

AFZP-VE-C

9 September 2005

MEMORANDUM FOR THE RECORD

SUBJECT: AR 15-6 Investigation in the A Co., 3-7 IN Escalation of Force Shooting, 28 August 2005

- 1. I approve the findings and recommendations of the investigating officer.
- 2. The POC for this memorandum is CPT [REDACTED], Trial Counsel, at [REDACTED].

[REDACTED]

[REDACTED]

COL, EN
Commanding

DEPARTMENT OF THE ARMY
Headquarters, 3rd Battalion, 7th Infantry Regiment
4th Brigade, 3rd Infantry Division
APO AE 09364

AFZP-VEI-HC

31 August 2005

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Table of Contents

1. The following documents are included in the AR 15-6 investigation packet concerning the fatality of an Iraqi Local National the incident involving A company, 3/7 Infantry BN, 3ID on 28 August 2005:

- A. DA Form 1574, Report of Proceedings by Investigating Officer
- B. AR 15-6 Investigating Officer Appointment Orders
- C. Legal Review of Investigating Officer's Findings and Recommendations

D. Exhibits:

- A. DA Form 2823, Sworn Statement by 1LT [REDACTED]
- B. DA Form 2823, Sworn Statement by SGT [REDACTED]
- C. DA Form 2823, Sworn Statement by SGT [REDACTED]
- D. DA Form 2823, Sworn Statement by SGT [REDACTED]
- E. DA Form 2823, Sworn Statement by SPC [REDACTED]
- F. DA Form 2823, Sworn Statement by SPC [REDACTED]
- G. DA Form 2823, Sworn Statement by CPL [REDACTED]
- H. DA Form 2823, Sworn Statement by SPC [REDACTED]
- I. DA Form 2823, Sworn Statement by SPC [REDACTED]
- J. Serious Incident Report
- K. [REDACTED]
- L. [REDACTED]
- M. Memorandum for Commander

2. POC for this memorandum is the undersigned.

FOR THE COMMANDER

[REDACTED]

CPT, FA
Battalion Effects Coordinator

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by [REDACTED]

(Appointing authority)

on 29 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 FOB [REDACTED], Iraq

(Place)

at

1300

(Time)

on 30 August

(Date)

(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)

The following persons *(members, respondents, counsel)* were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

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

The *(investigating officer) (board)* finished gathering/hearing evidence at

2100

(Time)

on

30 August 2005

(Date)

and completed findings and recommendations at

2200

(Time)

on

31 August

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ^{1/}	NA ^{2/}
1	Inclosures <i>(para 3-15, AR 15-6)</i>			
Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>				
	a. The letter of appointment or a summary of oral appointment data?			
	b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>	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 <i>(Certificate, if statement provided orally)?</i>			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers <i>(other than evidence)</i> 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?		<input checked="" type="checkbox"/>	
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		<input checked="" type="checkbox"/>	
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			<input checked="" type="checkbox"/>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			<input checked="" type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			<input checked="" type="checkbox"/>
	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?			<input checked="" type="checkbox"/>
	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)?			<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			<input checked="" type="checkbox"/>
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)?			<input checked="" type="checkbox"/>
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 IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
After reviewing all evidence related to the incident with the fatality of an Iraq local national which occurred on 28 August 2005, I have determined that the soldiers were justified in firing disabling shots. The soldiers followed appropriate escalation of force protection procedures before firing the disabling shots. The evidence supports no negligent behavior or breach of standard operating procedures by the soldiers.

On the day of the incident, which took place at 0545, 28 August 2005, 1LT [redacted] was leading the patrol #082804. According to 1LT [redacted], platoon leader, the patrol was traveling through their sector traveling along routes [redacted] and [redacted] towards route [redacted]. There were approximately six to eight vehicles behind the convoy. A white Hyundai Accent four door sedan with a Baghdad license plate number [redacted] passed through traffic behind the patrol at very high rate of speed. The white Hyundai was approximately 150 meters behind the last vehicle in the convoy. The white Hyundai was traveling at approximately 60 MPH. Visibility was approximately 75%. It was still dark and just before sunrise. The order of march for the patrol was A/1-3 (BFV), A/ 1-7 (M114), D/ 1-1(M114). PFC [redacted], the gunner of the rear vehicle flashed a spotlight several times at the incoming vehicle. This had no effect on the driver of the white Hyundai Accent (Exhibits A, E, I.). The white Hyundai continued to close in on the patrol at a high rate of speed. PFC [redacted] had no time to shout or show a hand an arm signals. PFC [redacted] began firing warning shots, which then escalated to disabling shots (Exhibits E, F, H.). The white Hyundai Accent then passed the rear vehicle, on the left side, entered the convoy and cut in front of the rear vehicle. It continued traveling through the convoy. The car swerved to the right side of the road behind the second vehicle in the convoy. The gunner of the second vehicle, A/1-7 began to fire disabling shots from his M240B he fired 3-5 rounds before the sedan passed A/1-7 on the right side. The gunner of the second vehicle could not continue to engage the white Hyundai because of the amount of and suddenly stopped. A/1-3 was in a blocking position turned sideways to block the road, A/1-7 and D/1-1 approached the vehicle from a safe distance. Both M114's shined their spotlights on the vehicle, and the interpreter was on the loudspeaker telling the driver to stop. He gave instructions to the driver to turn the vehicle engine off and to get of the vehicle. The sedan then went into reverse and began to moving backwards towards A/1-7 (the second vehicle) (Exhibits A, B, E.). The crew from A1-7 fired more disabling shots into the tires and engine in attempt to stop the vehicle. The local national opened the door and stepped out. The soldiers as well as the interpreter used loud, clear instructions in Arabic telling the driver to put his hands up and walk towards them. Still fearing that the sedan was a failed VBIED, none of the soldiers approached the vehicle or driver. The driver put his hands up for a brief moment, and then quickly jumped back into the car and put into drive. The local national's car accelerated forward causing the tires to spin, It headed in the direction of the parked BFV (Exhibits A, D, E, F, D). The soldiers engaged the driver with deadly force. The driver of the white Hyundai Accent vehicle was killed by lethal shots. The driver was identified as [redacted] 66 years old, based on identification card found in his vehicle (Exhibit A).

The patrol used voice and visual signals, and then fired warning and disabling shots to halt the approaching vehicle. The patrol escalated their use of force IAW the current Rules of Engagement. The driver of white Hyundai Accent four door sedan with Baghdad license plate number [redacted], [redacted], was killed in the incident on 28 August 2005 at 0545. The local national's failure to obey the patrol's warning signals, compounded by excessive vehicle speed, put the patrol at risk. The patrol responded appropriately with the necessary amount of force required to control the situation. The driver of white Hyundai Accent automobile was killed by the fourth level of force, deadly force. The amount of force used and the escalation of force in this incident were justifiable.

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

In view of the above findings, the (investigating officer) (board) recommends: *Mohamed Ali Hussien Alaywi*
No soldiers are held liable in the fatality of the Iraqi National [redacted]. There is no evidence to suggest RAMP (Return fire, Anticipate attack, Measure force response, Protect lives and designated property) or ROE (Rules of Engagement) violations.

- Recommend implementation of the following measures to reduce the likelihood of a repeated incident:
1. Review company SOP's and TTP's.
 2. Review ROE and scenario discussion with patrol leaders.

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.)

