

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by _____

Stewart Pedeheaver
(Appointing authority)

on 4 August 2005
(Date)

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

SECTION II - SESSIONS

The investigation (board) commenced at 2-121 IN TOC Camp Iraq at 1000
(Date) (Place) (Time)

on 4 August 2005 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The investigating officer (board) finished gathering/hearing evidence at 2100 on 4 August 2005
(Time) (Date)
and completed findings and recommendations at 2100 on 5 August 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclosures (para 3-15, AR 15-6)		YES	NO ¹⁾	NA ²⁾
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 N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ^{1/}	NA ^{2/}
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 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 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.)



Jr, 2LT

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)



STEWART RODEN



BG, LINE, USA
Commanding



48 BCT Commander's 15-6 Worksheet

Stewart Rodheaves

BG, USA
Commanding



DEPARTMENT OF THE ARMY
TASK FORCE 2-121, 48TH BCT, 3ID
APO AE 09372



REPLY TO
ATTENTION OF

WPDBAA-Tactical Intelligence Officer

5 August 2005

MEMORANDUM FOR RECORD

SUBJECT: 15-6 Investigation and Recommendation, Shooting of local nationals on August 4th, 2005.

I. Summary of Facts (Section IV – Findings)

The following facts are based on the sworn statements and interviews with the eye witnesses. At approximately 0900 on the 4th of August, 2005 [redacted] Infantry tactical operations center (TOC) received message traffic over FM advising them about a potential VBIED attack. The BN TOC passed this info to the company CP where it was then sent out to the patrol on the ground. The patrol was told to interdict two vehicles traveling in their AO. The vehicles described were a silver 4 door sedan and a white 4 door sedan traveling together. At approximately 0915, two cars matching the description given over the radio were seen traveling south east on Route Aeros heading toward CP 34A. The cars were about 30 meters apart. The cars came to the intersection of [redacted] and [redacted], and turned south on [redacted]. This intersection has a large berm in the middle. The gray car made a normal right turn, in front of the berm, at the intersection, while the white vehicle drove in an erratic fashion almost a full circle around the berm and continued to follow the gray car. SSG [redacted], SPC [redacted], SPC [redacted], SPC [redacted] began waving their hands and shouting at the vehicle to stop. The interpreter for the group also shouted in Arabic.

SSG [redacted] then pointed his weapon at the vehicle and it continued perpendicular to [redacted]. SSG [redacted] fired 3 warning shots. The first shot landed 50 – 75 feet in front of the lead vehicle. The second shot was fired 3-5 seconds later at the same spot on the ground. The cars continued without hesitation. The final warning shot was fired at the same area kicking up dirt near the front tire. After the third warning shot, the gray vehicle stopped and the driver put his hands out the window.

All of the occupants of the gray car exited the vehicle and began shouting at the white car to stop. The white car continued toward the gray vehicle and another warning shot was fired. The white car then stopped and began to travel in reverse away from the check point. SSG [redacted], SPC [redacted] and SPC [redacted] all fired warning shots to the front and rear of the vehicle. The car continued to move away from the check point. Shots were fired at the rear quarter panel, tires and engine block. The car slowed down and the cease fire order was given by SSG [redacted]. All firing stopped. The car continued to back into the berm it had erratically drove around earlier. The driver exited the vehicle and fell to the ground. The passenger also exited the vehicle on the far side. He remained next to the vehicle. A local national was sent to investigate the status of the passenger. The passenger was wounded. LT [redacted] arrived on the scene and began to search the gray



DEPARTMENT OF THE ARMY
TASK FORCE 2-121, 48TH BCT, 3ID
APO AE 09372

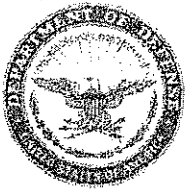


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vehicle. Nothing of significance was found. They questioned the passengers and decided they were not a threat. The gray car was allowed to leave the scene. The squad then moved to search the white vehicle and provide medical care to the wounded. Nothing of significance was found in the white vehicle. The passenger was taken to [REDACTED] TMC to be treated. LT [REDACTED] contacted the IP to take the body of the driver and his vehicle.

II. Findings of Facts (Section IV – Findings)

1. This investigation required careful examination of the facts surrounding the shooting. The ROE clearly states that a hostile intent must be conveyed before action is taken. The vehicles were reported over FM to be possible VBIEDs. The assumption that the vehicles were possibly VBIEDs coupled with their erratic driving and the failure of the vehicles to heed to the escalation of force conveyed a hostile intent.
2. The soldiers were given the command to stop the vehicles. The soldiers were able to stop one vehicle without loss of life or damage to property. Regrettably the second vehicle did not respond to any of the non-lethal gestures.
3. Given that the soldiers were told the vehicles were a potential VBIED, it is clear that they used the necessary level of force to protect themselves, civilians and other potential VBIED victims.
4. Answers to Questions raised in the appointment letter:
 - a. Exact Chronology of event – see section I of this memorandum.
 - b. Training - All soldiers involved received the proper training on traffic control, patrolling and rules of engagement (ROE). This training was conducted at Ft. Stewart, GA; the National Training Center, CA; and at Camp Buehring, Kuwait.
 - c. ROE - The group used the appropriate escalation of force as explained in the CFLCC Rules for Use of Force. The soldiers shouted at the vehicle and used proper hand and arm signals. Then they showed their weapons in a manner that demonstrated intent to fire. Next warning shots were fired at a safe area, starting a reasonable distance from the vehicles. The patrol was able to stop the first vehicle without injury. This demonstrates that the patrol maintained the proper level of discipline while only engaging the target that still posed a threat.



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REPLY TO
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- d. The civilians had identification.
- e. The civilians in the gray vehicle (Tag [REDACTED]), were [REDACTED], [REDACTED], and [REDACTED]. Both individuals in the white vehicle (Tag [REDACTED]), were from Baghdad. The name of the deceased person was [REDACTED]. The passenger's name is [REDACTED].
- f. The civilians had no weapons.
- g. All civilians and vehicles were searched thoroughly.
- h. The entire incident was reported over FM transmission in a timely and accurate manner. An 8 line CIR was also sent in to the 48 BCT in a timely manner.
- i. The 48 BCT SOP does not discuss patrolling and traffic stops. Refer to section C-1-1 for information pertaining to tactical road marches; however, this section does not bare much relevance to this incident. [REDACTED] The only point that may pertain to this scenario is the section on search refusal. [REDACTED] In this case the vehicle refused to stop and thus refused to allow a search. A graduated escalation of force was used.

