



UNITED STATES CENTRAL COMMAND
OFFICE OF THE CHIEF OF STAFF
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCJ6-RDF (FOIA)

30 Apr 07

Mr. Frank Smyth
Committee to Protect Journalist
330 Seventh Avenue
New York, NY 10001

Ref: USCENTCOM FOIA #2004-081

Dear Mr. Smyth,

This is a final response to your Freedom of Information Act (FOIA) request for a copy of the investigation report on the March 18, 2004 accidental shooting by U.S. troops, in Baghdad, of two Iraqi journalists working for the Dubai-based Arabic satellite news channel Al-Arabiya. Our agency made a careful search and found a responsive document.

After a thorough review of the enclosed responsive document (AR-15 Investigation), I determined that certain portions are exempt from release. This information was redacted or "blacked out" to prevent revealing information on personnel in sensitive, routinely deployed or overseas units, as well as similar personal information where release would clearly invade personal privacy. Two pages, a privileged inter-agency memorandum (legal review), have also been redacted. As such, this information is withheld pursuant to 5 U.S.C. 552(b)(3), (b)(5), (b)(6), 10 U.S.C. 130b, and DoD 5400.7-R, paragraphs C3.2.1.3, C3.2.1.5 and C3.2.1.6.

Accordingly, in my capacity as the Initial Denial Authority, by withholding the redacted portions of the information, I am partially denying your request. All fees are waived for this request. You may appeal this decision within 60 calendar days of the date above to the Office of the Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155.

If you have any questions regarding this FOIA request, please contact my FOIA Requester Service Center at (813) 827-2517, refer to USCENTCOM FOIA #2004-081, when inquiring.

Encl


TIMOTHY F. GHORMLEY

ENCLOSURE 1

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BRIGADE
UNIT 93040
APO AE 09324-3040

AETV-THZ

S: 25 March 2004
18 March 2004

MEMORANDUM FOR (b) (6) (b) (3) HHC 1-35 AR, IAD, Baghdad, Iraq

SUBJECT: 15-6 Investigation Officer Appointment

1. Appointment. You are appointed as an investigating officer pursuant to Army Regulation 15-6 (Procedure for Investigation Officers and Boards of Officers), to conduct an informal investigation into the shooting of an Iraqi Civilian (IZ) driving a white Volvo, by a member of C Co, 1-6 IN, vic MB4751484665 (Zone 13S, Route Oilers), at approximately 182230MAR04. Additionally, you are to investigate the shooting of a press photographer and a journalist, who were apparently at or near the scene of the above shooting. These individuals were allegedly struck by rounds fired by unknown individuals as they were leaving the scene in a gray Kia.
2. Scope. Your investigation must accomplish the following:
 - a. Establish the facts surrounding the incident. Who did what, when, where and how?
 - b. Determine the conditions at the checkpoint. How was the traffic control point constructed? What obstacles were emplaced to prevent vehicles from entering the checkpoint in accordance with IAD Frago 484A? How fast was the vehicle traveling? What other vehicles, personnel or adjacent units were present at or near the checkpoint. Use pictures, diagrams or charts to assist you making your findings and recommendations.
 - c. What graduated response measures were taken, if applicable, before the decision to open fire on the driver of the vehicle. What guidance or briefings were given to the C 1-6 IN personnel on the use of force at the TCP and the current conditions prior to the incident?
 - d. Determine whether any adjacent units, including ICDC, FPS or IPS, may have been involved in the incident that contributed to the shooting of the journalist and photographer. If so conduct interviews of such personnel and determine to what extent they were involved in the incident in question.
 - e. What were the identities of the driver of the Volvo and the occupants of the gray Kia, as well as any other personnel involved in the incident(s)? What injuries were sustained and how were they treated? What damage did the vehicles sustain? What, if anything, was found in the vehicles?
 - f. Provide any further findings or recommendations you deem relevant to the investigation.
3. Conduct of the Investigation. This investigation is your primary duty and takes precedence over all other assigned duties.
 - a. Your legal advisor is (b) (6) (b) (3) Office of the Staff Judge Advocate, 1st Armored Division, presently located at the 2BCT TOC (DNVT) (b) (6) (b) (3)

AETV-THZ

SUBJECT: 15-6 Investigation Officer Appointment

- b. Statements from all witnesses will be reduced to writing and sworn using DA Form 2823 (Sworn Statement).
 - c. If you come to suspect any person of committing criminal conduct during the course of your investigation, you must advise that person of their Article 31 or Fifth Amendment rights, as appropriate. Document rights waivers by witnesses on a DA Form 3881 (Rights Warning Procedure/Waiver Certificate). You will so advise all soldiers who have allegedly incurred delinquent debts.
 - d. You may also need to provide certain witnesses with Privacy Act statements before you solicit any information from them.
 - e. Maintain a written chronology of your actions on this investigation.
4. Submit your findings and recommendations on DA Form 1574 (Report of Proceedings by an Investigation Officer/Board of Officers) to me no later than 25 March 2004. Submit any requests to change this suspense or the scope of investigation to me in writing through your legal advisor. Submit your investigation to me in the following order:
- a. DA Form 1574 with succinct findings and recommendations;
 - b. This letter of appointment as Enclosure 1;
 - c. An executive summary of the facts as Enclosure 2;
 - d. Your chronology as Enclosure 3;
 - e. Any privacy act statements as subsequent Enclosures;
 - f. An index of exhibits as the final numbered Enclosure; and
 - g. All exhibits labeled in successive order (A, B, C, etc.).
5. If in the process of this investigation you determine that someone senior to you has engaged in misconduct or that any other factors exist that could raise the appearance of a conflict of interest, the report this fact immediately to your legal advisor. If you discover evidence of criminal misconduct during the course of your investigation immediately notify your legal advisor before proceeding further.