Informal 15-6

(Recorder)



(Investigating Officer) (Resident)

(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.)



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3-7TH INFANTRY BATTALION
4TH BRIGADE, 3RD INFANTRY DIVISION
FORWARD OPERATING BASE [REDACTED]
BAGHDAD, IRAQ
APO AE 09364

AFZP-VEI-C

29 AUGUST 2005

MEMORANDUM FOR RECORD

SUBJECT: Appointment as 15-6 Investigation Officer

1. CPT [REDACTED], [REDACTED], HQ/3-7 IN is hereby appointed an investigating officer pursuant to AR 15-6 and AR 210-7, paragraph 4-3, to conduct an informal investigation into shooting of a local national by A/3-7 IN.
2. In your investigation, all witness statements will be sworn. From the evidence, you will determine the circumstances of how and when the shooting occurred and whether or not proper procedures were followed.
3. Submit your finding and recommendations in four copies on DA Form 1574, and all supporting documentation to the Battalion Executive Officer no later than 7 days from the Appointment Date.
4. POC for this memorandum is the undersigned.

[REDACTED]
LTC, IN
Commanding

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 BLDG 1107, CAMP [REDACTED] IRAQ		2. DATE (YYYYMMDD) 2005/08/28	3. TIME 1952	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]		6. SSN [REDACTED]		7. GRADE/STATUS 1LT/PLATOON LEADER
8. ORGANIZATION OR ADDRESS A CO, 3/7 IN BN, 4 BCT, 3ID, CAMP [REDACTED] IRAQ				

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

AT 0530 my patrol SP'd FOB [REDACTED] and traveled along routes [REDACTED] and [REDACTED] route [REDACTED]. We got onto Route [REDACTED] at [REDACTED], traveling west to [REDACTED] then north. There were approximately 6-8 vehicles behind our convoy approximately 150 meters. At approximately grid [REDACTED] at 0600, a white Huandi Accent 4 door sedan Baghdad Lic. [REDACTED] passed the traffic behind us and approached our patrol at a high rate of speed. Our speed was 25 MPH, and the sedan was traveling approximately 60 MPH. Visibility was approximately 75%, as we had just passed BMNT. Our order of march was A1-3 (BFV), A1-7 (M1114), and D1-1 (M1114). The gunner on D1-1 (PFC [REDACTED]) flashed a spotlight several times at the vehicle with no effect, and began firing warning shots from his M16A2, and because of the vehicle's high rate of speed, immediately began firing into the hood and vehicle. The sedan continued to pass D1-1 on the left side, and then swerve to the right side of the road behind A1-7. At this time the gunner for A1-7 began engaging the vehicle with warning and disabling shots from his M240B where he fired 3-5 rounds before the vehicle was passing A1-7 on the right side. Because of the amount of cars in the early morning fuel line, he could not continue to engage the vehicle while it was along the right side of A1-7. The car sped towards the BFV, and then suddenly stopped. The BFV turned sideways to block the road, and A1-7 and D1-1 approached the vehicle from a safe distance. Both M1114's shined spotlights on the vehicle, and the interpreter was on the loudspeaker telling the driver to stop, turn off his car, get out, etc. The crews from both M1114's dismounted and stayed a safe distance from the vehicle. The sedan then went into reverse, (the back up lights were on), and began moving backwards towards A1-7. The crew from A1-7 fired more disabling shots into the tires and engine in a final attempt to stop the vehicle before using deadly force. The sedan then turned to the left, and the driver opened the door and stepped out. The driver was not visibly wounded at this time. The crewmembers as well as the interpreter used loud, clear instructions in Arabic telling the driver to put up his hands and walk towards them. Still fearing that the vehicle was a failed VBIED, none of the soldiers approached the vehicle or driver. The driver put his hands up for a brief moment, and then quickly jumped back into the car and put it into drive. He mashed the accelerator, causing the tires to spin, and then accelerate quickly towards the BFV which was parked sideways. At this time nearly all infantry on the ground engaged the driver with deadly force. Just before the sedan impacted with the BFV, the driver slumped over to the right in the seat, and the sedan swerved left across the median, down a small embankment, through a fence and some shrubbery, and came to a stop just before hitting an apartment building. We cordoned off the area, with the assistance of elements from Bravo and Delta companies, and prepared to send up a [REDACTED] request for EOD. At this time, two IP vehicles came from [REDACTED]. The IP's walked up to the vehicle, opened the trunk, and confirmed that it was not a VBIED. Once we confirmed that it was not a VBIED SPC [REDACTED] (medic) moved to the LN to administer aid and check vital signs. He determined that there were no vital signs and that the LN was KIA due to multiple GSW to the upper torso and head. The IP officer that responded was 1LT [REDACTED], from the [REDACTED] IP station, POC [REDACTED] (office) [REDACTED] (mobile), and he said that he had already contacted for an ambulance and tow truck support. We identified the LN as [REDACTED], 66 YO, based on identification found in his vehicle.

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: BLDG 1107 FOB [REDACTED] IRAQ
2. DATE (YYYYMMDD): 20050828
3. TIME: 1600
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: E5/ SBD LDR
8. ORGANIZATION OR ADDRESS: D Co 3-7 INF, 3ID

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

At Grid [REDACTED] ON or around 0600 hours. Our patrol was heading toward [REDACTED]
I hear my Gunner yelling stop and fire 3 rounds from his M16. I looked out the window
of my M114 and saw a white car scream past from the left. The car swerved and
continued to go towards the M114 in front of me. Lt [REDACTED] called on the radios
that the car is heading towards SGT [REDACTED] Truck. I think they shot at it as well.
At this time the Bradley had them blocked in. The guy started to get out of his car, but
slammed the door and took off. We chased him down & he got out of his car for
a minute. He then got back in and tried to take off again. SGT [REDACTED] truck &
The BRADLEY fired at him again. This time he swerved and ran into
The dirt & stopped for SPC [REDACTED] our medic checked his vitals and determined that he was
Dead. The SPS threw up and take over.