III. Recommendations (Section V)

Based upon all the evidence, my individual discussions with the witnesses who supplied sworn statements, and my findings of facts, I recommend the following:

1. The soldiers all followed ROE regarding escalation of force. Thus, I do not recommend any type of disciplinary, administrative or UCMJ action.
2. While the 3ID SOP provides guidance for setting up a TCP it does not clearly outline how to react to a possible threat turning to flee. The soldier on the ground needs clearer guidelines with regards stopping fleeing vehicles. When is it appropriate to use lethal force to stop a potential threat from escaping?
3. All of the soldiers involved should be counseled and retrained on the engagement criteria for fleeing vehicles, so they further learn from this event.



DEPARTMENT OF THE ARMY
TASK FORCE 2-121, 48TH BCT, 3ID
APO AE 09372

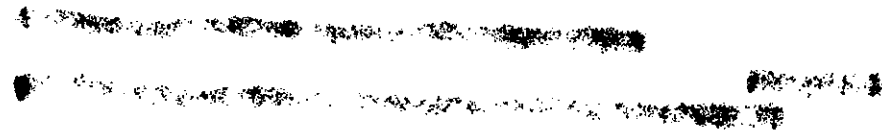


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4. The appropriate claims officers should be notified of potential claims arising from this incident.



2LT, MI, USA
TACTICAL INTEL OFFICER





HEADQUARTERS
48th BRIGADE COMBAT TEAM, 3rd INFANTRY DIVISION
CAMP [REDACTED], BAGHDAD
APO, AE 09372

S: 9 AUGUST 2005

GAHQ-SJA

4 AUGUST 2005

MEMORANDUM FOR 2LT [REDACTED], HHC [REDACTED] BN

SUBJECT: Appointment as 15-6 Investigating Officer

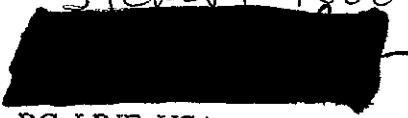
1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, paragraph 2-1(a)(3) into investigate the facts and circumstances of the alleged shooting of a civilian, on 040915AUG05, involving SSG [REDACTED] SPC [REDACTED] and SPC [REDACTED], Company A, 1/121 IN BN. 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 traffic control, patrolling and Rules of Engagement;
 - c. Were the Rules of Engagement followed;
 - d. Did the civilian have identification;
 - e. What was his/her name;
 - f. Did the civilian have a weapon;
 - g. Was the civilian searched after the shooting;
 - h. Was the incident reported correctly; and
 - i. What is the 48BCT SOP for dealing with patrolling and traffic stops?
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

GAHQ-SJA
SUBJECT: Appointment as 15-6 Investigating Officer

with your report all documentary evidence, sworn statements, and other information or evidence you considered.

5. Before proceeding with the investigation you must contact CPT [REDACTED] at the Brigade TOC for an initial legal briefing. CPT [REDACTED] 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.
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.

Stewart Radeheave



BG, LINE, USA
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS & HEADQUARTERS COMPANY
2-121 INFANTRY REGIMENT (MECH)
APO AE 09372

5 July 2005

MEMORANDUM FOR 2LT [REDACTED], ([REDACTED]), HHC [REDACTED] IN

SUBJECT: Appointment as 15-6 Investigating Officer

1. You are appointed as an investigating officer to conduct an investigation pursuant to AR 735-5 and AR 15-6, paragraph 2-1(a)(3) to investigate the facts and circumstances of the shooting occurred in grid [REDACTED]. You are to make specific findings and recommendations concerning the causes of the incident and the status of the above mentioned items. Until the investigation is completed, this will be your primary duty responsibility and must be completed within 24 hours.
2. 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 1200 29 June 2005. 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 considered.
5. 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.
6. If during the course of your investigation you discover systemic training, maintenance, and/or storage deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.
7. Provide the completed investigation paperwork to the undersigned.

[REDACTED]
MAJ, IN
BN XO

EXHIBIT INDEX

- A. CIR and updated CIR
- B. Map of incident
- C. DA 2823-Sworn Statement from SSG [REDACTED] dated 04 August 2005
- D. DA 2823-Sworn Statement from SPC [REDACTED] dated 04 August 2005
- E. DA 2823-Sworn Statement from 1LT [REDACTED] dated 04 August 2005
- F. DA 2823-Sworn Statement from SPC [REDACTED] dated 04 August 2005
- G. DA 2823-Sworn Statement from SPC [REDACTED] dated 04 August 2005
- H. DA 2823-Sworn Statement from SGT [REDACTED] dated 04 August 2005
- I. Report Analysis Sheet from [REDACTED]
- J. DA 4137-Evidence/Property Custody Document from LT [REDACTED] dated 04 August 2005

Exhibit A

2-121 IN CIR

LINE 1: Unit reporting: A1-121 IN(M)

LINE 2: Incident: SHOOTING OF TWO POSSIBLE AIF

LINE 3: Date/time group (DTG) incident occurred: 040915AUG05

LINE 4: Location of incident: [REDACTED]

LINE 5: Personnel involved:

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SSG	[REDACTED]	[REDACTED]	M		
[REDACTED]	SPC	[REDACTED]	[REDACTED]	M		
[REDACTED]	SPC	[REDACTED]	[REDACTED]	M		

LINE 6: Summary of incident: AT APPROXIMATELY 0900 A TRANSMISSION WAS SENT TO [REDACTED] FROM THE [REDACTED] STATING THAT THEY NEEDED TO BE ON THE LOOKOUT FOR TWO VEHICLES TRAVELLING TOGETHER, SILVER FOUR DOOR SEDAN AND A WHITE TWO DOOR SEDAN. THE TWO VEHICLES WERE SPOTTED BY [REDACTED] AT 0915 AND WERE STOPPED BY FIRING WARNING SHOTS. THE LEAD VEHICLE STOPPED WITHOUT INCIDENT. THE TRAIL VEHICLE ATTEMPTED TO FLEE AND WAS ENGAGED BY THE CHECKPOINT.