(b) (6) (b) (3)

Commanding

ENCLOSURE 2 - EXECUTIVE SUMMARY

- 1. Findings.** At approximately 2200hrs, 18 March 2004 soldiers from C/1-6IN and a soldier from HHC/1-6IN engaged and killed an Iraqi citizen while operating a blocking position vic MB47514 84665. The Iraqi citizen, Tariq G.R. Al Hahimi, operating a white Volvo sedan approached the blocking position at speed and failed to slow or heed warnings. Believing that they were under attack, the soldiers engaged the vehicle with 80 rounds of 5.56mm and 7.62mm ammunition. During the course of the engagement, errant rounds unintentionally struck and killed two employees, Ali Abdul Aziz and Ali Al Khateeb, of the Al Arabiya Satellite Television Network. The vehicle that the Al Arabiya employees were traveling in inadvertently entered the beaten area while attempting to execute a U-turn on Rte OILERS and leave the vicinity of the Al Hayat Hotel rocket attack that they were covering for their network. The soldiers were unaware of the presence of the Al Arabiya vehicle and likewise unaware that anyone other than the driver of the Volvo had been injured. No evidence indicates that the Al Arabiya vehicle was purposely targeted. Rather, the Al Arabiya vehicle was struck as the collateral result of engaging the white Volvo driven by Al Hahimi. All available evidence indicates that the engagement of the white Volvo was justified within the current ROE and that the injury to the Al Arabiya employees was coincident to the justified engagement and unintentional.
- 2. Facts Surrounding the Incident.** 1-6IN responded to a rocket attack at the Al Hayat Hotel in Zone 13 and established blocking positions to cordon the attack site. A rifle squad from C/1-6IN established the western blocking position on Rte OILERS between the German Embassy and the Al Hayat Hotel. At approximately 2200, a white Volvo sedan moving at high speed approached the blocking position from the west. Simultaneously, a gray KIA SUV carrying employees of the Al Arabiya Satellite Television Company pulled away from the curb vic the German Embassy entering the roadway behind the white Volvo. The eight infantrymen from C/1-6IN and one scout from HHC/1-6IN engaged the white Volvo as it crossed the "Kill Line" marked by orange cones.

The soldiers at the blocking position did not target the gray KIA and none even acknowledge seeing the vehicle. The one soldier that observed the gray KIA was the scout located 40m to the rear of the blocking position. The KIA executed the U-turn and was apparently hit by errant rounds. The driver of the white Volvo, Tariq G.R. Al Hahimi, was dead at the scene and his body was evacuated to Al Kindi Hospital. The driver of the KIA, (b)(6), drove the vehicle to the Ednin Nifeef Hospital. One passenger in the KIA, Ali Abdul Aziz, was pronounced dead on arrival and the other passenger, Ali Al Khateeb, was transported to the Baghdad Nervous System Hospital. Al Khateeb subsequently died of his wounds. 1-6IN made a full report of the shooting of the white Volvo, but unaware that another vehicle had been hit made no report of the incident regarding the Al Arabiya employees.
- 3. Conditions at the Blocking Position.** The site was marked with an English and Arabic warning sign, orange cones and chem-lites at 75-80m forward of the blocking position. The "Kill Line" was marked with a series of orange cones 20-25m forward of the blocking position. HMMWV gun trucks were positioned in the center of the roadway in both the eastbound and westbound lanes with high beam headlights illuminated.
- 4. Graduated Response.** Soldiers manning the blocking position identified the white Volvo moving a high rate of speed toward the "Warning Line." As the vehicle passed the warning sign and failed to slow, soldiers applied a graduated response by yelling and flashing surefire lights to gain the drivers attention. The soldiers, believing they were clearly visible to the driver since they were illuminating their surefire lights and standing next to the HMMWV with its headlights on, assumed that they were under attack. Graduated response was applied by the soldiers within the constraints of METT-TC.
- 5. Adjacent Units possibly involved (Coalition, ICDC, IPS, or FPS).** Only US soldiers assigned to 1-6IN were involved in the shooting incident. No armed Iraqi or coalition security personnel, civilian or military, were observed in close proximity to the incident.
- 6. Identities and occupants of vehicles/Injuries and treatment.** The driver of the Volvo, Tariq G.R. Al Hahimi, died at the scene. Al Hahimi suffered multiple gunshot wounds and blunt force trauma after being engaged by the 1-6IN soldiers and his vehicle collided with the HMMWV. The driver of the KIA, (b)(6), suffered a minor head injury and bruised shoulder resulting from the incident. A passenger in the KIA, Ali Abdul Aziz, was pronounced dead on arrival at Ednin Nifeef Hospital. His cause of death was determined to be a bullet entry through the left side of the head, exiting the right side of the head. The second passenger, Ali Al Khateeb, suffered a gunshot wound to the left rear of the skull and left side of the skull. Al Khateeb died of wounds a few hours after arriving at the Baghdad Nervous System Hospital).

