

AR 15-6 Informal Investigation

20 March 2005 Iraqi Civilian Shooting

Appointing Authority:

[REDACTED], LTC, AR

Exemption 6

Ex 6

Investing Officer:

[REDACTED], CPT, AR





DEPARTMENT OF THE ARMY
Headquarters, 3d Brigade Combat Team
3d Infantry Division
FOB Warhorse
APO AE 09392

REPLY TO
ATTENTION OF:

AFZP-VI-JA

27 March 2005

MEMORANDUM FOR Commander, 2d Battalion, 34th Armor, FOB Gabe, Iraq, APO, AE
09397

Subject: AR 15-6 Legal Review

1. In accordance with Army Regulation 15-6, I have conducted a legal review of the informal AR 15-6 investigation conducted by CPT [REDACTED] involving the facts and circumstances surrounding the killing of a civilian by US Forces in Al-Abarra on 20 March 2005. My findings are as follows:

- a. The proceedings comply with legal requirements.
 - b. There is legally sufficient evidence to support the findings of the investigation.
 - c. The recommendations are consistent with the investigating officer's findings.
2. The facts in this investigation revealed that US Soldiers responded with graduated force in accordance with the Rules of Engagement and used deadly force as a last resort in self defense.
3. POC for this legal review is the undersigned.

Ex 6


[REDACTED]
CPT, JA
Brigade Trial Counsel



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2d BATTALION 34th ARMOR
FOB GABEPO AE 09397



AFZN-BA-T

22 March 2005

MEMORANDUM FOR RECORD

SUBJECT: Investigating Officer Duty Appointment

1. Effective immediately, CPT [REDACTED] has been appointed the following additional duty:

Investigating Officer; Informal 15-6

Ex 6

2. Authority: VOCO.
3. Purpose: To perform duties IAW Army Regulations and determine facts surrounding the shooting on 20 March 2005 that resulted in the death of an Iraqi national. Focus of the investigation is actions that led to the engagement and recommendations for further action.
4. Period: The duration of this investigation is 10 days from receipt of this appointment. Submit requests for extensions through the Battalion S1.
5. Special Instructions: Submit DA 1574 with all enclosures to Battalion S1 NLT 1 April 2005. Legal counsel is available from 3 BCT Legal. See S1 for contact information.

[REDACTED]

LTC, AR
Commanding

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 [REDACTED] T.C., AR

(Appointing authority)

Ex 60

on 22 March 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 Gabe, Iraq (Place) at 0900 (Time)

on 22 March 2005 (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 23 March 2005 (Date)

and completed findings and recommendations at 2000 (Time) on 24 March 2005 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1		YES	NO ^{1/}	NA ^{2/}
	Inclosure (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?			
	b. Copy of letter to respondent, if any? (See item 9, below)	X		
	c. Other correspondence with respondent or counsel, if any?			X
	d. All oral communications to or from the appointing authority?			X
	e. Primary oral 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. Inclosure of minutes of sessions of a formal board not included on page I of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1. Supply all negative answers on an attached sheet.

2. If 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)?			
	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 IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
See attached memorandum.

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

In view of the above findings, the (investigating officer) (board) recommends:
See attached memorandum.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

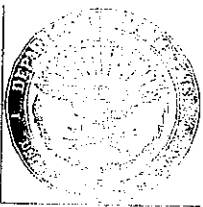
To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute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

(Member)

(Member)

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

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



DEPARTMENT OF THE ARMY
Headquarters, 2nd Battalion, 34th Armor Regiment
3rd Brigade Combat Team, 42nd Infantry Division
FOB Gabe, Iraq
APO AE 09397

AFIN-BA-T

24 March 2005

MEMORANDUM FOR Commander, 2nd Battalion, 34th Armor

SUBJECT: AR 15-6 Investigation Findings and Recommendations

1. **Findings.** After investigating the incident that occurred on the evening of 20 March 2005 that resulted in the death of an Iraqi civilian, named [REDACTED] it is my belief, based on a preponderance of evidence, that the soldiers involved in the incident believed that the vehicle driven by [REDACTED] was a threat to themselves, their equipment and the Iraqi Army Headquarters and they used the appropriate amount of force to stop the vehicle.