LINE 7: ONE POSSIBLE AIF KIA, ONE POSSIBLE AIF WOUNDED, DAMAGE TO WHITE TWO DOOR SEDAN

LINE 8: 1LT [REDACTED]

2-121 IN CIR

LINE 1: Unit reporting: A/1-121 IN(M)

LINE 2: Incident: SHOOTING OF TWO POSSIBLE AIF

LINE 3: Date/time group (DTG) incident occurred: 040915AUG05

LINE 4: Location of incident: [REDACTED] VICINITY [REDACTED]

LINE 5: Personnel involved:

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SSG	[REDACTED]	[REDACTED]	M		
[REDACTED]	SPC	[REDACTED]	[REDACTED]	M		
[REDACTED]	SPC	[REDACTED]	[REDACTED]	M		

LINE 6: Summary of incident: AT APPROXIMATELY 0900 HOURS A RADIO TRANSMISSION WAS BROADCASTED TO THE [REDACTED] ELEMENTS AT [REDACTED]. THE BROADCAST WAS A WARNING TO BE AWARE AND OBSERVANT OF TWO VEHICLES TRAVELING TOGETHER APPROACHING THEIR STATIC POSITION. THE TWO VEHICLES WERE DESCRIBED AS: A SILVER COLORED FOUR DOOR SEDAN AND A WHITE COLORED TWO DOOR SEDAN. THE TWO VEHICLES WERE OBSERVED IN THE AREA OF [REDACTED] AT 0915 HOURS BY MEMBERS OF A/1-121 IN (M). THE ABOVE MEMBERS, WHO WERE AT [REDACTED], DID OBSERVE THE VEHICLES APPROACHING THE [REDACTED] AND NOT STOPPING. THE MEMBERS BEGAN TO VERBALLY ORDER THE DRIVERS, OF BOTH VEHICLES, TO STOP. AS A FURTHER PRECAUTION THE MEMBERS OF A/1-121 CONTINUED WITH HAND AND ARM SIGNALS ORDERING THE DRIVERS TO STOP. THE DRIVERS CONTINUED TO APPROACH THE CHECKPOINT DISREGARDING BOTH VERBAL AND VISUAL SIGNALS TO STOP. IMMEDIATELY FOLLOWING THESE ACTIONS WARNING SHOTS WERE FIRED. THE LEAD VEHICLE CAME TO A COMPLETE STOP WHILE THE TRAIL VEHICLE ATTEMPTED TO DRIVE AWAY AND FLEE FROM THE SCENE. THE VEHICLE WAS ENGAGED NEAR THE CHECKPOINT.

LINE 7: Damage to government and/or civilian property: ONE POSSIBLE AIF KIA, ONE POSSIBLE AIF WOUNDED. UNKNOWN DAMAGE TO THE WHITE SEDAN.

LINE 8: Commander reporting: [REDACTED] LTC

Exhibit B

INCIDENT REPORT
 8 DIGIT GRID
 PATROL LEADER: SSG
 DYN: 040915AVG OS
 COMPANY: (A1) (A2) (A3) (A4) (A5) (A6) (A7) (A8) (A9) (A10) (A11) (A12) (A13) (A14) (A15) (A16) (A17) (A18) (A19) (A20) (A21) (A22) (A23) (A24) (A25) (A26) (A27) (A28) (A29) (A30) (A31) (A32) (A33) (A34) (A35) (A36) (A37) (A38) (A39) (A40) (A41) (A42) (A43) (A44) (A45) (A46) (A47) (A48) (A49) (A50) (A51) (A52) (A53) (A54) (A55) (A56) (A57) (A58) (A59) (A60) (A61) (A62) (A63) (A64) (A65) (A66) (A67) (A68) (A69) (A70) (A71) (A72) (A73) (A74) (A75) (A76) (A77) (A78) (A79) (A80) (A81) (A82) (A83) (A84) (A85) (A86) (A87) (A88) (A89) (A90) (A91) (A92) (A93) (A94) (A95) (A96) (A97) (A98) (A99) (A100)
 INDICATE NORTH
 ATTACH WITNESS STATEMENTS, PHOTOS &
 GENERAL INCIDENT REPORT & DRAWING MUST
 BE SUBMITTED TO BN WITHIN 2 HOURS OF INCIDENT

REPORT MUST INCLUDE, LOCATION OF VEHICLES (BY TYPE/BUMPER #), PERSONNEL (BY NAME), DISTANCES,
 TRIGGER LINE FOR SHOOT, SHOW, WARNING SHOT, & SHOOT.

- ① TRAVEL OF VEHICLES WHEN SPOTTED
- ② EXACT DRIVING OF WHITE VEHICLE
- ③ SHOOT SHOW, SHOOT, & GRAY CAR STOPS
- ④ WHITE CAR GOES IN REVERSE
- ⑤ WHITE CAR ~~REVERSES~~ ENGAGED
 WHITE CAR HITS BURN
 DEASE PIPE