ENCLOSURE 3

Chronology of Investigation

201000MAR04 Received AR 15-6 Investigation Packet from 2BCT SJA

201430MAR04 Initial Review of packet and discussion with (b) (6) (b) (3)

210925 – 211015MAR04 Meeting with (b) (6) (Director, Al Arabia Baghdad)
IOT schedule meeting with witnesses

211045MAR04 (b) (6) (b) (3) (S3, 1-6IN) provides diagram of incident site

211145 – 211215MAR04 Interview with (b) (6) (b) (3) (CDR, C/1-6IN)

211230 – 211245MAR04 Update SJA (b) (6) (b) (3) and BDE XO (b) (6) (b) (3)

211500MAR04 (b) (6) (b) (3) provides pictures of grey KIA

231350 – 231515MAR04 Interview with Al Arabia Witnesses to Incident

231530 – 231545MAR04 Backbrief (b) (6) (b) (3) & SJA
(b) (6) (b) (3)

231600 – 231615MAR04 Backbrief (b) (6) (b) (3) (CDR, 1-6IN) and (b) (6) (b) (3)
Recievd copy of Police Report from al Mesbah IP Station
(in Arabic)

231645MAR04 Received Autopsy Reports and translations from 2BCT
translator.

240900 – 241230MAR04 Interviews with C/1-6IN soldiers

241500MAR04 Received translation of Iraqi Police report from 1-35AR
translators.

241545 – 241615MAR04 Interviews with HHC/1-6IN soldiers

241700MAR04 Investigation Terminated

Page 5 exempted from release IAW 5 U.S.C. (b) (5)

Page 6 exempted from release IAW 5 U.S.C (b) (5)



EXACTLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
2d Brigade, 1st Armored Division
Unit 93040
APO AE 09324-3040

25 March 2004

AETV-THO-Z

MEMORANDUM FOR Commander, 2d Brigade Combat Team, 1st Armored Division, Baghdad, Iraq

SUBJECT: I-6 IN TCP Shooting- Commander's Request for Clarification

1. What is the IO's basis for referencing that the Continental Hotel was hit with rounds from the incident? Reference Exhibit O, (b) (6) (b) (3) Squad Leader, spoke with the owner of the Continental Hotel, (b) (6) (b) (6) after the incident. According to (b) (6) he and his hotel guard witnessed the entire incident and stated that the hotel and the hotel vehicle received minor collateral damage from the incident. No reference is made to the number or rounds or the extent of damage.
2. Where was the KIA in the Beaten Zone?
 - a. Reference Exhibit L, the summarized witness statements from the surviving driver of the KIA and the satellite van that followed. (Note the witness would give written statements due to their lawyer being present). The witnesses observed the Volvo pass the Kia shortly before they began to move from the German embassy. After the Kia passed over the median to face to the west, the KIA began to take weapons fire from the direction of the TCP. The satellite van did not receive any fire.
 - b. Reference Exhibit X (page 9), the Iraqi Police Report as well the general consensus of witness statements places the Kia no less than 50-75 meters from the Volvo and no more than 150 meters from the Volvo, headed west from the checkpoint. The report states that the vehicle was struck in the rear window indicating that the vehicle had already crossed the median when it was struck. The distance estimate is based on the fact that the vehicle was originally parked in front of the German Embassy and never passed the warning signs at the checkpoint.
3. How many rounds were fired? Reference Exhibit A, Commander's Inquiry and accompanying diagram, approximately 80 rounds were fired during the incident- 59, 5.56mm and 16, 7.62mm. Seventy-five of those rounds were accounted for by PCs directed by team leaders of each soldier (Exhibit O, pg 2). The remaining five rounds were fired by (b) (6) (b) (3) who was part of HHC 1-6 Scouts and not originally accounted for (Exhibit W). (b) (6) (b) (3) (b) (6) (b) (3) fired before the Kia ran over the median and headed west. He did not witness any soldiers fire at the Kia. (Exhibit W)
4. How many rounds struck the KIA? Based on the Iraqi Police Report, (Exhibit X), the IO estimates that out of approximately 80 rounds fired during the incident, no more than 4-6 rounds hit the vehicle. Reference Exhibits M and N, autopsy report translations, this is substantiated by the fact that one of the passengers had two full entry and exit wounds and seven fragmentary wounds. The other passenger had one full entry and exit wound and 4-5 fragmentary wounds. Most of the physical evidence discovered in the vehicle was from round fragments.
5. The POC for this memorandum is the undersigned at (DNVT) (b) (3), (b) (6)

(b) (6) (b) (3)

2BCT SJA

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-8; 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 (b) (6) (b) (3) Commander, 2d Brigade, 1st Armored Division
(Appointing authority)

on 18 March 04 (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 Baghdad, Iraq at 1000
(Place) (Time)
on 20 March 2004 (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.)
(b) (6) (b) (3) (6) II (Investigating Officer)

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

The (investigating officer) (board) finished gathering/hearing evidence at 1700 on 24 MAR 04
(Time) (Date)
and completed findings and recommendations at 2400 on 24 MAR 04
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES	YES	NO ^{1/}	NA ^{2/}
Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

^{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.