ExC

2. **Recommendations.** I recommend that no disciplinary action be taken against the soldiers involved. In fact, I believe they acted in accordance with the Rules of Engagement.

3. **Background.** On 20 March 2005, between 1800 and 1900 hours, the TF 2-34 Commander's personal security detachment (PSD) accompanied him to investigate a vehicle borne improvised explosive device (VBIED) attack that occurred at the headquarters of D Company, 213th Iraqi Army (IA) Battalion in the Al Anbar province, vicinity grid MC692425. The combat patrol left FOB Gabe with 5 military vehicles: PSD7, HQ3A, HQ7A, HQ191A, and PSD8. Upon arrival at the headquarters, the leader of the Halo element, SSG [REDACTED] call sign 'Halo 7', instructed SGT [REDACTED] call sign 'Halo 8', to establish a checkpoint and casualty collection point on the road that led to the IA headquarters. He instructed SGT [REDACTED] to deny any civilian traffic through the checkpoint. Military vehicles at the checkpoint consisted of the ambulance (M997, HQ191A), Halo 9's vehicle (M1114, HQ7A) and Halo 8's vehicle (M1025A2, PSD8). The battalion commander and SSG [REDACTED] moved closer to the IA headquarters, parking on a road perpendicular to the road leading to the IA headquarters, oriented towards it. SGT [REDACTED] established 360-degree security at the checkpoint, vicinity grid MC697427. He positioned HQ7A on the road southeast of the checkpoint, oriented towards the IA headquarters. He positioned PSD8 on road northeast of the checkpoint oriented along the road, away from the IA headquarters. The ambulance was positioned in the middle. He also made use of a concrete barrier that spanned half of the road. PFC [REDACTED] from the Halo 9 element, SPC [REDACTED] the driver of the ambulance, and PFC [REDACTED] from the Halo 8 element dismounted their vehicles and positioned themselves behind the concrete barrier. SGT [REDACTED] also dismounted his vehicle and positioned himself to the right of the concrete barrier, in front of a stack of cinder blocks. PFC [REDACTED] remained mounted in the gunner's position of the M1025 (Halo 8). Behind the concrete barrier, SPC [REDACTED] was positioned on the left, PFC [REDACTED] was positioned in the center and PFC [REDACTED] was positioned on the right, all oriented on the road to the IA headquarters, facing away from the headquarters. Between 15 and 30 minutes after establishing the checkpoint, a silver colored late model Hyundai Sonata 4 door sedan approached the checkpoint from the northeast moving south along the road. Its lights were on and it was traveling at a moderate speed. When the vehicle came within 200 meters of the checkpoint, the soldiers on that side of the checkpoint began signaling the vehicle with two, two million candlepower spotlights by flashing the lights at the vehicle and silhouetting their positions to allow the driver to see the checkpoint. The vehicle continued toward the checkpoint at approximately 30 miles per hour and when it came within 100 meters, the soldiers at the checkpoint (SPC [REDACTED] PFC [REDACTED] PFC [REDACTED] PFC [REDACTED] and SGT [REDACTED]) began shouting for the vehicle to stop in both English and Arabic. They also used hand signals to motion for the vehicle to slow down, stop, and turn around. The vehicle slowed down, pulled over to the left hand side of the road and dimmed the headlights. The vehicle continued toward the checkpoint very slowly. The soldiers continued shouting at the vehicle to stop. The vehicle picked up speed, turned its high beams on and continued toward the checkpoint. At this point PFC [REDACTED] asked permission from SGT [REDACTED] fire a warning shot at the ground in front of the vehicle. SGT [REDACTED] granted permission and PFC [REDACTED] fired one round in front of the vehicle when the vehicle was

ExC

approximately 50 meters from the checkpoint. The vehicle continued toward the checkpoint. PFC [REDACTED] SPC [REDACTED] fired more warning shots at the vehicle, striking the right front tire, the left rear tire, the hood and the windshield. The vehicle continued towards the soldier's position. PFC [REDACTED] then informed SGT [REDACTED] that vehicle was not stopping and he responded by telling him to use deadly force. PFC [REDACTED] aimed at the driver and fired one shot that killed the driver. Upon inspection of the vehicle it was determined that the driver was the only occupant of the vehicle. The driver was later identified as [REDACTED]