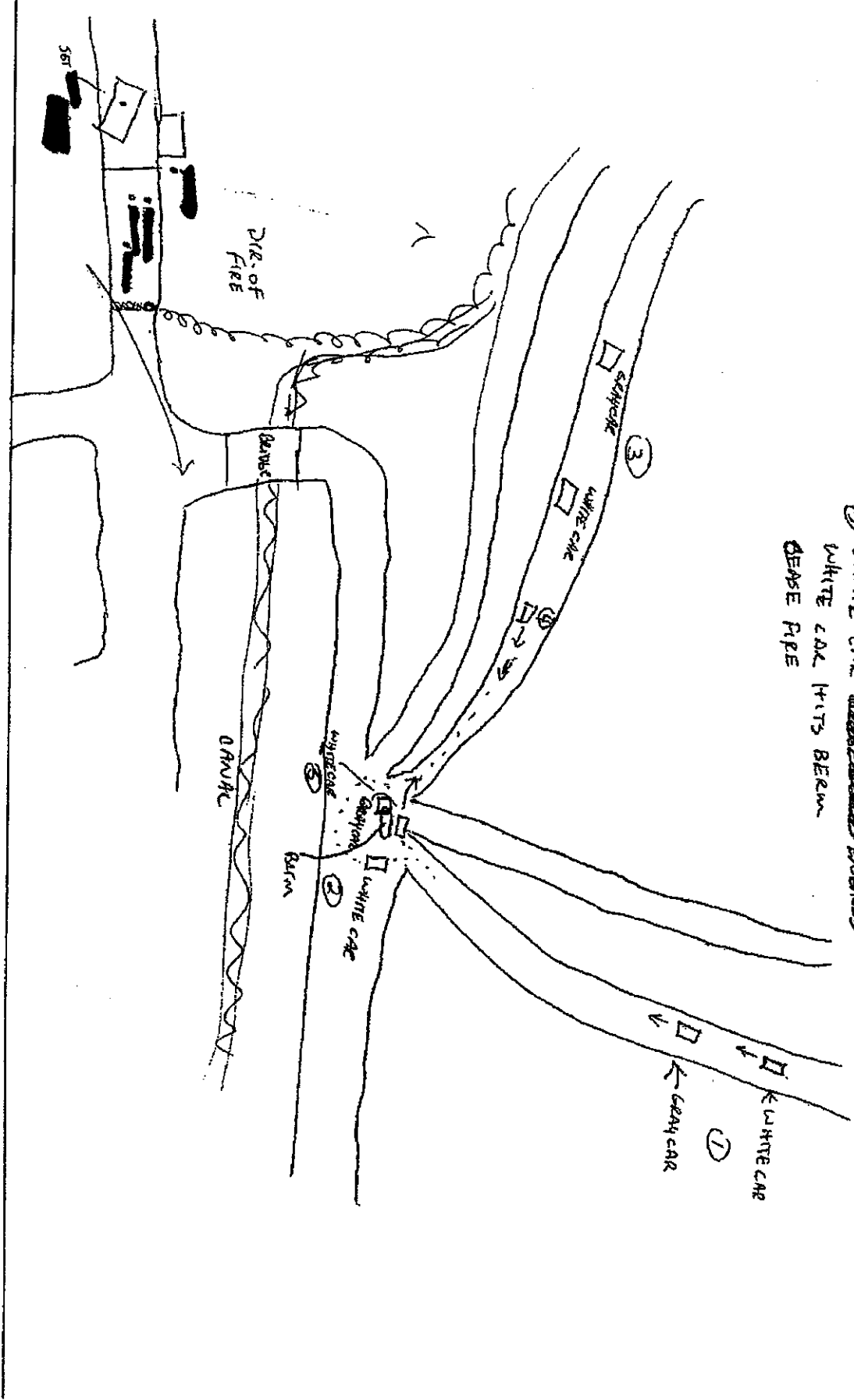


Exhibit C

SWORN STATEMENT

For use of this form, see AR 100-45; 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 [redacted] 2. DATE (YYYYMMDD) 20050804 3. TIME 1420 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E6/SSG
8. ORGANIZATION OR ADDRESS A 1/21 IN (M)

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

@ 0900h
Call came over radio all [redacted] elements be advised you're looking for Silver four sedan following on being followed by white four door sedan. If they are seen driving erratically or speeding at checkpoints or TCP weapons free. Possible VBIEDs, can checkpoint earlier. Approximately 0915 silver four door sedan followed 30m behind by a white four sedan are observed traveling southwest to southeast. The two cars were up as the white car went on the north side of the berm in the road while the silver car went on the south side. The silver car continued to travel towards [redacted] when SPC [redacted], Spc [redacted], PFC SPC [redacted], SSG [redacted] began waving their hands to stop the cars. Hollering at the cars to stop they were joined by the interpreter [redacted] who began to yell in Arabic for them to stop. [redacted] began raising his weapons barrel up and down pointing at the car and the silver car continued towards [redacted]. I fired three rounds warning shots at the silver car. The first shot was 50-75 feet in front of the silver car. Three to five seconds later a second shot in the same vicinity as the car continued forward. Another three seconds passed and I fired a warning shot that kicked up dirt at the front tire. The driver stuck his hands out the window and left began hollering at the silver car who had sped up towards him closing the gap to 10m. When the occupants of the silver car exited the vehicle the white car reversed direction of travel. At the same time that the white car began to speed in reverse, SPC [redacted] on my left and [redacted] on my right began to fire warning shots in front of the fleeing silver car. The car continued speeding to the rear opening the gap between the two cars to 200-250 meters. The warning shots going unheeded several well placed shots were placed in the rear left quarter panel of the white

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

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

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

STATEMENT OF

TAKEN AT

Camp [REDACTED]

DATED

4 August 65

9. STATEMENT (Continued)

car behind the left passenger door. The car begin to back at a slight angle still at a high rate of speed. ~~and~~ He begin to change the direction of the car to ass left and then ~~was~~ slammed into the dirt berm in the road he had earlier gone around. Immediately I called for a cease fire and the shots ceased. The driver exited the vehicle under his own will and laid down in the road beside the car. I ordered my three soldiers to continue to watch him. ~~to name~~ At this point [REDACTED]'s Bradley came on the scene and said there was a second person on the passenger side of the car. No shots were fired at the car at this time as I had already called for a cease fire. [REDACTED] bagged the driver and took the passenger to the [REDACTED] TMC.

Nothing Follows

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

[REDACTED]

TAKEN AT

1420 Camp

DATED

4 Aug 65

B. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

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
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) 24050801 3. TIME 1317 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS Aco 1/21 48 BCT

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

On the morning of 21 Aug 2001, at 09:00 (about) a car came over our singers at [redacted]. The car stated that we were to keep eyes open, and stop - weapons fire; a white four door sedan and a silver sedan (4 door) traveling together. If they approached us on a TCP at high speed or fruitfully moving/irritically moving - use of deadly force authorized. At that time a silver car followed by a white car traveled in close proximity with each other towards [redacted] on MSR [redacted]. When the silver car rounded the bend to head southeast on a road, the white car made space. When the silver car reached roughly fifty to sixty meters away from the bend the white car came to the bend. At that time the white car proceeded to round the island in the road and seemed to split the cohesive travel with the silver car. SSG [redacted] then fired a warning shot in front of the drivers side bumper of the silver car. The white car proceeded to turn back into direction of travel of the silver, and closed the gap between the two. Another warning shot was fired in front of the white car and it stopped. As the people in the silver car exited the vehicle, hands high, the white car speeded closer to the silver. Another warning shot was fired in front of the white and it then stopped. Almost simultaneously all civilians in the silver car all stood on the north side of the vehicle, hands high, the white vehicle then went into reverse and speedily opened the gap between the two. I then fired a burst (in 200) to the rear of the vehicle as warning to stop. It sped up, with civilians from silver car hollering for stop, and we then fired at the tires, rear quarter panels, and engine block of the vehicle. At that time the car slowed down, approaching the island in the road with the rear of the car. SSG [redacted] then called for a cease fire. Moments later the vehicle then hit the island, stopped, and the driver opened the door and fell. We then made certain that the [redacted] elements were coming to pick up our medic and a small detachment of soldiers to check the silver and white cars out, and to render aid.