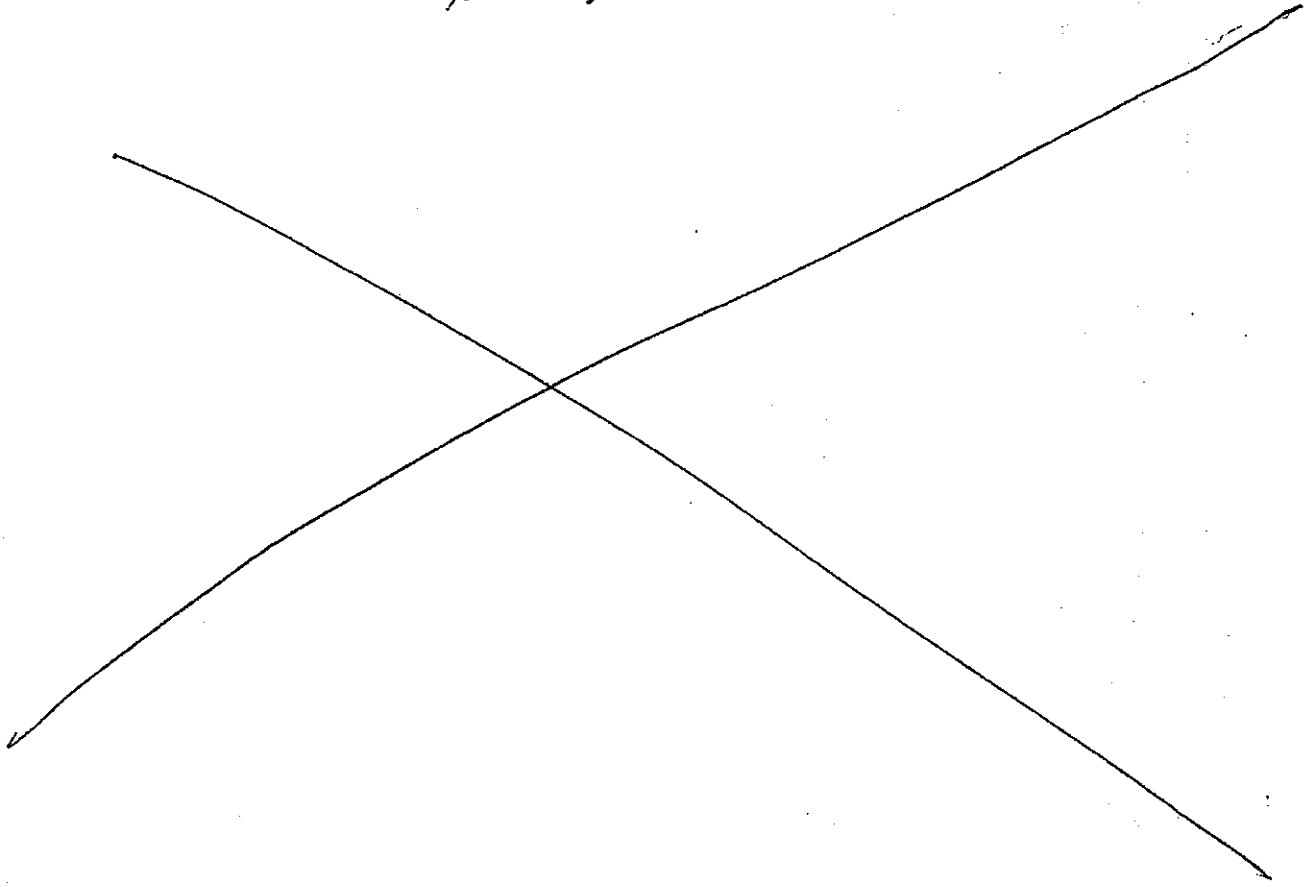
Nothing Follows

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

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

9. STATEMENT (Continued)

nothing follows



AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of August, 2005 at F26 [REDACTED] T [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

SWORN STATEMENT

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

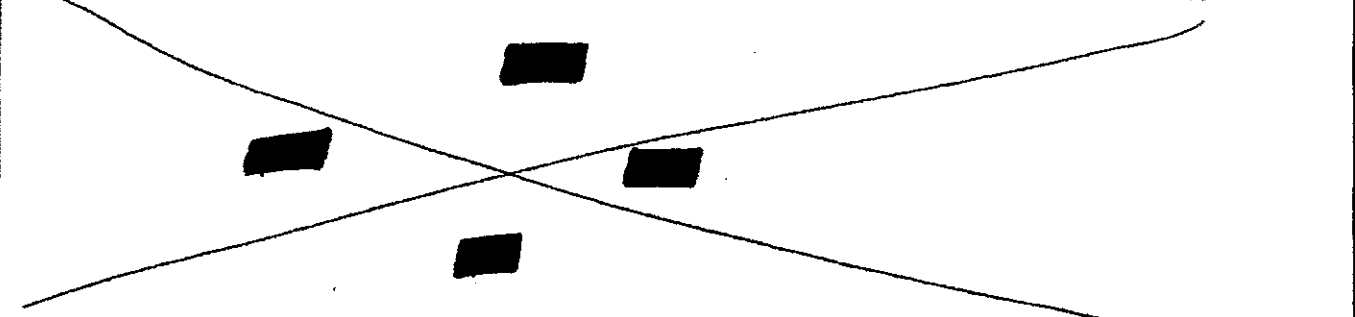
PRIVACY ACT STATEMENT

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

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 20050823 3. TIME 0600 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E5
8. ORGANIZATION OR ADDRESS A CO 3/7 INF 3ID

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

On or about 0600 on 28 AUG, 3rd PLT, A CO was traveling north on [redacted] when a white car broke through the convoy. My gunner shot at the vehicle but he kept heading toward the lead vehicle. He stop right behind the Bradley. I stop about 100m shot at the car and I got out w/ my interpreter but the car took off again. We went up and chase the car. About a kilometer up the road, we catch up with him and surround the car. I got out the hummer and told him to get out of the vehicle. He got out and jumped back right in and start to pull off. I shot a burst on his front left tires but he picked up speed and attempt to pass our roadblock. He almost run over one of my teammates and as he pass the hummer, I shot another burst. The car then jumps the med. car into the south bank and stop in somebody back yard. It showed up and search the car and confirm the man death. NOTHING FOLLOWS



10. EXHIBIT C 11. INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 02 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.

9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

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

[Redacted Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of August, 2005 at FOB [Redacted] I. T. R. A. Q.

Organization or address line 1

[Redacted Signature]
(Signature of Person Administering Oath)

Organization or address line 2

[Redacted Name]
(Typed Name of Person Administering Oath)

Organization or address line 3

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

Title 10 USC Section 2635; 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
To provide commanders and law enforcement officials with means by which information may be accurately
Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your social security number is voluntary.

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

1. LOCATION

2. DATE (YYYYMMDD)

3. TIME

4. FILE NUMBER

5. LAST NAME FIRST NAME MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

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

On or about 0615, while traveling north on [REDACTED] a white car cut between our two Humvees. Lt [REDACTED] then comes over the net and says a car was headed for my [REDACTED] Bradley. I then turned around and saw him coming, I fired one round towards the car but not hitting the car but a dirt mound. He stops and I told him to get out of the car which he did with his arms up, then I told him to lay down, but he jump backs in his car and backs up and flys around my Bradley. I then gave chase and caught him on the intersection of [REDACTED] and [REDACTED] and pulled around him to block him off and once again told him to get out but he didn't then SGT [REDACTED] gets out with weapon pointed at him and tells him to get out he didn't get out so SGT [REDACTED] shot his driver side front tire out, that when the Iraq national decides to get out. We then told him to step away from the vehicle but didn't listen and jumps back in the car and heads towards Sgt [REDACTED] at that time my Gunner SFC [REDACTED] shots 5 rounds into the car and at the same time CPL [REDACTED] was shooting into the car. The car then jumps the median into the South bound lane and runs into a fence and ends up in somebody front yard. We didn't go near the car but the IP's came and search it and found the Iraq National dead.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION [REDACTED] FOB [REDACTED], IZAA	2. DATE (YYYYMMDD) 2805 08 28	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4/medic	
8. ORGANIZATION OR ADDRESS D Co 3-7 ZNP			