4. POC is the undersigned at DNV 552-6234.

[REDACTED]
CPT, AR
Investigating Officer

Ex 6

AR 15-6 Informal Investigation into 20 March 2005 shooting of an Iraqi civilian

Exhibits:

- A - SPC [REDACTED] statement
- B - SSG [REDACTED] statement
- C - SGT [REDACTED] statement
- D - PFC [REDACTED] statement
- E - PFC [REDACTED] statement
- F - PFC [REDACTED] statement
- G - Sketch of the area where the incident occurred
- H - Map of the area
- I - Imagery of the area
- J - Photos of the vehicle
- K - Photos of the Iraqi civilian

Ex 60

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
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Gabe, Iraq	2. DATE (YYYYMMDD) 2005/03/23	3. TIME 1530	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS HHC 2-34 AR, OIF III, FOB GABE, APO AE 09397			

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

On 20 March 2005 approximately 1800 hrs. SSG [REDACTED] and I, SPC [REDACTED] received orders that we were to move out with the Quick Reaction force as medical support for a mission to the Iraqi Army Headquarters camp in the Diyala region. We rolled out with Dreadnaught 6 and Halo 7. Upon arrival at the area Halo 7 established the security and escorted the Field Ambulance (FLA 191) to set up a CCP approximately 500 meters from the attack site. Halo 8 took control of security and cordon of our location. Halo 7 then with some of his elements proceeded to the attack site down the road to notify Dreadnaught 6 that the ccp was established. I moved away from the CCP about 20 meters to help out with security of the street we were on. Two scouts were on that side of the security element with me. They were using spotlights to shine on cars as well as Arabic phrases to deter the Iraqis that were trying to come up to the area. There was one vehicle however, that wouldn't stop. We started to try to deter the vehicle about 200 meters out with the spotlights and the words "Stop!" and "Quif!" the vehicle did not respond and kept its course and speed. The vehicle got in to about 50 meters, it then slowed down but kept its course towards us. Myself and the two scouts with me then raised our rifles and pointed them at the vehicle and still the vehicle didn't stop or slow down. I heard a scout ask his NCO if we should fire. SGT [REDACTED] the NCO then yelled "Yeah, Fire!" I then Fired 3 rounds into the engine compartment of the car, the car was still coming towards us. I then Fired 1 more additional round into the windshield at the man driving. The vehicle came to an immediate stop. The driver of the vehicle was not responding so with permission from Halo 8 and Scalpel 1 SSG [REDACTED] and SGT [REDACTED] approached the vehicle to check if the person in the vehicle had a pulse, SSG [REDACTED] then checked the carotid pulse the person did not have a pulse. Scalpel 1 and Halo 8 called in the encounter. We continued with our mission; cordon, security and medical support of the attack site. We then received orders to move up to the Iraqi Army Headquarters and turn over the person KIA to the Local National personnel where an Iraqi civilian ambulance was on site. We handed over the body. SSG [REDACTED] and SFC [REDACTED] approached the FLA and said that SGT [REDACTED] and SPC [REDACTED] were wounded when they were hit by an IED on their way back from FOB Warhorse. SSG [REDACTED] and I attended to their wounds that were possible tympanic membrane rupture, and minor abrasions and contusions. We received orders to move out of the area and treatment of the two soldiers was done in route to FOB Gabe. Upon arrival to FOB Gabe Battalion Aid Station, we transferred the walking wounded to SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] and CPT [REDACTED].

IO questions based on initial statement:

1. What was the QRF responding to?
To an attack on the IA headquarters.
2. What vehicles constituted the Quick Reaction Force?
No, but there were 6 or 7 vehicles including us (the ambulance).
3. Where was your vehicle in the order of march?
2nd to last.
4. Did you drive the ambulance?
Yes.
5. Who was in Halo 7's vehicle?
I don't know.
6. When did you SP from FOB Gabe?
Around 1800.
7. Do you recall when you arrived at your destination?
About 1830.