10. EXHIBIT [redacted] 11 [redacted] 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 BE INDICATED.

STATEMENT OF

[REDACTED]

TAKEN AT

Feb [REDACTED]

DATED

2005 08 04

9. STATEMENT (Continued)

The white vehicle was suspicious from square one, having tinted windows in the rear and seeming to be frantic and belligerent in driving style. There is no doubt in my mind that our escalation of force in stopping the vehicle in question was without hesitation and done with consideration of our safety, as well as the safety of the civilians on the ground.

NOTHING FOLLOWS

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

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 of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(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 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: BN TOC 2/121
2. DATE (YYYYMMDD): 20050804
3. TIME: 1321
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: O-2/PL
8. ORGANIZATION OR ADDRESS: A Co 1/121 Platoon

B. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: At approximately 0900 hrs, [redacted] answered a net call to BOLD two vehicles. One white four door sedan, and one silver four door sedan traveling together in the [redacted] AO. I Section, [redacted] Platoon, was instructed to initiate a snap T.C.P. in order to stop traffic and attempt to isolate the two vehicles. While establishing our T.C.P. [redacted] called on the radio and stated that they saw two vehicles that met the description traveling south on MSR [redacted] and turning east on RT. [redacted], so we started to move in the direction of [redacted] and attempt to apprehend or intercept the vehicles. While moving south [redacted] called over the radio and stated that two more vehicles fitting the description of the BOLD's were traveling on RT [redacted] south of their position. Shortly after that SGT [redacted] called over the radio stating that A-Section needed to get to the check point because the white vehicle had been engaged. A-Section arrived approximately five minutes later and saw two vehicles. One silver four door sedan with 3 passengers standing outside of it, and one white sedan with 3 driver lying on the ground and the passenger sitting on the ground beside the vehicle. [redacted], 2LT [redacted], moved to [redacted] picked up SGT [redacted], SPC [redacted], + the interpreter [redacted], and moved to the first car, the silver four door with 3 passengers, where we initiated a thorough search of the vehicle and personnel. The car was occupied by an old couple and their son who claimed to be on their way to the hospital. The vehicle was a Super Saloon, Model 1981 - Tan [redacted]. The father's name was [redacted]. The son's name was [redacted]. The mother's name was [redacted]. After searching the vehicle and determining that there was no threat and nothing to hide I instructed the intercept to send the people on their way. This was after the engaged vehicle was searched and a reverse was called up also.

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

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

STATEMENT OF [REDACTED] TAKEN AT BN Tac 2/12/1 DATED 4 AUG 05

9. STATEMENT (Continued)

After searching the silver sedan I moved to the white sedan with SGT [REDACTED] & we cleared the individuals then we carefully cleared the vehicle. We were very concerned with clearing the white sedan because when warning shots were fired in an attempt to stop the vehicle, the vehicle quickly tried to U-Turn and flee and the windows were tinted - a sign for VBIED's. However, the vehicle was clear. At this point we called a nice line medic for the wounded returned and bagged the KIA. After waiting for a medic we decided to come back to the FOB. We secured the area and loaded the KIA into the white sedan. After ~~clearing~~ evacuating the casualty back to FOB [REDACTED] and returning back to the MSR, I linked up with the IP and coordinated for them to pick up the vehicle and the Body. I gave the KIA's body ^{IP} to the IP along with the car keys. I gave the wounded's ID to the TMC staff.

The KIA's name was [REDACTED] from Baghdad. [REDACTED]
His wife's name was [REDACTED]. The KIA was the driver.

The wounded passenger was [REDACTED] from Baghdad. The vehicle was a late model Super-Tag [REDACTED]

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

STATEMENT OF

[REDACTED]

TAKEN AT

Bu Toc 2/121

DATED

4 AUG 05

9. STATEMENT (Continued)

[REDACTED STATEMENT]

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 _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF 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, 1983 (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 [redacted] 2. DATE (YYYYMMDD) 2005 08 04 3. TIME 0715 1320 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS A Co 1/121 2nd PH

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

At around 0900 [redacted] radioed our check point, [redacted] informing us of two possible VBIEDs. The vehicles were described as a grey and white four-door Sedans travelling together. [redacted] gave us a weapons free status to engage if the vehicles are seen acting strange. Shortly afterward we spotted two vehicles matching that description traveling along a canal road about 200 meters southwest of [redacted]. They turned towards the east heading towards MSR [redacted]. The grey vehicle was in front followed by the white vehicle. SSG [redacted] yelled at the grey sedan to stop. The grey car didn't stop so SSG [redacted] shot 3 warning shots to stop the vehicle. The grey vehicle stopped and the driver put his hands out the window. The white vehicle continued forward until a warning shot was fired at it and it stopped. The driver and passengers in the grey vehicle got out of their vehicle and the white car began to slowly back up. SSG [redacted] personally fired two warning shots at the white car as well as warning shots from SSG [redacted], SPC [redacted], and SPC [redacted]. The white vehicle sped up in reverse and all four of us began firing directly at the vehicle. The vehicle continued to speed up in reverse until it slammed into a berm.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED 04 Aug 2005
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF SPC [REDACTED] TAKEN AT Camp [REDACTED] DATED 04 Aug 2005

9. STATEMENT (Continued)

SSG [REDACTED] yelled ecce fire and [REDACTED] After hitting the burn, the driver opened his door and fell out of the vehicle. The driver stopped moving at that point because he [REDACTED] had been shot in the fire fight. SGT [REDACTED] called the incident up to [REDACTED] and [REDACTED] (LT [REDACTED]) requesting some assistance from our Bradley vehicles. [REDACTED] arrived on the scene shortly after and myself, SGT [REDACTED] and our interpreter [REDACTED] loaded on the Bradley to go check out the vehicles. We rolled down and searched the [REDACTED] grey vehicle then moved to the white vehicle. I didn't realize until we had moved towards the white car that there was another passenger that was sitting outside the vehicle. We sent a local civilian to go check him out before we moved up. The civilian said the man was wounded and needed medical care. We moved up to the vehicle and searched it providing medical care to the wounded man. [REDACTED] called for medevac but we were informed afterwards that none would be coming. We loaded the wounded man in the back of [REDACTED] and they brought him in to get proper medical treatment. Then I returned to my post.