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

ON Aug. 28, 2005, AT 1600, AT GRID LOCATION [REDACTED] I WAS DRIVING A HUMVEE D11.1LT. [REDACTED] WAS MY TC, SGT [REDACTED], WAS MY PASSENGER, AND PFC [REDACTED] WAS MY GUNNER, WE WERE TRAVELING NORTH ON RTE. [REDACTED] AFTER [REDACTED]. [REDACTED] YELLOW CAR AND FIRED A WARNING SHOT. HE FIRED ANOTHER ROUND FROM HIS M16. I LOOKED IN MY SIDE MIRROR TO SEE THE CAR COMING UP FAST. THEN I HEARD [REDACTED] FIRE AGAIN AND I LOOK OUTSIDE MY MIRROR SEE THE TRACER GO THROUGH THE PASSENGER SIDE FRONT QUARTER PANEL. I JACK TO MY RIGHT AND SEE THE CAR MOVE RIGHT BY US. I THEN HEARD THE HUMVEE IN FRONT OF US FIRE A 3 ROUND BURST FROM THE 240B AS THE CAR GOES BY THEM. THE BFV WAS IN FRONT OF THE CAR WHICH STARTED TO PULL OFF TO THE RIGHT SIDE OF THE ROAD. BEFORE THE BFV STOPS THE CAR WAS STOPPED AND HAD IT'S REVERSE LIGHTS ON. WHEN THE BFV STOPS THE CAR TUCKED UP AND TOOK OFF LEFT OF THE BFV. THE BFV, THE ACO, HUMVEE, AND MY HUMVEE TAKE CHASE DOWN RTE. [REDACTED] THE CAR PUTS ON IT'S HAZARD LIGHTS AND PULLS TO THE RIGHT SIDE OF THE ROAD AGAIN. THE BFV BLOCKS THE FRONT, THE ACO, HUMVEE TAKES THE LEFT SIDE AND MY HUMVEE PULLS UP IN THE REAR. THE DRIVER GETS OUT WITH HANDS OUT, EVERYONE DISMOUNTS THE HUMVEES EXCEPT FOR THE DRIVERS AND GUNNERS. AS THEY APPROACH THE MAN HE GETS BACK INTO THE CAR AND TRIES TO DRIVE LEFT. SOME ON SHOT OUT THE FRONT DRIVER SIDE TIRE. THE CAR STILL TRIES TO DRIVE AWAY AND MORE ROUNDS WERE SHOT BY OTHER SOLDIERS. THE CAR CONTINUES SLOWLY ACROSS THE MEDIAN, THE OTHER LANE, THE ROAD SIDE, THE SIDE ROAD, AND TO A FENCE AND THEN A TREE STUMP. THE BFV PULLS UP BEHIND IT AND I MOVE MY HUMVEE INTO THE SOUTHBOUND LANE. NO ONE GOES NEAR THE CAR BEFORE THE I.P.s SHOW UP. THE I.P.s CHECK THE CAR

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

[REDACTED]

TAKEN AT Irair

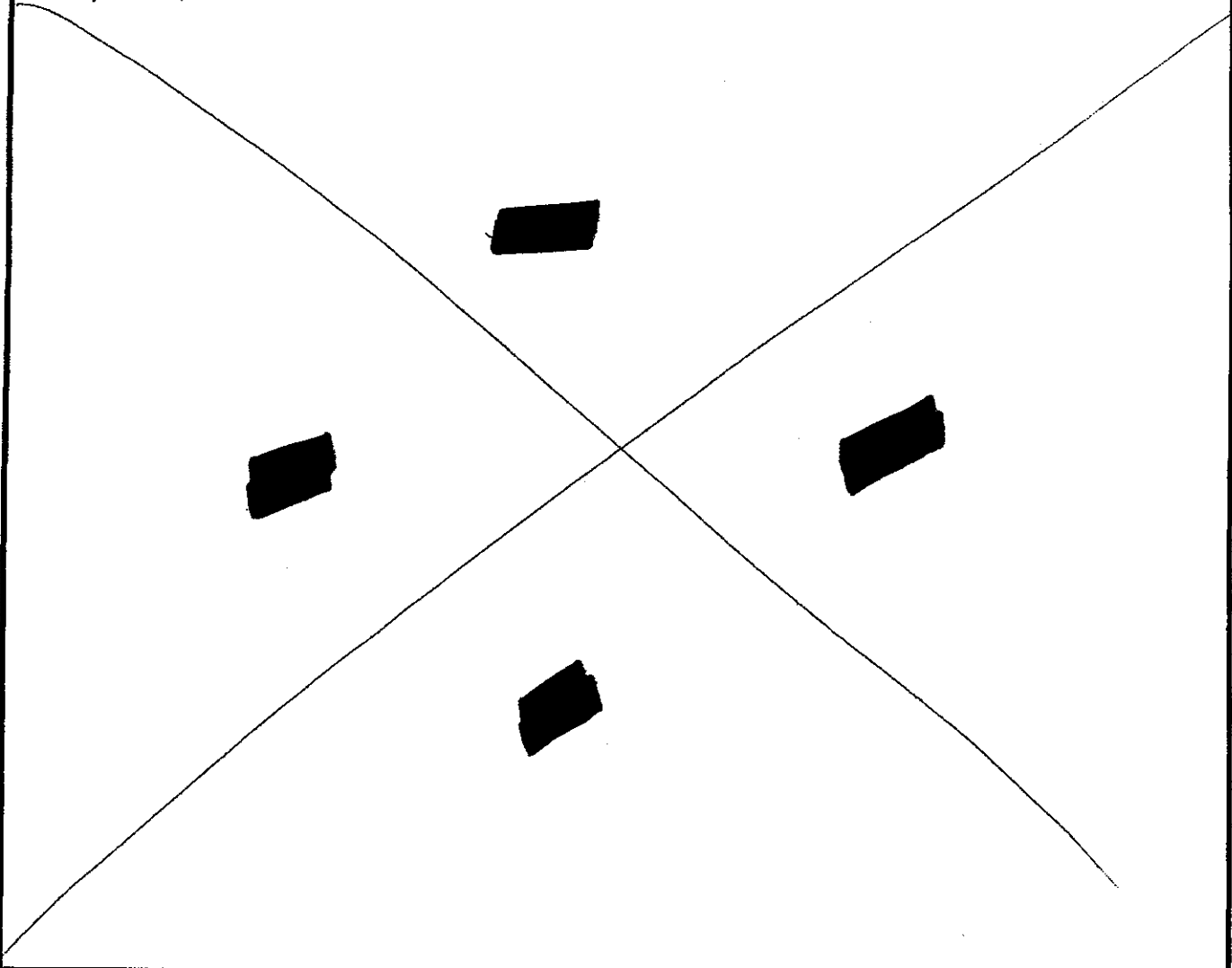
Fog

DATED 2/25/85 08 25

9. STATEMENT (Continued)

and find nothing. I LT [REDACTED] ATAS me CHECK THE DRIVER. AS I APPROACH THE CAR I see blood covering the entire front of the driver's side. The center console was also covered in blood. The driver was laying with his feet at the pedals and his head and arms in the passenger seat. I check the driver radial pulse find none and feel his arm is cold. Then I check for his carotid pulse and still no pulse but his skin was warmer. I check for signs of breathing and find none. As I check the rest of the body I found one of his INTERNAL ORGANS had come out. The driver had multiple gun shot wounds to his body mostly to his midsection and two gun shot wounds in the back of his head. I tell LT [REDACTED] my findings and return to my home.

NOTHING FOLLOWS.



INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3

PAGES

STATEMENT OF

TAKEN AT

FOB

DATED

26th 08 28

9. STATEMENT (Continued)

NOTHING FOLLOWS

AFFIDAVIT

I, SPC. [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 28 day of Aug, 2008 at FOB [REDACTED] Iraq

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

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

[REDACTED AUTHORITY]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 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) 20050828 3. TIME 06:00 4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS CPL
8. ORGANIZATION OR ADDRESS A co. 3-7 INF 3rd ID

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

ARound 06:00 on the 28 of Aug 04, Traveling North on Route [redacted] a White Acura 4 doors Drapped over Roadside going South, the truck 1114 fired many shots the car didn't stop, My Gunner fired many shots too and the car continued and stop behind the Bradley, The car made an escape and we followed till we made the car stop, The car took off again and I fired about 8 Rounds in to the rear as he was making the escape for the third time.
Nothing Follows.

10. EXHIBIT G 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.

9. STATEMENT (Continued)

[Redacted statement content with large X and four blacked-out rectangular areas]

AFFIDAVIT

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

[Redacted Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Aug., 2005 at FOB

[Redacted Signature] (Signature of Person Administering Oath)

[Redacted Name] (Typed Name of Person Administering Oath)

[Redacted Authority] (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 2005 08 28 3. TIME 0615 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS SPC/Brady Turner
8. ORGANIZATION OR ADDRESS Aca 3-7 Inf

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

ON 28th Aug 05 at 0600 The A13 track was patrolling down [redacted] heading north when a call came from [redacted] saying a car was coming from the rear into the convoy. The [redacted] was trailing at [redacted] The Iraqi National cut in front of the [redacted] then proceeded to go on the right side of the [redacted]. Flying past [redacted] with a high rate of speed warning shots were fired to get the car to stop. The car was headed straight toward the 13 track the 13 then fired a warning shot into the dirt beside the car. The car stopped. The Iraqi National stepped out of his car he was told to step away from the car he did not comply and got back in his car. Then went around the 13 track while passing I fired 1 shot gun round at the car he continued to travel north on [redacted]. The 13 victor started to chase the car down. The Iraqi National stopped at the intersection of [redacted] and [redacted] Grid ([redacted]). The 13 victor cut the car off. The [redacted] and [redacted] pulled up surrounding the car. The Iraqi National was once again asked to step out of his car he proceeded to do so. I told him to step back get on the ground demonstrating this. [redacted] then shot the front left tire out to demolish the car. The Iraqi National got back in his car drove toward the 13 victor as if to ram it, I then fired 5 shots at the car of 5.56 sbs. to stop it. The car then jumped the median on the south bound lane of Vernon. The car went off the road to the side road running through a fence in a yard it came to a stop. The 13 victor then pulled security on the car. IP's showed up to investigate the Iraqi National was pronounced dead at the time of [redacted] about 0615 after IP's secured the scene the 13 continued mission nothing else called.

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


ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

9. STATEMENT (Continued)

Nothing else follows

AFFIDAVIT

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

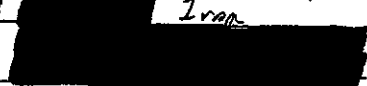

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

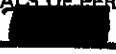
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of Aug., 2005 at FOB Iran


(Signature of Person Administering Oath)


(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 20050328 3. TIME 0600 hrs. 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS E4/SFC
8. ORGANIZATION OR ADDRESS A-Co. 3-7 INF. ESGA 31314 3rd ID.

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

about the incident that happened while Blue Platoon of Alpha Company 3-7 INF. doing a Route Clearance @ 0600 hrs. We were traveling RTB [redacted] from South to North. A white Acura (4 doors) tried to bypass our convoy. The Rear Humvee flashed the car with a flashed light but the car kept driving so fast that I, as the middle 1114 gunner, had to shoot a warning shot. I didnt aim to kill or disable the car but he kept going until the lead Bradley stopped him. The car stopped but managed to bypass the Bradley and escaped. Our convoy chased him until we stopped again. All of sudden, he tried to take off again. From that moment, I had to fire a disabling burst of my M40B.

NOTHING FOLLOWS

[redacted]

10. EXHIBIT H 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.

9. STATEMENT (Continued)

[Large area with a large 'X' drawn over it and a blacked-out redaction in the center.]

AFFIDAVIT

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

[Redacted signature]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Aug., 2005 at FOB Iron

[Redacted signature]

(Signature of Person Administering Oath)

[Redacted name]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted initials]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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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 B10 1107 FOB
2. DATE (YYYYMMDD) 2005 08 28
3. TIME 0600
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS E-3
8. ORGANIZATION OR ADDRESS Dco 3th Inf, 3ID

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

On the morning of August 28, at 0600 hours at the grid [redacted] the following incident occurred: A white four door car approached from the rear of our patrol. The car was driving very fast as if we weren't even there. I was rear gunner and used all nonp procedures to halt this vehicle including yelling in Arabic "August", Flashing my light at the car and finally drawing my M16 as a show of force. When these exhortations of force failed to make the driver stop his car, I fired one 5.56 round from my M16 striking the road left of the car. This also failed to stop the car so I fired another shot at his right front tire. On impact of my shot the car swerved left sharply, hugging the left side of the road, we in turn swerved away from him hugging the right side of the road, which caused me to lose my aim, the car passed us with a generous berth and I again fired another shot into passenger side front tire area as the car was parallel to our truck. The white car continued forward however and at a high rate of speed swerved to the right

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

STATEMENT OF

TAKEN AT 1800

DATED 2005 08 28

9. STATEMENT (Continued)

and went around the middle truck. I fired no more shots after it passed us because Line of Fire. Well the middle truck gunner let loose on his 240 mg, a short burst. The white car continued a short ways and pulled over on the far right hand side. We were yelling for the driver to get out of his car. He did not and in a few seconds yipped off, now passing the Bradley on the left. Our patrol gave chase and the Bradley stopped the car by ~~the~~ blocking it with a sharp right turn. After much yelling the driver gets out and puts his hands up briefly at which point a few Joes moved closer to possibly apprehend the guy. He was an older larger guy and without warning he got back in his car and began to creep forward ever so slowly. At this point more shots were fired at his tires to disable the car. Then the guy just guns it thru a gap between the 1114 and the Bradley, narrowly missing some joes who had to move quick to avoid being hit by the car. People began to shoot at the car, the car swung a hard left about 50 meters later, crossed the SB lane, went down on embankment and bounced off a fence. Then it stopped, our medic and local JP's confirmed the man was dead, and prelin search of the car turned up no contraband. This car traveled very fast and at first we thought the guy had a dud UBid and was running. Deadly force was used to protect Coalition Soldiers, US personnel and local nationals.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

TAKEN AT 1600

DATED 2005 08 28

9. STATEMENT (Continued)

Nothing follows

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Aug., 2005 at F08 [redacted] Irving

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

[redacted]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

TAB E (Commanders Incident Report) to Appendix 3 (Ops Reports) to Annex B
 (Division Standard Reports) to Chapter 4 to 3d IN Div FSOP

LINE 1: UNIT REPORTING: 3-7IN
 LINE 2: INCIDENT: WARNING, DISABLING, AND KILL SHOT FIRED/ LN KIA
 LINE 3: DATE/TIME GROUP (DTG) INCIDENT OCCURRED: 28 0545 AUG 05
 LINE 4: LOCATION OF INCIDENT: [REDACTED]
 LINE 5: PERSONNEL INVOLVED