10. EXHIBIT A	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 INDICATED.

STATEMENT OF Specialist [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

8. Can you point out on a map the location where you set up security with the Halo element?
No, I'm not sure.

9. Who was with you at the site where you were told to pull security?
I don't know. How many vehicles? 2

10. Who directed that you and the Halo element pull security?
I believe it was SSG [REDACTED]

11. Can you give a description of the vehicle that was fired upon?
Silver Hyundai 4 door sedan.

12. How was the vehicle deterred with spotlights by the PSD?
Flashing them at the vehicle.

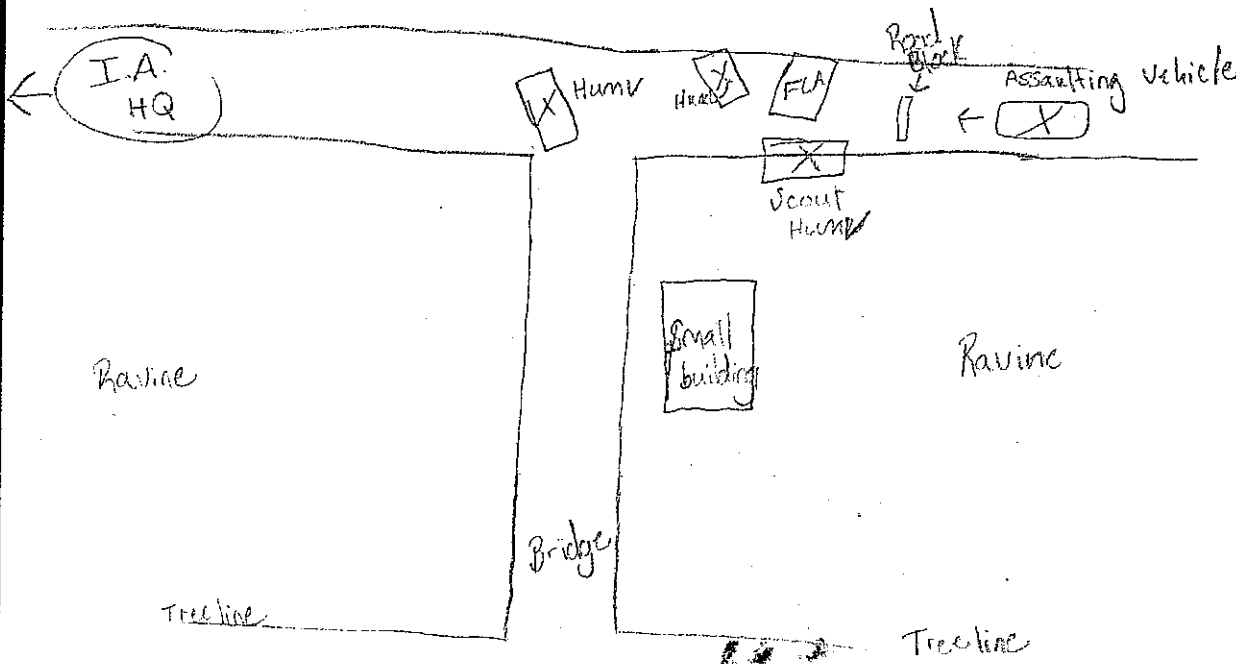
13. How many times did you and the members of the Halo element shout for the vehicle to stop (in Arabic)?
I don't remember, but it was a lot.

14. Do you believe the warnings given to the vehicle were adequate?
Yes, he came right up on us and he was heading directly for us.

15. Did you suspect the vehicle to be a VBIED?
Yes, that was the first thing in my mind. There were explosions in the background, tracers flying overhead, etc.

16. Who were the two scouts with you?
PFC [REDACTED] was one...I don't remember the other. Maybe PFC [REDACTED]

17. Can you draw a diagram of the site?



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF Specialist [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

//////////////////////////////////-----NOTHING FOLLOWS-----////////////////////////////////////

Ex 6

AFFIDAVIT

I, Specialist [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 administer oaths, _____ 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 OF PAGES

PRIVACY ACT STATEMENT

The Privacy Act requires that when the Government solicits information from you that will be filed and retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. AUTHORITY FOR SOLICITING INFORMATION. 10 U.S.C. §3013

B. PRINCIPAL PURPOSE FOR WHICH THE INFORMATION IS INTENDED TO BE USED. To determine the facts and surrounding circumstance be investigated by the authority of appropriate Army Regulations regarding Reports of Survey, Line of Duty Investigations, Army Regulation 15-6 Investigations, or any other procedural matters concerning the gathering of evidence.