Nothing follows
[REDACTED]

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 2 PAGES

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 _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

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 2851; 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 [redacted] 2. DATE (YYYYMMDD) 2005/08/04 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS Aco 1/121 Task Force 2/121

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
0900 call from [redacted] to all [redacted] Elements to look out for a silver 4 door sedan & a white 4 door sedan. The vehicles were traveling together and had bypassed a checkpoint. Direction of travel was not indicated. Were given instructions to stop vehicles if in area, but to approach with extreme caution. Weapons free status was given if vehicles acted irrationally or ran to checkpoint at high rate of speed. 0910-0915 I spotted 2 vehicles that fit description south west of our position at [redacted]. The vehicles were traveling north and turned right onto route arrows traveling south east towards MSR [redacted]. We shouted and signaled to the vehicles to stop. One warning shot was fired at [redacted] lead vehicle (silver) in front of the car. Vehicle slowed down. We shouted and signaled one

10. EXHIBIT 11. INITIALS [redacted] MAKING STATEMENT PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT 1345 DATED 2005/08/04

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

1345

DATED

2005/08/04

9. STATEMENT (Continued)

more time. One more warning shot was fired in front of silver vehicle. Vehicle came to a complete stop. Driver put his hands outside window, and passengers began to exit vehicle. As driver was exiting the vehicle, the trailing white car sped up towards the silver car. We all shouted and signaled to white car stop. The passengers of silver vehicle were also telling the white car to stop. A warning shot was fired in front of white vehicle & behind silver vehicle. After warning shot to white car, the vehicle put car in reverse and began to speed off. More warning shots were fired in front of and behind the white vehicle as he continued to back up. The car was then engaged. As the car slowed down cease fire order was given by ssgt [REDACTED]. The vehicle came to a stop by running up on a berm. The driver opened the door and fell out to the ground. The passenger exited the vehicle and stayed crouched down behind vehicle. Security was pulled [REDACTED] until two [REDACTED]

INITIALS OF P

STATEMENT

PAGE

2 OF 3

PAGES

STATEMENT OF

[REDACTED]

TAKEN AT

1345

DATED

2005/08/04

9. STATEMENT (Continued)

BFV's arrived From [REDACTED] element to search vehicles and personnel.

Nothing Follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Exhibit H

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) 2005 08 04 3. TIME 1320 hrs 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS E-5
8. ORGANIZATION OR ADDRESS A 1121 IN (M) APO AE 09372

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I RECEIVED A CALL FROM [REDACTED] AT APPROXIMATELY 0900 HRS. THE CALL EXCITEDLY STATED THAT WE WERE TO BE ON THE LOOKOUT FOR A GRAY/SILVER 4 DOOR SEDAN FOLLOWING OR BEING FOLLOWED BY A WHITE 4 DOOR SEDAN. THEY WERE SUSPECTED VBIED'S. WE WERE ADVISED TO USE EXTREME CAUTION. WE WERE ALSO TOLD THAT IF THE VEHICLES ACTED ERRATICALLY OR DROVE AT A HIGH SPEED TOWARD US, THAT WEAPONS WERE FREE. AFTER THE TRANSMISSION I SPOTTED TWO VEHICLES THAT FIT THE DESCRIPTION HEADING SOUTH ON [REDACTED]. THE BOTH TURNED EAST ONTO [REDACTED]. I CALLED THIS INFO UP TO [REDACTED] WHILE I WAS IN THE PROCESS OF COMPLETING MY TRANSMISSION. OTHER SOLDIERS SPOTTED TWO CARS FITTING THE DESCRIPTION TO THE WEST OF OUR POSITION TRAVELING EAST TOWARDS THE MSR. SPC [REDACTED] SAID THAT THE VEHICLES WERE SPLITTING UP. THEN HE SAID THAT THE WHITE ONE HAD TURNED BACK TO FOLLOW THE WHITE CAR. EVERY ONE INCLUDING OUR INTERPRETER WAS WAVING AND SHOUTING FOR THE VEHICLES

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 3 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

TAKEN AT

FOB

DATED

20050804

B. STATEMENT (Continued)

TO STOP. THEY DID NOT. WARNING SHOTS WERE FIRED IN FRONT OF THE ^{SILVER} GRAY CAR. THE GRAY CAR STOPPED AND THREE INDIVIDUALS GOT OUT. OUR GUYS THEN SHIFTED THEIR ATTENTION TO THE INDIVIDUALS IN THE ~~WHITE~~ CAR. THEY STAYED IN THE CAR. WARNING SHOTS WERE FIRED AT THE WHITE CAR. THE CAR THEN STARTED TO GO IN REVERSE AT A HIGH RATE OF SPEED. ^{THE CAR WAS THEN FIRED UPON.} THE CAR THEN HIT A BERM AND STOPPED. BOTH INDIVIDUALS TRIED TO FLEE. THE DRIVER SLUMPED TO THE GROUND. THE OTHER INDIVIDUAL HID BEHIND THE CAR. I THEN CALLED THIS INFO UP TO [REDACTED], WHO WAS IN ROUTE TO OUR LOCATION. I ADVISED HIM THAT THE VEHICLE HAD BEEN ENGAGED AND THAT THERE WERE CASUALTIES. I ALSO ADVISED [REDACTED] OF THE BEST ROUTE TO TAKE TO THE LOCATION. [REDACTED], AFTER VIEWING THE SITUATION, ADVISED ME TO GET 1 SOLDIER AND OUR INTERPRETER. [REDACTED] THEN PICKED US UP. WE MOVED TO THE LOCATION AND SEARCHED THE ^{GRAY} SILVER CAR. WE FOUND NOTHING. WE THEN MOVED TO THE WHITE CAR TO FIND THE DRIVER DEAD AND THE PASSENGER WOUNDED. 2LT [REDACTED] AND I SEARCHED THE INDIVIDUALS AND CAR. I THEN ADMINISTERED AID TO THE PASSENGER. WE CALLED FOR OUR MEDIC. I THEN ASSISTED THE MEDIC