NAME	RANK	UNIT	SSN	SEX	AGE	RACE
[REDACTED]	1LT	3/A/3-7 IN	[REDACTED]	M		
[REDACTED]	PFC	3/A/3-7 IN	[REDACTED]	M		
[REDACTED]	SGT	3/A/3-7 IN	[REDACTED]	M		
[REDACTED]		3/A/3-7 IN	[REDACTED]	M		
[REDACTED]	SPC	3/A/3-7 IN	[REDACTED]	M		
[REDACTED]	SGT	3/A/3-7 IN	[REDACTED]	M		
[REDACTED]	SPC	3/A/3-7 IN	[REDACTED]	M		

LINE 6: SUMMARY OF INCIDENT: A patrol from 3/A/3-7 IN was moving north on RTE [REDACTED] when a white HONDA ACCENT approached the rear of the convoy at a high rate of speed. The gunner in the rear 1114 attempted to signal the car to maintain a safe distance using light/verbal signals. The driver did not move back. The gunner then pointed his weapon directly at the vehicle and continued to give verbal warnings. The vehicle moved closer to the rear of the convoy. The gunner then fired 1x 5.56MM warning shot. The vehicle sped up. The gunner then fired 1x 5.56MM disabling shot into the hood of the vehicle. The HONDA came to an abrupt halt. The patrol dismounted their vehicles to check the status of the driver and question him. Immediately after dismounting the vehicles, the HONDA started moving again, traveling north in the direction of the halted patrol. 7 members of the patrol then fired kill shots at the vehicle. Approximately 3x 7.62MM rounds, 1x 12 gauge round, and 30x 5.56MM rounds were fired into the vehicle. The HONDA continued to speed past the convoy until it struck a Bradley Fighting Vehicle. The vehicle continued and then hit an 1114 from the patrol. Members of the patrol were now taking cover as the vehicle sped off, traveling approximately 200m north before coming to a final halt. The patrol then moved to cordon off the car. Two other patrols helped to set in a cordon. The IPs arrived and searched the car. The IPs reported the car to be clear of weapons and explosives. The IPs also reported the LN driver was KIA. The LN was identified as [REDACTED]. The IPs then took control of the scene and the patrol continued its mission. There were no US injuries.

LINE 7: DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY: No damage to US vehicles. There is extensive damage to the LNs vehicle and the LN is KIA.

LINE 8: COMMANDER REPORTING: LTC [REDACTED]

SIR ()

Exhibit J.

28 AUG 2005

MEMORANDUM FOR COMMANDER, Camp [REDACTED] Iraq, APOAE 09364

SUBJECT: Killing of Iraqi Local National, 3rd Platoon, A Co., 3-7 IN

INVESTIGATING OFFICER'S NAME: 1LT [REDACTED]

INVESTIGATING OFFICER'S SIGNATURE: [REDACTED]

Findings:

At 0530 on 28 August, 2005, A Section, 3rd Platoon, A Company SP'd FOB [REDACTED] and traveled along routes [REDACTED] and [REDACTED] to route [REDACTED]. They got onto Route [REDACTED] at [REDACTED], traveling west to [REDACTED], then north. There were approximately 6-8 vehicles behind the convoy approximately 150 meters. At approximately grid [REDACTED] at 0600, a white Huandi Accent 4 door sedan Baghdad Lic. [REDACTED] passed the traffic behind the patrol and approached the patrol at a high rate of speed. The patrol speed was 25 MPH, and the sedan was traveling approximately 60 MPH. Visibility was approximately 75%, just after BMNT. The order of march was A1-3 (BFV), A1-7 (M1114), and D1-1 (M1114).

The gunner on D1-1 (PFC [REDACTED]) flashed a spotlight several times at the vehicle with no effect, and began firing warning shots from his M16A2, and because of the vehicle's high rate of speed, immediately began firing into the hood and vehicle. The sedan continued to pass D1-1 on the left side, and then swerve to the right side of the road behind A1-7. At this time the gunner for A1-7 began engaging the vehicle with warning and disabling shots from his M240B where he fired 3-5 rounds before the vehicle was passing A1-7 on the right side. Because of the amount of cars in the early morning fuel line, he could not continue to engage the vehicle while it was along the right side of A1-7. The car sped towards the BFV, and then suddenly stopped. The BFV turned sideways to block the road, and A1-7 and D1-1 approached the vehicle from a safe distance. Both M1114's shined spotlights on the vehicle, and the interpreter was on the loudspeaker telling the driver to stop, turn off his car, get out, etc. The crews from both M1114's dismounted and stayed a safe distance from the vehicle. The sedan then went into reverse, (the back up lights were on), and began moving backwards towards A1-7. The crew from A1-7 fired more disabling shots into the tires and engine in a final attempt to stop the vehicle before using deadly force. The sedan then turned to the left, and the driver opened the door and stepped out. The driver was not visibly wounded at this time. The crewmembers as well as the interpreter used loud, clear instructions in Arabic telling the driver to put up his hands and walk towards them. Still fearing that the vehicle was a failed VBIED, none of the soldiers approached the vehicle or driver. The driver put his hands up for a brief moment, and then quickly jumped back into the car and put it into drive. He mashed the accelerator, causing the tires to spin, and then accelerate quickly towards the BFV which was parked sideways. At this time nearly all infantry on the ground engaged the driver with deadly force. Just before the sedan impacted with the BFV, the driver slumped over to the right in the seat, and the sedan swerved left across the median, down a small embankment, through a fence and some shrubbery, and came to a stop just before hitting an apartment building. The patrol cordoned off the area, with the assistance of elements from Bravo and Delta companies, and prepared to send up a [REDACTED] request for EOD. At this time. Two IP vehicles came from [REDACTED]. The IP's walked up to the vehicle, opened the trunk, and confirmed that it was not a VBIED. Once the patrol confirmed that it was not a VBIED SPC [REDACTED] (medic) moved to the LN to administer aid and check vital signs. He determined that there were no vital signs and that the LN was KIA due to multiple GSW to the upper torso and head. The IP officer that responded was 1LT [REDACTED], from the [REDACTED] IP station, POC [REDACTED] (office) [REDACTED] (mobile), and he said that he had already contacted for an ambulance and tow truck support. The LN was identified as "[REDACTED]", 66 YO, based on identification found in his vehicle. The patrol was unable to determine his address, but 1LT [REDACTED] said that he would contact 1LT [REDACTED] as soon as he did, and also when his investigation was complete. The patrol took photographs and notes, and the IP's said that they

BATTALION COMMANDER'S NAME: LTC

BATTALION COMMANDER'S SIGNATURE:

Soldier's duty performance:

Recommend:

15-6

Comments:

Original signed

LTC, IN
Commanding

3
Encl 1

17202

did not need any further assistance. The patrol left the scene at 0640. As the patrol was mounting up a LN approached them and said that a bullet had impacted his vehicle, but there were no casualties. It appeared that a bullet had ricochet from the hood of his car and through the passenger side window. His name was "[REDACTED]", and the Patrol Leader took photographs, gave him his contact information, and explained the claims process to him. [REDACTED] and round counts were:

[REDACTED] 6 RDS [REDACTED]
[REDACTED] 8 RDS [REDACTED]
[REDACTED] 6 RDS [REDACTED]
[REDACTED] 8 RDS [REDACTED]
[REDACTED] 3-5 RDS [REDACTED]
[REDACTED] 1 RD [REDACTED], 4 RDS [REDACTED]
[REDACTED] 2 RDS [REDACTED]

Recommendations:

There is no indication of any negligence or carelessness on the part of the Soldiers on this patrol. They used proper force escalation procedures, as outlined in the published Rules of Engagement. The vehicle showed multiple patterns consistent with a VBIED attack. The Soldiers used the appropriate RAMP procedures, and subsequently the situation escalated to the point where deadly force was the only solution to protect themselves and the patrol against the perceived threat. The local national was given several chances to comply before deadly force was applied. It was an unfortunate, but un-avoidable situation. As soon as the Iraqi Police identify the LN's family, the Patrol leader should write a letter of condolence to the family, and make his best effort to visit them.