C. ROUTINE USES THAT MAY BE MADE OF THE INFORMATION. Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. DISCLOSURE. If you are a subject or suspect in an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide information.

E. THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED. Providing the information is voluntary subject to paragraph D, there will be no adverse effect on you for not providing the information other than certain information might not be available to the appointing or reviewing authority for decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this 23 day of MARCH 2005.



Signature of witness



Signature of interviewee

Ex 6

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
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Gabe, Iraq	2. DATE (YYYYMMDD) 2005/03/23	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E6/RA	
8. ORGANIZATION OR ADDRESS HHC 2-34 AR, OIF III, FOB GABE, APO AE 09397			

9.

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

On 20 March 2005 approximately 1800 hrs. SPC [REDACTED] and I, SSG [REDACTED] received orders for Medical Quick Reaction Force to move out and respond to an attack of one of the Iraqi Army base camp in the Diyala region. We rolled out with Dreadnaught 6 (LTC [REDACTED] and Halo 7 (SSG [REDACTED]). Upon arrival at the area, Halo 7 established security and escorted the Field Ambulance (FLA 191) to set-up a Casualty Collection Point (CCP) approximately 2000 meters from the attack site. Halo 8 (SGT [REDACTED]) took control of security and cordon of our location. At that time Halo 7 drove with some of his elements and proceeded to the attack site to notify Dreadnaught 6 that the CCP was established. Also at the same time, I tried to notify Dreadnaught X-Ray and Dreadnaught 6 via Singcar Radio that the CCP was establish. There was no answer back so I kept on trying. All of sudden, I hear "Quif" and "Stop" repeatedly from the elements pulling security, I turned around to get a better look of what was going on and noticed that the vehicle that the elements were yelling at kept on moving forward toward us then gunfire was heard. The vehicle came to a stop. Somebody yelled "ceasefire". When no other gunshots were heard and everything was clear, one of the elements approached the vehicle with caution while the others were still pulling security and scanned the site. Knowingly that the person in the vehicle was not responding, I and SGT [REDACTED] with permission from Halo 8 and Scalpel 1 (1LT [REDACTED]) approached the vehicle to see if the person in the vehicle had a pulse, I checked the carotid pulse, the person did not have a pulse. Scalpel 1 and Halo 8 called in the encounter. We continued with our mission; cordon, security and medical support to site of attack. We received orders to move up to the Iraqi Army base camp and turn over the person killed in action to the Local National personnel where an Iraqi civilian ambulance was on site. We handed over the body and SSG [REDACTED] and SFC [REDACTED] approached the FLA and said they have SGT [REDACTED] and SPC [REDACTED] were wounded when they got in contact with an Improvised Explosion Device (IED) on their way back from Forward Observation Base (FOB) Warhorse. I and SPC [REDACTED] attended to their wounds that were possible Tympanic Membrane rupture, minor abrasions and contusions. We received orders to move out the area and treatment of the two soldiers was done enroute to FOB Gabe. Upon arrival to FOB Gabe Battalion Aid Station, we transferred the walking wounded to SGT [REDACTED] SPC [REDACTED] and CPT [REDACTED].

10 questions based on initial statement:

1. What vehicles constituted the Quick Reaction Force?

At our site, it was 2 scout vehicles and the FLA. That was after Dreadnaught 6 and Halo 7 left.

2. Where was your vehicle in the order of march?

3rd vehicle from the rear.

3. Who was in Halo 7's vehicle?

I don't know.

4. When did you SP from FOB Gabe?

It was about 1750. After chow, because I got the call on my way back from chow.

5. Do you recall when you arrived at your destination?

Between 1800 and 1900, I don't remember exactly.

6. Can you point out on a map the location where you set up security with the Halo element?

No, I'm not sure.

7. Who was with you at the site where you were told to pull security and establish a CCP? SPC [REDACTED] SGT [REDACTED] (Halo 8), [REDACTED] LT [REDACTED] Oh, and SPC [REDACTED] (SP?), he was the other gunner.

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT BM	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 SSG [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

8. Who checked that you and the Halo element pull security and establish a CCP?

Halo 7. He guided us in an area where it was adequate space to receive casualties. Who's Halo 7? I believe it's SSG [REDACTED]

9. Can you give a description of the vehicle that was fired upon?

I can't remember what it looked like.