	YES	NO	NA ²⁾
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate --			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
(4) the name and address of each witness expected to be called by the recorder?			
(5) the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b. Examine and object to the introduction of real and documentary evidence, including written statements?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d. Call witnesses and otherwise introduce evidence?			
e. Testify as a witness?			
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

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

1. Findings. At approximately 2200hrs, 18 March 2004 soldiers from C/1-61N and a soldier from HHC/1-61N engaged and killed an Iraqi citizen while operating a blocking position vic MB47514 84665. The Iraqi citizen, Tariq G.R. Al Hahimi, operating a white Volvo sedan approached the blocking position at speed and failed to slow or heed warnings. Believing that they were under attack, the soldiers engaged the vehicle with 80 rounds of 5.56mm and 7.62mm ammunition. During the course of the engagement, errant rounds unintentionally struck and killed two employees, Ali Abdul Aziz and Ali Al Khateeb, of the Al Arabiya Satellite Television Network. The vehicle that the Al Arabiya employees were traveling in inadvertently entered the beaten area while attempting to execute a U-turn on Rte OILERS and leave the vicinity of the Al Hayat Hotel rocket attack that they were covering for their network. The soldiers were unaware of the presence of the Al Arabiya vehicle and likewise unaware that anyone other than the driver of the Volvo had been injured. No evidence indicates that the Al Arabiya vehicle was purposely targeted. Rather, the Al Arabiya vehicle was struck as the collateral result of engaging the white Volvo driven by Al Hahimi. All available evidence indicates that the engagement of the white Volvo was justified within the current ROE and that the injury to the Al Arabiya employees was coincident to the justified engagement and unintentional.

2. Facts Surrounding the Incident. 1-61N responded to a rocket attack at the Al Hayat Hotel in Zone 13 and established blocking positions to cordon the attack site. A rifle squad from C/1-61N established the western blocking position on Rte OILERS between the German Embassy and the Al Hayat Hotel. (See Exhibits A-I). At approximately 2200, a white Volvo sedan moving at high speed approached the blocking position from the west (See Exhibits A-I, O-X). Simultaneously, a gray KIA SUV carrying employees of the Al Arabiya Satellite Television Company pulled away from the curb vic the German Embassy entering the roadway behind the white Volvo. Executing a U-turn on Rte OILERS, the Al Arabiya employees attempted to leave the area. The Volvo continued past the blocking position's warning signs and appeared to the soldiers to accelerate toward them (See Exhibits A-I, O-U & W). The eight infantrymen from C/1-61N and one scout from HHC/1-61N engaged the white Volvo as it crossed the "Kill Line" marked by orange cones (See Exhibits A-I, O-U & W). Based on round counts, the soldiers fired 80 rounds of 5.56mm and 7.62mm at the white Volvo from the time it crossed the "Kill Line" until it collided with an armored HMMWV. An undetermined number of these rounds missed the Volvo, passed through the Volvo and/or fragmented after striking the vehicle and continued down the roadway. These errant rounds struck a vehicle and hotel on the north side of Rte OILERS (See Exhibit O & Diagram Exhibit Z) and probably hit the gray KIA as it moved west away from the blocking position. The KIA moved away at a high rate of speed believing that they were being targeted by the soldiers (See Exhibits J-L, W & X). The soldiers at the blocking position did not target the gray KIA and none even acknowledge seeing the vehicle (See Exhibits O-U). The one soldier that observed the gray KIA was the scout located 40m to the rear of the blocking position (See Exhibits W). It is likely that the soldiers in the blocking position did not see the gray KIA since the HMMWV headlights provided the only illumination and the soldiers were focused on engaging the white Volvo approaching their position. The soldier that observed the KIA was in an elevated position and setback from the blocking position allowing for a wider field of view and preventing him from being overly focused on the approaching Volvo. This soldier only saw the KIA after he had fired a burst from his M240B in the Volvo and was unable to identify the make and model of the vehicle due to distance and darkness. After the KIA executed the U-turn and was apparently hit by errant rounds, it continued to the next intersection and turned north out of sight (See Exhibits J-L, W & X and Diagram Exhibit Z). The soldiers at the blocking position ceased firing on the Volvo and inspected the vehicle. The driver of the white Volvo, Tariq G.R. Al Hahimi, was dead at the scene and his body was evacuated to Al Kindi Hospital. The driver of the KIA, (b) (6) drove the vehicle to the Ednin Niseef Hospital. One passenger in the KIA, Ali Abdul Aziz, was pronounced dead on arrival and the other passenger, Ali Al Khateeb, was transported to the Baghdad Nervous System Hospital. Al Khateeb subsequently died of his wounds (See Exhibits K-N & X). 1-61N made a full report of the shooting of the white Volvo (See Exhibit A), but unaware that another vehicle had been hit made no report of the incident regarding the Al Arabiya employees. CONTINUED ON PAGE 5

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

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

1. There is no need for further investigation.
2. No adverse administrative or judicial action is warranted or recommended for any of the soldiers involved.

Continuation of SECTION IV - Findings.