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

[REDACTED]

TAKEN AT

F08

[REDACTED]

DATED

20050804

9. STATEMENT (Continued)

IN TREATING THE WOUNDED INDIVIDUAL. OUR INTERPRETER, SAL ADVISED US THAT AFTER QUESTIONING THE INDIVIDUALS FROM THE SILVER/GRAY CAR, THAT THOSE INDIVIDUALS YELLED TO THEM TO STOP. [REDACTED] THEN ASKED THE PASSENGER WHY THEY TRIED TO FLEE. HIS TRANSCRIPTION WAS THAT THEY WERE STUPID. I THEN HELPED 2LT [REDACTED] PUT THE DRIVER IN A BODY BAG. WE MEDEVACED THE PASSENGER IN THE BRADLEY AND SECURED THE DECEASED INDIVIDUAL IN THE CAR.

Nothing follows
[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

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

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

cul 3

Exhibit I

TIME OF REPORT (DTG)

REPORT ANALYSIS SHEET

1. UNIT: [REDACTED] 2-121

2. RECEIVED BY: SPC [REDACTED]

3. INITIAL REPORT:

Size: 2x SUSPICIOUS VEHICLES

Activity: TRACKED VIA UAV

Location: [REDACTED]

Time of Incident (DTG): 040821AUG05

Your (units) actions: ADVISED DEVIL TO STOP VEHICLES

Additional Information:

AT GRID GIVEN ABOVE, UAV SPOTTED A GATHER OF PERSONNEL
FROM 5 VEHICLES AT A SITE OF A SUSPECTED WEAPON'S CACHE. UAV
FOLLOWED A SILVER CAR AND A WHITE CAR FROM THE LOCATION
ONTO RT. [REDACTED]. UAV COVERAGE WAS LOST AFTER [REDACTED]
ESTABLISHED A SNAP TCP AT [REDACTED] AND [REDACTED] WAS ALERTED OF THE
VEHICLES.

Follow Up Report:

0918: [REDACTED] REPORTS THAT THEY HAVE STOPPED A WHITE CAR AND A
SILVER CAR AT [REDACTED]. WHITE VEHICLE TRIED TO EVADE CP,
RESULTING IN ESCALATION OF FORCE AND 1x LN WIA AND 1x LN KIA.
BOTH CARS HAVE BEEN STOPPED AND ARE BEING SEARCHED.

Follow Up Report Cont:

1009: [REDACTED] REPORTS NAMES OF INDIVIDUALS - KIA: Hassan Jaber

WIA: [REDACTED] VEHICLES WERE SEARCHED. NOTHING FOUND. THE WIA WAS WOUNDED IN THE LOWER ABDOMEN AND IN HIS RIGHT HAND. JCC HAS BEEN CONTACTED FOR THE WIA AND KIA.

1029: INFORMED [REDACTED] TO GROUND EVAC THE WIA TO THE TMC ON [REDACTED] IP WILL RETRIEVE BODY AND VEHICLE. TIME TBD.

1033: [REDACTED] REPORTED THAT THE FIRST VEHICLE (NOT SHOT) HAD 3 OCCUPANTS, ONE OF WHICH WAS SICK. VEHICLE WAS EN ROUTE TO THE HOSPITAL. THEY WERE ALLOWED TO PASS. SECOND VEHICLE TRIED TO EVADE THE TCP RESULTING IN THE SHOOTING.

1057: [REDACTED] REPORTED THAT THEIR [REDACTED] ELEMENT HAS LOADED THE WIA AND IS CURRENTLY EN ROUTE TO [REDACTED] TMC HAS BEEN NOTIFIED.

1114: [REDACTED] TMC HAS ADVISED THAT THE WIA LN HAS MADE IT TO THEIR LOCATION. INDIVIDUAL IS BEING ASSESSED AT THIS TIME.

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

CRD REPORT/CID ROI NUMBER

RECEIVING ACTIVITY

Apprehension

LOCATION

MSR [REDACTED]

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

OWNER

Hassan [REDACTED]

ADDRESS (Include Zip Code)

BAGHDAD

OTHER

Jaber [REDACTED]

(DECEASED)

LOCATION FROM WHERE OBTAINED

REASON OBTAINED

FLED AFTER WARNING SHOT

TIME/DATE OBTAINED

APPX: 1030 HRS
04 AUG 05

ITEM NO.

QUANTITY

DESCRIPTION OF ARTICLES

(Include model, serial number, condition and unusual marks or scratches)

1

40

Danari (APPX 15 U.S.)

2

1

Prescription Note (For Female)

3

1

ID - Copy of Deceased's Son's ID Card [REDACTED] 1985

4

2

Various Iraqi notes in Arabic
KIA ID + Drivers Licenses

CHAIN OF CUSTODY

ITEM NO.

DATE

RELEASED BY

RECEIVED BY

PURPOSE OF CHANGE OF CUSTODY

ALL

4AUG05

SIGNATURE

NAME, GRADE OR TITLE

2LT

SIGNATURE

NAME, GRADE OR TITLE

SIGNATURE

NAME, GRADE OR TITLE

SIGNATURE

NAME, GRADE OR TITLE

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NAME, GRADE OR TITLE

DA FORM 4137, 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

LOCATION

DOCUMENT NUMBER

USAPPC V1.00

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY		RECEIVED BY		PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
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		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
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		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSAL AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____
(Name) (Organization) (Grade)
(S) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. *(If article(s) must be retained, do not sign, but explain in separate correspondence.)*

(Typed/Printed Name, Grade, Title) (Signature) (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE
 CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.
(Typed/Printed Name, Organization) (Signature)



DEPARTMENT OF THE ARMY
TASK FORCE 2-121, 48TH BCT, 3ID
APO AE 09372



REPLY TO
ATTENTION OF

[REDACTED]

5 August 2005

MEMORANDUM FOR RECORD

SUBJECT: 15-6 Investigation and Recommendation, Shooting of local nationals on August 4th, 2005.