10. How was the vehicle deterred with spotlights by the PSD?

My back was turned to the incident. I did not see how they did it. I was calling Dreadnaught 6 and Dreadnaught X-Ray to inform them that the CCP was established.

11. How many times did the members of the Halo element shout for the vehicle to stop (in Arabic)?

I don't remember, but it was repeatedly

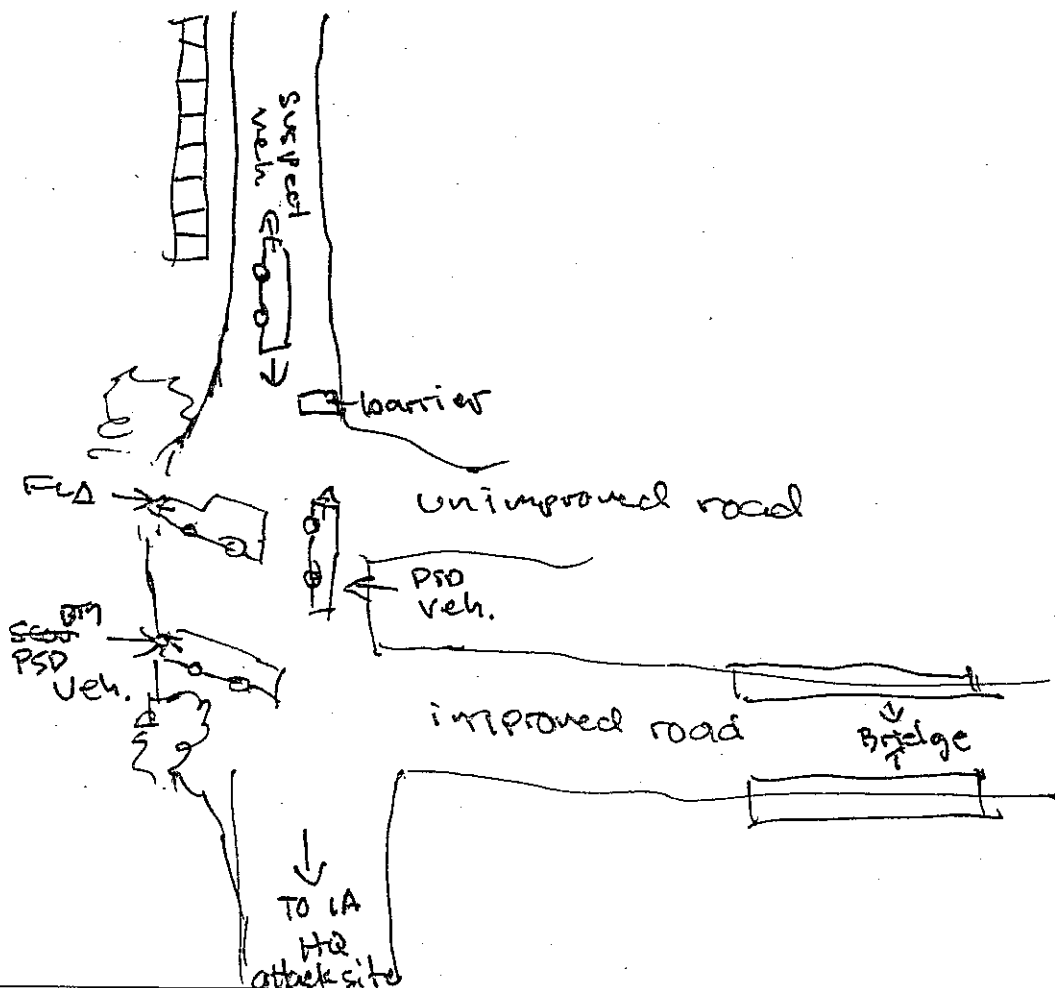
12. Do you believe the warnings given to the vehicle were adequate?

Oh yes.

13. Did you suspect the vehicle to be a VBIED?

The way it continued toward us, yes.