3. Conditions at the Blocking Position. The site was marked with an English and Arabic warning sign, orange cones and chem-lites at 75-80m forward of the blocking position. The "Kill Line" was marked with a series of orange cones 20-25m forward of the blocking position. HMMWV gun trucks were positioned in the center of the roadway in both the eastbound and westbound lanes with high beam headlights illuminated (See Exhibits A-I, O-U & W). This point is disputed by the statements provided by the Al Arabiya employees (See Exhibit L). Although established properly, the blocking position conditions were less than optimal. The thoroughfare is wide with a low median separating directional traffic. Additionally, the city power was out in area therefore the street lights were not illuminated (See Exhibits O-U & X). Due to the blocking positions proximity to a major intersection and the location of the hotel attack site, standoff was minimized.

4. Graduated Response. Soldiers manning the blocking position identified the white Volvo moving a high rate of speed toward the "Warning Line." As the vehicle passed the warning sign and failed to slow, soldiers applied a graduated response by yelling and flashing surefire lights to gain the drivers attention. The soldiers, believing they were clearly visible to the driver since they were illuminating their surefire lights and standing next to the HMMWV with its headlights on, assumed that they were under attack. As the Volvo overran the orange cones at the "Kill Line" and appeared to accelerate, the soldiers opened fire focusing on the driver (See Exhibits O-U). Due to the speed of the approaching vehicle and the short distance between the kill line and the blocking position, the soldiers had insufficient time or space to fire warning shots. Fearing that they were under attack by a VBIED, the soldiers fired at the driver and continued firing after the Volvo collided with an armored HMMWV in the blocking position to ensure that he was unable to trigger the potential explosive (See Exhibits O-U). Graduated response was applied by the soldiers within the constraints of METT-TC.

5. Adjacent Units possibly involved (Coalition, ICDC, IPS, or FPS). According to statements and eyewitness accounts, only US soldiers assigned to 1-61N were involved in the shooting incident. No armed Iraqi or coalition security personnel, civilian or military, were observed in close proximity to the incident. (See Exhibits O-W).

6. Identities and occupants of vehicles/Injuries and treatment

a. Volvo. The driver of the Volvo, Tariq G.R. Al Hahimi, died at the scene. Official cause of death is not known. Al Hahimi suffered multiple gunshot wounds and blunt force trauma after being engaged by the 1-61n soldiers and his vehicle colliding with the HMMWV. His body was transported to Al Kindi Hospital.

b. KIA. The driver of the KIA, (b)(6) suffered a minor head injury and bruised shoulder resulting from the incident (See Exhibits J-L & X). A passenger in the KIA, Ali Abdul Aziz, was pronounced dead on arrival at Ednin Nifeef Hospital. His cause of death was determined to be a bullet entry through the left side of the head, exiting the right side of the head. He suffered seven additional wounds to his back caused by bullet fragments (See Exhibit N). The second passenger, Ali Al Khateeb, suffered a gunshot wound to the left rear of the skull and left side of the skull. He sustained additional, non-penetrating wounds to the sides of the head and chest. Al Khateeb died of wounds a few hours after arriving at the Baghdad Nervous System Hospital (See Exhibit M).

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.)

(b)(3), (b)(6)

(Recorder)

(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.)

(b)(3), (b)(6)

Z6 MRS 9

INDEX OF EXHIBITS

- A - Commander's Inquiry Report, dated 18MAR04; submitted by (b) (6) (b) (3) (b) (6) (b) (3) CDR, C/1-6IN. 5 pages including two diagrams.
- B - (b) (6) (b) (3), DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- C - (b) (3), (b) (6) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- D - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- E - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- F - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- G - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- H - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (6) (b) (3) CDR, C/1-6IN. 2 pages.
- I - (b) (3) (b) (6) DA FORM 2823 (SWORN STATEMENT), dated 18MAR04; statement taken by (b) (3), (b) (6) CDR, C/1-6IN. 2 pages.
- J - E-mail from (b) (6) (b) (3) CJTF-7 PAO, transcription of PHONCON with (b) (6) (Al Arabiya Baghdad Bureau Chief), dated 19MAR04. 1 page.
- K - Record of Interview with (b) (6) Al Arabiya Baghdad Bureau Chief, dated 21MAR04. 1 page.
- L - Record of Interview with Al Arabiya Witnesses, dated 23MAR04. 2 pages.
- M - Autopsy Report and Translation, Ali Al Khateeb, 2 pages English/2 pages Arabic.
- N - Autopsy Report and Translation, Ali Abdul Aziz, 2 pages English/2 pages Arabic.

INDEX OF EXHIBITS (Cont.)

- O - (b)(3), (b)(6) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b)(3), (b)(6) II, Investigating Officer. 4 pages
- P - (b)(3), (b)(6) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b)(3), (b)(6) II, Investigating Officer. 3 pages
- Q - (b)(3), (b)(6) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b) (6) (b) (3) II, Investigating Officer. 3 pages
- R - (b) (6) (b) (3) , DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b) (6) (b) (3) II, Investigating Officer. 4 pages
- S - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b) (6) (b) (3) II, Investigating Officer. 3 pages
- T - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b) (6) (b) (3) II, Investigating Officer. 3 pages
- U - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b) (6) (b) (3) II, Investigating Officer. 3 pages
- V - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT), dated 24MAR04; statement taken by (b) (6) (b) (3) Investigating Officer. 3 pages
- W - (b) (6) (b) (3) DA FORM 2823 (SWORN STATEMENT) and DA FORM 3881 (RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE), dated 24MAR04; statement taken by (b) (6) (b) (3) II, Investigating Officer. 3 pages

INDEX OF EXHIBITS (Cont.)