I. Summary of Facts (Section IV - Findings).

The following facts are based on the sworn statements and interviews with the eye witnesses. At approximately 0900 on the 4th of August, 2005 the 2-121 Infantry tactical operations center (TOC) received message traffic over FM advising them about a potential VBIED attack. The BN TOC passed this info to the company CP where it was then sent out to the patrol on the ground. The patrol was told to interdict two vehicles traveling in their AO. The vehicles described were a silver 4 door sedan and a white 4 door sedan traveling together. At approximately 0915, two cars matching the description given over the radio were seen traveling south east on Route [REDACTED] heading toward [REDACTED]. The cars were about 30 meters apart. The cars came to the intersection of [REDACTED] and [REDACTED] and turned south on [REDACTED]. This intersection has a large berm in the middle. The gray car made a normal right turn, in front of the berm, at the intersection, while the white vehicle drove in an erratic fashion almost a full circle around the berm and continued to follow the gray car. SSG [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED] began waving their hands and shouting at the vehicle to stop. The interpreter for the group also shouted in Arabic.

SSG [REDACTED] then pointed his weapon at the vehicle and it continued perpendicular to [REDACTED]. SSG [REDACTED] fired 3 warning shots. The first shot landed 50 - 75 feet in front of the lead vehicle. The second shot was fired 3-5 seconds later at the same spot on the ground. The cars continued without hesitation. The final warning shot was fired at the same area kicking up dirt near the front tire. After the third warning shot, the gray vehicle stopped and the driver put his hands out the window.

All of the occupants of the gray car exited the vehicle and began shouting at the white car to stop. The white car continued toward the gray vehicle and another warning shot was fired. The white car then stopped and began to travel in reverse away from the check point. SSG [REDACTED], SPC [REDACTED] and SPC [REDACTED] all fired warning shots to the front and rear of the vehicle. The car continued to move away from the check point. Shots were fired at the rear quarter panel, tires and engine block. The car slowed down and the cease fire order was given by SSG [REDACTED]. All firing stopped. The car continued to back into the berm it had erratically drove around earlier. The driver exited the vehicle and fell to the ground. The passenger also exited the vehicle on the far side. He remained next to the vehicle. A local national was sent to investigate the status of the passenger. The passenger was wounded. LT [REDACTED] arrived on the scene and began to search the gray



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vehicle. Nothing of significance was found. They questioned the passengers and decided they were not a threat. The gray car was allowed to leave the scene. The squad then moved to search the white vehicle and provide medical care to the wounded. Nothing of significance was found in the white vehicle. The passenger was taken to Striker TMC to be treated. LT [REDACTED] contacted the IP to take the body of the driver and his vehicle.

II. Findings of Facts (Section IV – Findings)

1. This investigation required careful examination of the facts surrounding the shooting. [REDACTED]
[REDACTED] The vehicles were reported over FM to be possible VBIEDs. The assumption that the vehicles were possibly VBIEDs coupled with their erratic driving and the failure of the vehicles to heed to the escalation of force conveyed a hostile intent.
2. The soldiers were given the command to stop the vehicles. The soldiers were able to stop one vehicle without loss of life or damage to property. Regrettably the second vehicle did not respond to any of the non-lethal gestures.
3. Given that the soldiers were told the vehicles were a potential VBIED, it is clear that they used the necessary level of force to protect themselves, civilians and other potential VBIED victims.
4. Answers to Questions raised in the appointment letter:
 - a. Exact Chronology of event – see section I of this memorandum.
 - b. Training - All soldiers involved received the proper training on traffic control, patrolling and rules of engagement (ROE). This training was conducted at Ft. Stewart, GA; the National Training Center, CA; and at Camp Buehring, Kuwait.
 - c. ROE - The group used the appropriate escalation of force [REDACTED]. The soldiers shouted at the vehicle and used proper hand and arm signals. Then they showed their weapons in a manner that demonstrated intent to fire. Next warning shots were fired at a safe area, starting a reasonable distance from the vehicles. The patrol was able to stop the first vehicle without injury. This demonstrates that the patrol maintained the proper level of discipline while only engaging the target that still posed a threat.



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- d. The civilians had identification.
- e. The civilians in the gray vehicle (Tag 263274) were [REDACTED] and [REDACTED]. Both individuals in the white vehicle (Tag 14170) were from Baghdad. The name of the deceased person was Hassan Negemish Jaber. The passenger's name is [REDACTED].
- f. The civilians had no weapons.
- g. All civilians and vehicles were searched thoroughly.
- h. The entire incident was reported over FM transmission in a timely and accurate manner. An 8 line CIR was also sent in to the 48 BCT in a timely manner.
- i. The 48 BCT SOP does not discuss patrolling and traffic stops. Refer to section C-1-1 for information pertaining to tactical road marches; however, this section does not bare much relevance to this incident. The 3 ID FSOP discusses traffic control points (pg 2-32). The only point that may pertain to this scenario is the section on search refusal. The FSOP clearly states to use a graduated response if a search is refused. In this case the vehicle refused to stop and thus refused to allow a search. A graduated escalation of force was used.

III. Recommendations (Section V)

Based upon all the evidence, my individual discussions with the witnesses who supplied sworn statements, and my findings of facts, I recommend the following:

1. The soldiers all followed ROE regarding escalation of force. Thus, I do not recommend any type of disciplinary, administrative or UCMJ action.
2. While the 3ID SOP provides guidance for setting up a TCP it does not clearly outline how to react to a possible threat turning to flee. The soldier on the ground needs clearer guidelines with regards stopping fleeing vehicles. When is it appropriate to use lethal force to stop a potential threat from escaping?
3. All of the soldiers involved should be counseled and retrained on the engagement criteria for fleeing vehicles, so they further learn from this event.



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4. The appropriate claims officers should be notified of potential claims arising from this incident.

[REDACTED]
2LT, MI, USA
[REDACTED]