14. Can you draw a diagram of the site?



INITIALS OF PERSON MAKING STATEMENT

BM

PAGE 2 OF 3 PAGES

STATEMENT OF SSG [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

////////////////////////////////////-NOTHING FOLLOWS-////////////////////////////////////

Ex 6

AFFIDAVIT

I, SSG [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
administer oaths, _____ 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

PRIVACY ACT STATEMENT

The Privacy Act requires that when the Government solicits information from you that will be filed and retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. AUTHORITY FOR SOLICITING INFORMATION. 10 U.S.C. §3013

B. PRINCIPAL PURPOSE FOR WHICH THE INFORMATION IS INTENDED TO BE USED. To determine the facts and surrounding circumstance be investigated by the authority of appropriate Army Regulations regarding Reports of Survey, Line of Duty Investigations, Army Regulation 15-6 Investigations, or any other procedural matters concerning the gathering of evidence.


C. ROUTINE USES THAT MAY BE MADE OF THE INFORMATION. Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. DISCLOSURE. If you are a subject or suspect in an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide information.


E. THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED. Providing the information is voluntary subject to paragraph D, there will be no adverse effect on you for not providing the information other than certain information might not be available to the appointing or reviewing authority for decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this 23rd day of MAY 05.

Ex 6



Signature of witness



Signature of interviewee

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
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Gabe, Iraq	2. DATE (YYYYMMDD) 2005/03/23	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/RA	
8. ORGANIZATION OR ADDRESS HHC 2-34 AR, OIF III, FOB GABE, IRAQ, APO AE 09397			

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

This is a description of three separate events that happen on the night of 20 March 2005. I Sgt. [REDACTED] certify these to be true and accurate to the best of my knowledge.

Halo 7, Dreadnaught 6, Halo 9, The FLA Cracker Box, and Halo 8 (my truck) SP. FOB Gabe 19:15 in route to Al Aabra IP station. Upon arrival shots could be heard in the distance and tracer rounds passed over the trucks. Halo elements immediately set up a 360-degree security and set up a casualty evacuation point, at grid MC 697427. I was placed in charge of perimeter security. At Approximately 19:45 a vehicle with bright lights came driving up on our position. My position was equipped with five soldiers, one 1025 hummer with MK 19 crew serve weapon system, and two, two million candlepower spotlights. Initial signaling began approximately 500 meters away from checkpoint. Not complying with visual signaling, shouts, and hand signals. I instructed my security force to fire, first shots were fired in to the bumper, passenger front and driver rear tire, and hood. Car then accelerated and shots were fired in to windshield. I do not remember exactly how many shots were fired but I counted approximately nine bullet holes in the vehicle. The three shooters were PFC. [REDACTED], PFC. [REDACTED] and SPC. [REDACTED]. After calling cease fire it was clear to see that one shot had passed through the windshield and into the left eye socket of the driver killing him instantly. The vehicle then came to rest approximately 12 meters from the edge of my perimeter. At that time after insuring the suspect was KIA I instructed everyone to back away from the car incase there were explosives inside.

Some time after the incident above a second car approached the checkpoint again attempting to stop vehicle with the same signaling technique approached with previous vehicle. At this time the vehicle was not stopping so I instructed everyone not to fire and I took one well amid shot at the front lower bumper. The round found its mark and the car stopped, backed up and turned around.

At this time I felt that the possible threat from any explosive that might be in the first damaged vehicle was minimal so I instructed everyone except Sgt. [REDACTED] to back away from the area so I could thoroughly check the vehicle. I found the release and promptly opened the trunk. After checking for any tripwires I opened it and did not find anything but the spare tire. With the vehicle clear Sgt. [REDACTED] and my self returned to the perimeter to continue our designated mission.

A couple of hours passed and a third vehicle approached from the rear after being instructed to stop, it continued and I again fired one well amid shot in to the front lower bumper. Again the round found its mark and the car stopped and turned around.

After receiving guidance from Dreadnaught 6, Ssg [REDACTED] and my self removed the KIA later to be named [REDACTED] and placed him in a body bag. In his front breast pocket he had \$45,800 Dinars, one picture ID, and one unidentified card.

During clean up operations the damaged vehicle was towed to the IP Station and the KIA was place in to an Iraq ambulance. All his possessions were then handed over to the ambulance driver. RP FOB Gabe 01:30 21 March 2005.