COMPANY COMMANDER'S NAME: CPT [REDACTED]

COMPANY COMMANDER'S SIGNATURE: [REDACTED]

Comments: This situation is difficult to fully understand. The patrol used the proper escalation procedures when dealing with this perceived VBIED threat, although the vehicle did get too close if it were a VBIED. This is a challenge for patrols, weighing the risk of their security buffer and the consequences of taking the life of a confused, disoriented local national Iraqi citizen. I am proud that they conducted an assessment, and escalated the force appropriately as the situation unraveled. I am worried that if this vehicle were a VBIED, that it was able to get as close as it did. At such a high rate of speed, there is not a lot of time to adjust from flashlight to weapon in order to fire off warning, then disabling shots.

Recommend: One possible recommendation would be for vehicles to be installed with some form of blinking light, or a light similar found to those on police vehicles. The light would have to be wired so that its employment could be initiated at the command of the vehicle's gunner. Especially since the gunner of the rear vehicle has better situational awareness at the 6 o'clock position than anyone else in the patrol. I think this man was given several opportunities to avoid his untimely death, but was probably confused and scared. Having these "warning lights" that produce a signal that is easily identified because of its color, or repetition in flashing may prevent this event from occurring again. In the meantime, we will continue to use the spotlights that we have either been issued or purchased, and attempt to raise the attention of local national traffic by flashing. In this case, however, I don't know of any other warning that the patrol could have conducted in such a short time span to prevent the ultimate end.



DEPARTMENT OF THE ARMY
 3rd BATTALION, 7th INFANTRY REGIMENT
 3rd INFANTRY DIVISION
 CAMP FALCON, BAGHDAD, IRAQ
 APO AE 09364



REPLY TO
 ATTENTION OF:

AFZP-VEI-HC

SUBJECT: Patrol Debrief

Battalion Patrol #: 082804

Date: 28AUGUST 05

SP: 0530

RP: 1330

PLT: 3rd

SL/PL: 1LT [REDACTED]

Type of Patrol: Area Recon

Zones: [REDACTED]

Vehicles: [REDACTED]

Unit: PSD A CO B CO C CO D CO E CO F CO MPs

Name	Rank	BR #	MOS	Veh # / Type
[REDACTED]	1LT	BDS2775	19A	D1-1/M1114
[REDACTED]	SGT	BDW294	19K	D1-1/M1114
[REDACTED]	PFC	BDR0825	19K	D1-1/M1114
[REDACTED]	PFC	BDW294	19K	D1-1/M1114
[REDACTED]	SGT	BDA5266	19K	A1-3/M2A2
[REDACTED]	SPC	BAZ8286	11B	A1-3/M2A2
[REDACTED]	SPC	BAW6092	11B	A1-3/M2A2
[REDACTED]	SPC	BAB1629	11B	A1-9/M1114
[REDACTED]	SGT	BAB7229	11B	A1-3/M2A2
[REDACTED]	SPC		91W	D1-1/M1114
		TERP:	[REDACTED]	

1. PATROL TASK: Patrol [REDACTED]
2. PATROL PURPOSE: Patrol and dominate [REDACTED] and conduct route clearance on routes in sector. Counter AIF activity and gather intelligence for future Ops.

Exhibit L

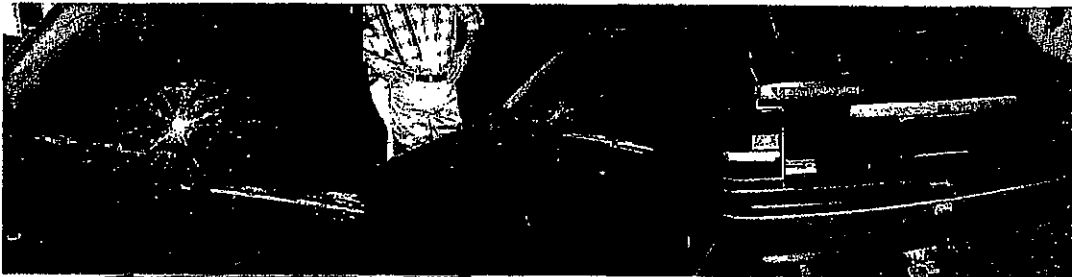
3. PATROL SUMMARY: (Indicate all routes and checkpoints. Include pictures, digital recordings, data, and/or confiscated material. If you confiscate anything, write a detailed description of what you confiscated. Include serial numbers for weapons, computers, etc. Record all significant events, CCIR, SIR locations, and any information for possible future targeting.)

AT 0530 we SP'd FOB [REDACTED] and traveled along routes [REDACTED] and [REDACTED] to route [REDACTED]. We got onto Route [REDACTED] at [REDACTED], traveling west to [REDACTED], then north. There were approximately 6-8 vehicles behind our convoy approximately 150 meters. At approximately grid MB [REDACTED], a white Huandi Accent 4 door sedan Baghdad Lic. [REDACTED] passed the traffic behind us and approached our patrol at a high rate of speed. Our speed was [REDACTED] MPH, and the sedan was traveling approximately 60 MPH. Visibility was approximately 75%, as we had just passed BMNT. Our order of march was [REDACTED], and [REDACTED]. The gunner on [REDACTED] (PFC [REDACTED]) flashed a spotlight several times at the vehicle with no effect, and began firing warning shots from his M16A2, and because of the vehicle's high rate of speed, immediately began firing into the hood and vehicle. The sedan continued to pass [REDACTED] on the left side, and then swerve to the right side of the road behind [REDACTED]. At this time the gunner for [REDACTED] began engaging the vehicle with warning and disabling shots from his M240B where he fired 3-5 rounds before the vehicle was passing [REDACTED] on the right side. Because of the amount of cars in the early morning fuel line, he could not continue to engage the vehicle while it was along the right side of [REDACTED]. The car sped towards the [REDACTED] and then suddenly stopped. The [REDACTED] turned sideways to block the road, and AI-7 and D1-1 approached the vehicle from a safe distance. Both M1114's shined spotlights on the vehicle, and the interpreter was on the loudspeaker telling the driver to stop, turn off his car, get out, etc. The crews from both M1114's dismounted and stayed a safe distance from the vehicle. The sedan then went into reverse, (the back up lights were on), and began moving backwards towards [REDACTED]. The crew from [REDACTED] fired more disabling shots into the tires and engine in a final attempt to stop the vehicle before using deadly force. The sedan then turned to the left, and the driver opened the door and stepped out. The driver was not visibly wounded at this time. The crewmembers as well as the interpreter used loud, clear instructions in Arabic telling the driver to put up his hands and walk towards them. Still fearing that the vehicle was a failed VBIED, none of the soldiers approached the vehicle or driver. The driver put his hands up for a brief moment, and then quickly jumped back into the car and put it into drive. He mashed the accelerator, causing the tires to spin, and then accelerate quickly towards the [REDACTED] which was parked sideways. At this time nearly all infantry on the ground engaged the driver with deadly force. Just before the sedan impacted with the [REDACTED], the driver slumped over to the right in the seat, and the sedan swerved left across the median, down a small embankment, through a fence and some shrubbery, and came to a stop just before hitting an apartment building. We cordoned off the area, with the assistance of elements from Bravo and Delta companies, and prepared to send up a 9 line request for EOD. At this time. Two IP vehicles came from [REDACTED]. The IP's walked up to the vehicle, opened the trunk, and confirmed that it was not a VBIED. Once we confirmed that it was not a VBIED SPC [REDACTED] (medic) moved to the LN to administer aid and check vital signs. He determined that there were no vital signs and that the LN was KIA due to multiple GSW to the upper torso and head. The IP officer that responded was ILT [REDACTED] from the [REDACTED] IP station, POC [REDACTED] (office) [REDACTED] (mobile), and he said that he had already contacted for an ambulance and tow truck support. We identified the LN as "Mohamed Ali Hussien Alaywi", 66 YO, based on identification found in his vehicle. We were unable to determine his address, but ILT [REDACTED] said that he would contact me as soon as he did, and also when his investigation was complete. I took photographs and notes, and the IP's said that they did not need any further assistance. We left the scene at 0640. As we were mounting up a LN approached us and said that a bullet had impacted his vehicle, but there were no casualties. It appeared that a bullet had ricochet from the hood of his car and through the passenger side window. His name was [REDACTED], and I took photographs, gave him my number, and explained the claims process to him. Battle roster numbers and round counts were:

[REDACTED] 6 RDS 5.56 M4
 [REDACTED] 8 RDS 5.56 M16A2
 [REDACTED] 6 RDS 5.56 M4
 [REDACTED] 8 RDS 5.56 M16A2

3-5 RDS 7.62 M240B
1 RD 12 GA, 4 RDS 5.56 M4
2 RDS 5.56 M4

See annex A for diagram and pictures.



LN [REDACTED] VEHICLE DAMAGED BY STRAY BULLET

At 0915 we went to the [REDACTED] Clinic to discuss upcoming elections with the clinic manager. We got his POC and picture, and discussed several issues. He seemed very reluctant and not very motivated to have the elections at his clinic. Several times he gave us kind of a "why don't you just have them somewhere else" attitude. He also said that last year they were given no notice, and that a bunch of people just showed up that morning and set up in a room, and then decided not to have the elections there, and left. He also said that he had no idea that they were having them there this year, and that no one had notified him. Regardless, we talked with him and got his information. We left at 0945. His name is [REDACTED] mobile [REDACTED]



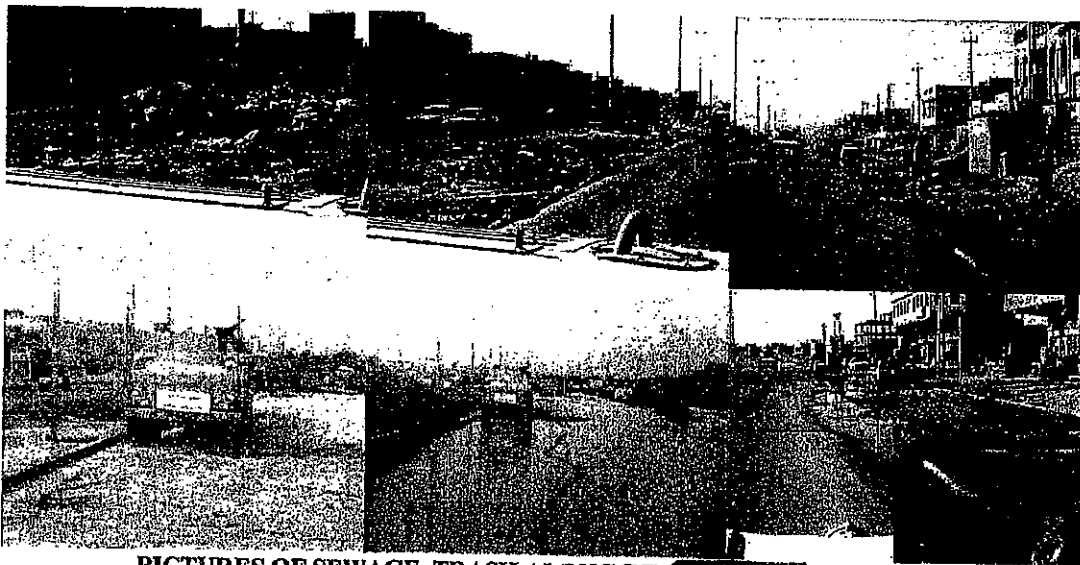
[REDACTED] CLINIC MANAGER

At 1045 we went to the District Election office in [REDACTED] to make contact with the headmaster and just to see how things were going with regards to the elections. The headmaster was not there, so we will have to go back another day.

At 1110 we went to the [REDACTED] to engage the security guard/ acting Imam about why he did not come to the Imam meeting, and to just touch base with him. When we arrived, a 10 year old girl was the only person who answered the gate. She said that she was the only one home, and had no idea where her parents were or when they would be back. I think there may have been someone else there, but they did not want to talk to us. Regardless, we left.

At 1130 we went to the [REDACTED] @ MB [REDACTED] to see if the Imam was in, and engage him. His cousins said that the Imam was only in on Thursdays and Fridays, because he studies in [REDACTED] during the week. They invited us in, however, and we talked for approximately 45 minutes. His cousin's names were [REDACTED] and [REDACTED]. They were very friendly men, and told me all about the [REDACTED] at this location. They said that before the invasion it was run by Saddam, and that now only about 15 people (close family) attend it. They said that they did not follow any specific Shia tract, but they were just simple Muslim men. They did say that they were very happy to see the barriers down at [REDACTED], because they thought that they would deter strange cars from driving through the area. They said that they would also welcome barriers blocking the small bridge across the canal into [REDACTED]. We talked about religion, politics, the [REDACTED] Tribe, and football, and we left there at 1230.

We traveled along routes [REDACTED] and [REDACTED] back to the FOB, all routes were clear.



PICTURES OF SEWAGE, TRASH ALONG RT. [REDACTED]

4. **SIGNIFICANT LOCATIONS AND STATUS:** (Include Iraqi address system and grid):

5. **REQUIRED REPORTING:** (Include the number for each):

TCPs Established: [REDACTED]

HUMINT/Informant TIPS: [REDACTED]

Personal Engagements: [REDACTED]

Information Operations (IO) Flyers Distributed: [REDACTED]
(Muhallas, Grids and Quantity)

Information Operations (IO) Flyers Seen: [REDACTED]
(Muhallas, Grids and Quantity)

6. **SIGNIFICANT CONTACTS:** (Include Sheik, Imams, DAC, NAC, Local civilians, etc.)

7. **DETAINEES?** If yes, how many and reason for being detained?

8. **OVERALL ZONE ASSESSMENT:** GREEN / AMBER / RED

NOTE: All patrol debriefs are due to S-2 NLT 3 hours after completion of mission, unless patrol received contact. If a patrol received contact they must report to the [REDACTED] immediately upon arrival back at the FOB.