- X - Iraqi Police Report, Al Mesbah Police Station, and Translation. 15 pages English/ 15 pages Arabic.**
- Y - Bullet Fragments removed from gray KIA by Al Mesbah Police.**
- Z - Diagram of Incident Site, produced by (b) (6) (b) (3) Investigating Officer based on interviews and sworn statements. 1 page.**

EXHIBIT A

DEPARTMENT OF THE ARMY
C Company, 1st Battalion (M) 6th Infantry Regiment
1st Armored Division
APO AE 09034

AETV-THO-NC

18 March 2004

MEMORANDUM FOR COMMANDER, 2ND BDE, 1ST Armored Division, APO AE 09324
THRU COMMANDER, 1ST Battalion, 6TH Infantry Regiment, 1ST Armored
Division, APO AE 09324

SUBJECT: Serious Incident Report (1ST Squad, 2ND Platoon, C/1-6 IN).

1. Report made by: (b) (6) (b) (3) Company Commander, C/1-6 IN, Unit 93047
APO AE 09324-3047. (FH466)
2. Time of Report: 18 2345 MAR 04
3. Type of alleged incident: Use of deadly force at a Traffic Control Point as part of the outer
cordon for a rocket impact site in downtown Baghdad.
4. Time of incident: Approx: 18 2230 MAR 04
5. Location of incident: Route Oilers, Zone 13S, MB 4751484665
6. Unit(s) involved: 1ST Squad, 2ND Platoon, C/1-6 IN.
7. Unit Addresses: C/1-6 IN, Unit 93047, APO AE 09324. (Regular FOB Building 5)
8. List of all persons involved:

a. Name and Rank (b) (6) (b) (3)

SSN (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

b. Name and Rank (b) (6) (b) (3)

SSN (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

c. Name and Rank (b) (6) (b) (3)

SSN: (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

d. Name and Rank: (b) (6) (b) (3)

SSN: (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

e. Name and Rank: (b) (6) (b) (3)

SSN: (b)(3), (b)(6)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

f. Name and Rank: (b) (6) (b) (3)

SSN: (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

g. Name and Rank: (b) (6) (b) (3)

SSN: (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

h. Name and Rank: (b) (6) (b) (3)

SSN: (b) (6) (b) (3)

Unit: C/1-6 IN

Duty Telephone: N/A

Race: (b)(6)

Sex: M

9. Narrative: (b) (6) (b) (3) squad was called to react to a rocket impact in Zone 13S at the Al-Hyatt hotel on Route Oilers. (b) (6) (b) (3) squad linked up with the Battalion QRF from the Mortar Platoon and formed a cordon of the site. (b) (6) (b) (3) squad established a TCP/Blocking Position at the western side of the site, on Route Oilers. He emplaced one HMMWV on either side of the median, both facing to the west toward oncoming traffic. The headlights on the HMMWVs were kept on throughout the duration of

the TCP. 20 meters further to the east (b) (6) (b) (3) emplaced a line of cones to serve as the firing line. 75-80 meters east from the HMMWVs, (b) (6) (b) (3) emplaced his TCP signs as the warning line. At approximately 2230 hours, a white Volvo approached the warning line at a high rate of speed. Despite seeing other cars turning around and despite (b) (6) (b) (3) and his men waving hands and flashing surefire lights, the car sped to and through the cones. The car accelerated at the cones, at which time (b) (6) (b) (3) and his squad engaged with deadly force. The car rammed one of the HMMWVs (an uparmored HMMWV) head-on at approximately 30mph, pushing the vehicle approximately 10-15 feet back from the impact. The driver was pulled from the car, and he still had a weak pulse. The soldiers tried to render first aid, but were not successful. The driver was then taken to a hospital in Zone 14, where he was pronounced dead.

10. Time unit commander notified: Battalion Commander and Battalion S3 were present on site. Company Commander was at the Al-Mezba Police Station recovering the rocket launcher. The Company Commander arrived back on the scene just moments after the shooting:

11. Unit Commander: (b) (6) (b) (3) (FH466)

12. Drugs or Alcohol involved: No.

13. Estimated cost of damaged (for damaged/lost property): Unknown amount of damage to car.

14. Commander's evaluation and other comments:

- a. Impact on operational readiness: One headlight on uparmored HMMWV broken.
- b. Commander's judgment of primary cause: Driver did not have any contraband (explosives or weapons) in the car. Driver may have been trying to assault the checkpoint through ramming his vehicle; however, it is more likely that he was scared when he accelerated.
- c. Actions taken by unit commander: (as of completion of this report): Commander addressed the squad and reviewed all the actions and the standards for TCPs and blocking positions. Commander believes that the unit took exactly the right actions, despite the absence of contraband in the car and on the driver's person.