IO questions based on initial statement:

1. What information were you given before you SP'd? IA HQ was under attack, there was a VBIED that had detonated and possible insurgents in the area.
2. Who placed you in charge of perimeter security?
SSG [REDACTED] What was he doing? He was with Dreadnaught 6.
3. Describe the vehicle with bright lights that approached you position.
It was a silver Hyundai (upper model) 4 door.
4. How did you visually signal the vehicle to stop?
Flashed the spotlights at the vehicle, at the our weapons and back and forth.
5. What hand signals did you use? Waving hands, anything we could do to get his attention. We also used the arabic sign for "Stop"

10. EXHIBIT C	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 Sergeant [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

6. How many times to you and/or your soldiers shout at the vehicle to stop? At least 5-10 times. All of the soldiers involved were shouting at the vehicle.

7. What did you believe the vehicle intended to do?

I believe he was trying run into our checkpoint and possibly detonate his vehicle.

8. What types of weapons were used to fire at the vehicle?

Only M4 and M16.

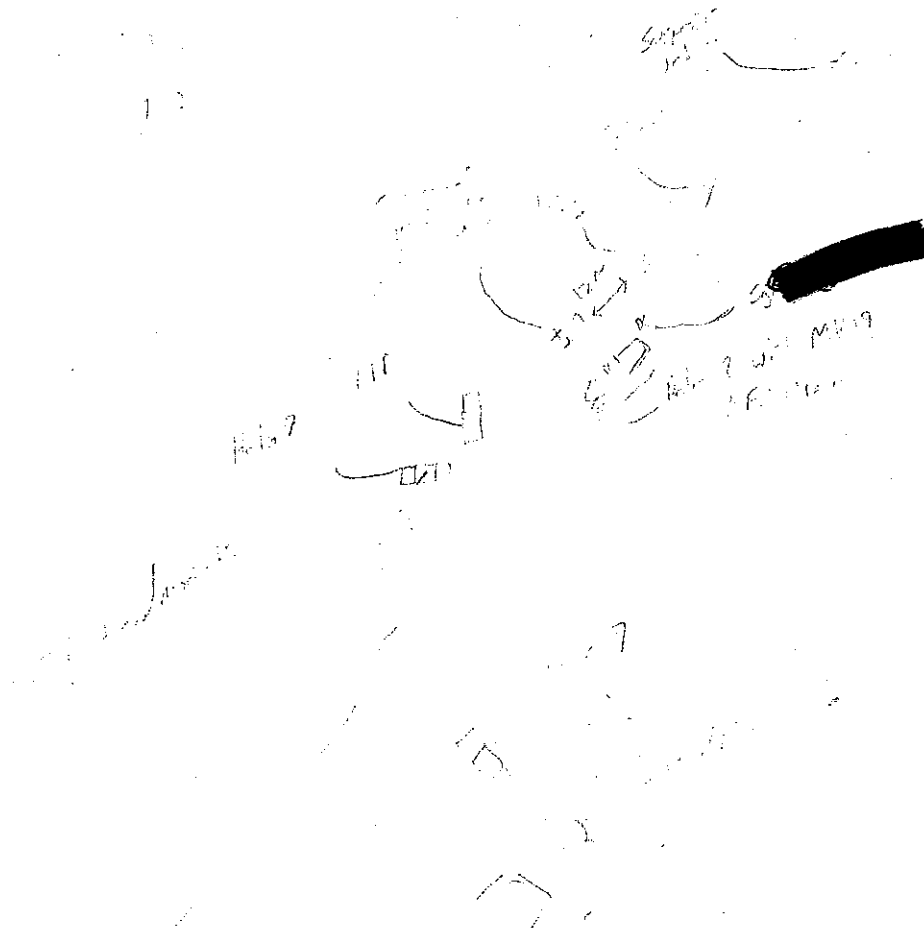
9. Who fired the rounds that struck the bumper, tires, and hood of the vehicle?

I think that the medic shot (SPC [REDACTED] the tires and PFC [REDACTED] and PFC [REDACTED] the bumper.

10. How many military vehicles were at the scene? 3. An M1025 (Halo 8), an M1114 (Halo 9), and the FLA cracker box.

11. So, Halo 7 went with Dreadnaught 6? No, they were present during the incident but they were 200 meters away, oriented towards the LA headquarters (away from the area the incident occurred).

12. Can you draw a sketch of the area where this incident occurred?



INITIALS OF PERSON MAKING STATEMENT

[Handwritten initials]

PAGE 2 OF 3 PAGES