.  
 I MADE CONTACT WITH SSG [REDACTED] AND ASKED WHAT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER  
 MUST BE BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT 1430 DATED 20050705

9. STATEMENT (Continued)

NEEDED TO BE DONE, SSG [REDACTED] INDICATED THAT HE NEEDED THE HOUSE TO THE EAST OF WHERE WAS STANDING TO BE CLEARED, AND THE OCCUPANTS MOVED OUTSIDE. I TOOK MY TEAM, CONSISTING OF CPL [REDACTED] AND SPC [REDACTED] TO THE HOME AND HAD ALL THE OCCUPANTS 1 MALE AND 5 FEMALES TO THE COURTYARD. SGT [REDACTED] WITH E-36 WATCHED THE OCCUPANTS WHILE MY TEAM AND I CONDUCTED A BRIEF SEARCH TO SECURE THE LOCATION, A MICROWAVE ~~OVEN~~ OVEN CONTAINING 4 C.D'S WAS LOCATED IN THE HOME. WHILE QUESTIONING THE MALE ABOUT THE C.D'S I HEARD MULTIPLE GUNSHOTS TO THE NORTH OF OUR LOCATION. I HAD SPC [REDACTED] STAY WITH THE OCCUPANTS AND MYSELF AND CPL [REDACTED] RAN OUTSIDE THE COURTYARD TO INVESTIGATE. I RAN TOWARDS WHERE I HEARD THE GUNFIRE, AND IN PASSING MY VEHICLE, E-32, MY GUNNER SPC [REDACTED] AND MY DRIVER, SPC [REDACTED], POINTED TOWARDS WHERE THEY HEARD GUNFIRE. INDICATING NORTH WEST. WE BEGAN MOVING TOWARDS THE LOCATION AND I OBSERVED TWO US. SOLDIERS, TO THE NORTHWEST. ON THE SOUTHSIDE OF THE ROAD THAT THE IED HAD BEEN LOCATED ON, I WALKED CLOSER TO THE SOLDIERS AND SPOKE TO ONE, LATER IDENTIFIED AS SSG [REDACTED]. I ASKED SSG [REDACTED] "WHO WAS SHOOTING?"

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 4 PAGES

STATEMENT OF [REDACTED] TAKEN AT 1430 DATED 20050705

9. STATEMENT (Continued)

HE REPLIED WITH "I WAS". I ASKED WHO HE WAS SHOOTING AT?, HE REPLIED "A LADY-OVER THERE" I ASKED "WHERE?", HE REPLIED OVER THERE AND POINTED SOUTHWEST. SSG [REDACTED] THEN SAID "SHE'S WEARING BLACK" AND "SHE'S PROBABLY WOUNDED". SSG [REDACTED] THEN BEGAN WALKING TOWARDS THE ROAD AND AWAY FROM ME. I STARTED WALKING SOUTHWEST AND COULD SEE A BODY LAYING FACE DOWN WITH A LARGE SACK OF FLOWERS ON THE HEAD ABOUT 150 METERS FROM WHERE SSG [REDACTED] HAD BEEN STANDING. I RAN CLOSER TO THE BODY AND PULLED THE SACK OF FLOWERS OFF THE HEAD, IT APPEARED TO BE AN ELDERLY WOMAN WEARING A TRADITIONAL IRAQI BLACK BAKRA. I OBSERVED NO BLEEDING, AND SHE SEEMED UNRESPONSIVE. I ADVISED MY PLT LEADER AND PLT SGT OF THE SITUATION (0832) HRS. I THEN YELLED FOR SPC [REDACTED] A MEDIC TO COME AND TREAT THE WOMAN, SPC [REDACTED] ARRIVED WITH HIS MD BAG AT 0835 HRS ALONG WITH SPC [REDACTED] (E36) AND SPC [REDACTED] WITH A STRETCHER. SPC [REDACTED] TRIAGED THE PATIENT AND PREPED HER FOR MOVEMENT TO E-36. SPC [REDACTED] HAD DETERMINED THE WOMAN HAD A BULLET ENTRY WOUND TO

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

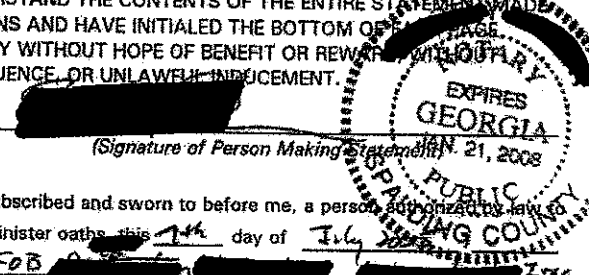
STATEMENT OF [REDACTED] TAKEN AT 1430 DATED 20050705

9. STATEMENT (Continued)

HER LOWER BACK, NEAR THE SPINAL CORD. THE PATIENT WAS LOADED ONTO E36. I WAS ADVISED BY SSG [REDACTED] TO SETUP A LANDING ZONE AT MY LOCATION. I ADVISED THAT I WAS IN A PALM GROVE AND THE CONDITIONS WOULD NOT ALLOW IT. I COLLAPSED THE SECURITY AT THE SITE AND THE MALE WE HAD SPOKE WITH EARLIER SAID THAT WAS HIS MOTHER. I TOLD HIM SHE WAS SHOT AND WE WERE TRYING TO HELP HER. I THEN HAD E32 AND E36 MOVE TO THE ORIGINAL LOCATION AT GRID [REDACTED]. I ADVISED SSG [REDACTED] OF THE URGENCY OF THE SITUATION AND HE BEGAN TO DISCUSS A MEDEVAC VIA HELICOPTER. AT 0905 TEN MINUTES AFTER ARRIVING AT THE LOCATION, SPC [REDACTED] INFORMED ME THAT THE PATIENT HAD DIED AS A RESULT OF THE BULLET WOUND TO HER BACK, I INFORMED SSG [REDACTED] AND ENSURED THE DECEASED WOMAN WAS PLACED INTO A BODY BAG. THE BODY WAS TAKEN TO [REDACTED] HOSPITAL AND IDENTIFICATION AND CONTACT WITH HER FAMILY WAS MADE. <sup>Mahmoud's</sup>

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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 [REDACTED] 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:

[REDACTED] SBT E-5  
E-Troop 108th Cav. 49th BCT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of July 2005 at FOB [REDACTED] Zone [REDACTED]

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] E TROOP 108 CAV

[REDACTED] (Type Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Notary Public Spalding County, GA (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 4 OF 4 PAGES

## **Exhibit K**