15. Unit POC: (b) (6) (b) (3) (FH 466)

(b)(3), (b)(6)

Commanding

C/1-6 IN. ZONE 13S
 USE OF DEADLY FORCE AT TRAFFIC CONTROL POINT
 MB4751484665, APPROX 182200MAR04, WHITE VOLVO

CO CDR TRAVELS
 IDENTICAL ROUTE LESS
 THAN TWO MINUTES AFTER
 THE SHOOTING. DOES NOT
 SEE ANY VEHICLES OR
 PEOPLE

WARNING LINE
 SIGNS AND CONES
 MARKED WITH CHEMILITES
 (75-90M FROM HUMVEES)

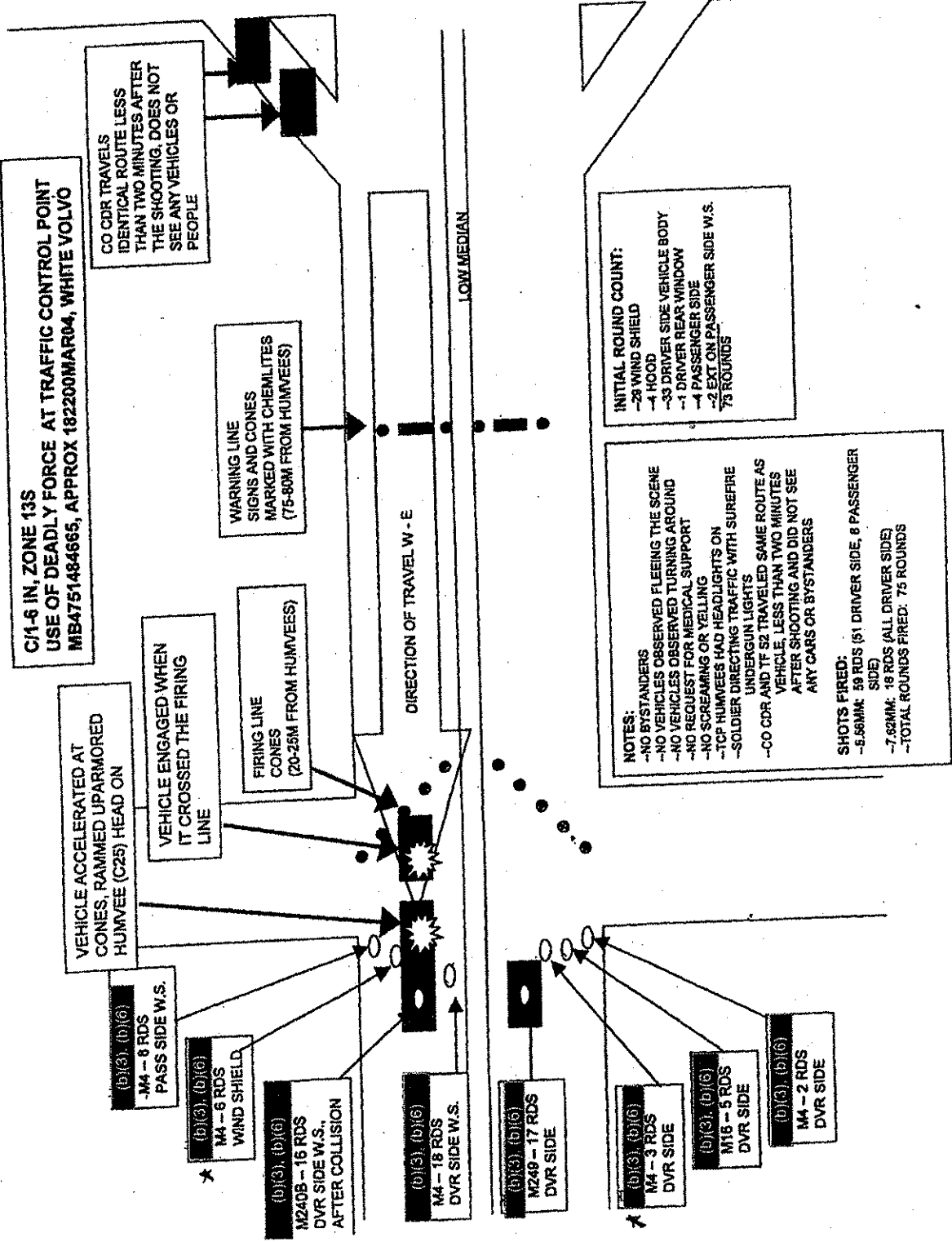
FIRING LINE
 CONES
 (20-25M FROM HUMVEES)

VEHICLE ACCELERATED AT
 CONES, RAMMED UPARMORED
 HUMVEE (C25) HEAD ON

VEHICLE ENGAGED WHEN
 IT CROSSED THE FIRING
 LINE

DIRECTION OF TRAVEL W - E

LOW MEDIUM



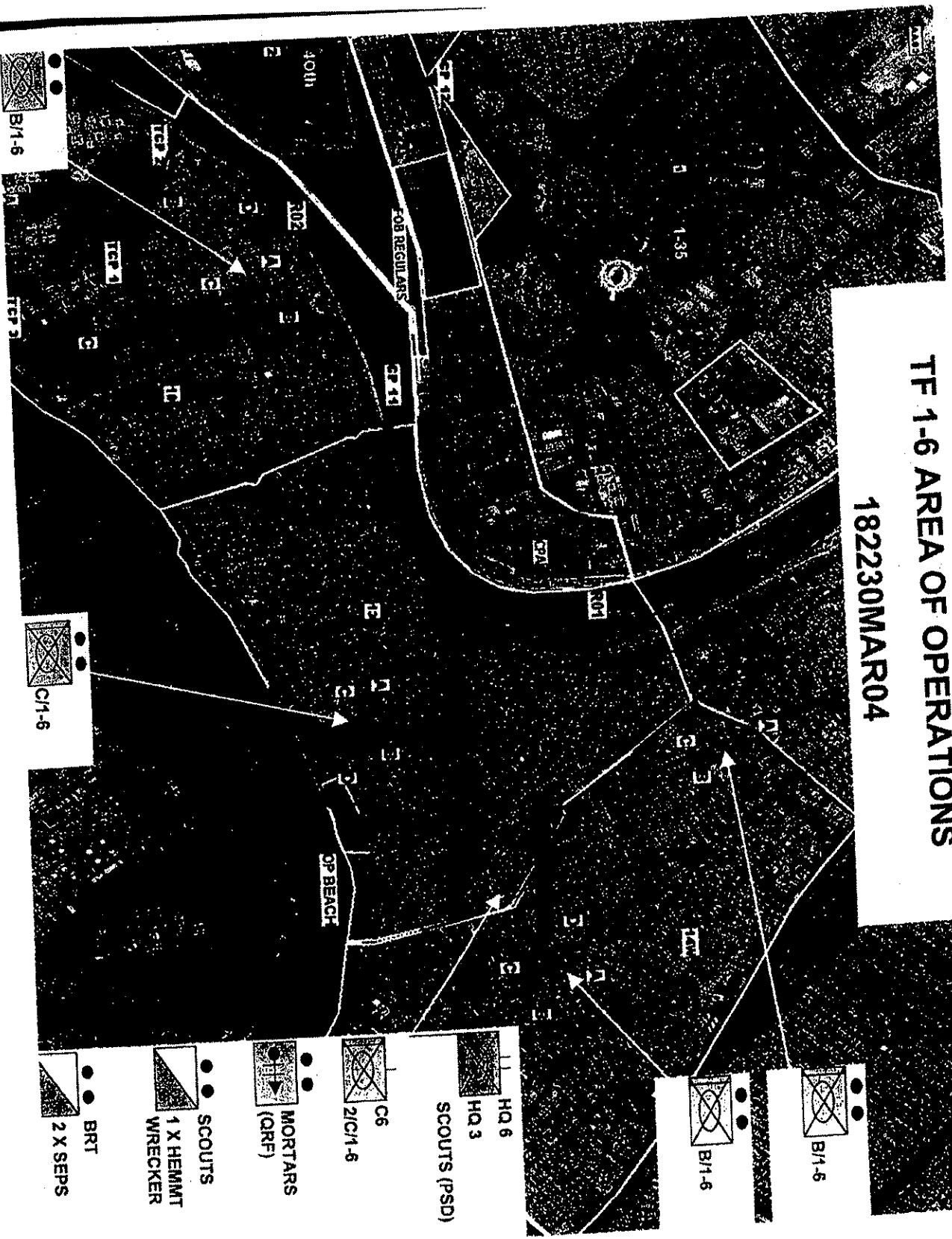
INITIAL ROUND COUNT:
 -28 WIND SHIELD
 -4 HOOD
 -33 DRIVER SIDE VEHICLE BODY
 -1 DRIVER REAR WINDOW
 -4 PASSENGER SIDE
 -2 EXT ON PASSENGER SIDE W.S.
 75 ROUNDS

NOTES:
 -NO BYSTANDERS
 -NO VEHICLES OBSERVED FLEEING THE SCENE
 -NO VEHICLES OBSERVED TURNING AROUND
 -NO REQUEST FOR MEDICAL SUPPORT
 -NO SCREAMING OR YELLING
 -TCP HUMVEES HAD HEADLIGHTS ON
 -SOLDIER DIRECTING TRAFFIC WITH SUREFIRE UNDERGUN LIGHTS
 -CO CDR AND TF S2 TRAVELED SAME ROUTE AS VEHICLE, LESS THAN TWO MINUTES AFTER SHOOTING AND DID NOT SEE ANY CARS OR BYSTANDERS

SHOTS FIRED:
 -5.56MM: 89 RDS (51 DRIVER SIDE, 8 PASSENGER SIDE)
 -7.62MM: 18 RDS (ALL DRIVER SIDE)
 -TOTAL ROUNDS FIRED: 75 ROUNDS

TF 1-6 AREA OF OPERATIONS

182230MAR04



● ●
B/1-6

● ●
B/1-6

■ ■ HQ 6
■ ■ HQ 3
SCOUTS (PSD)

■ ■ C6
2/C1-6

■ ■ MORTARS
(GRF)

● ● SCOUTS
■ ■ 1 X HEMMT
WRECKER

● ● BRT
■ ■ 2 X SEPS

From: Morgenthaler, Jill E. (O-6)
Sent: Friday, March 19, 2004 2:23 PM
To: (b) (6) (b) (3) (1AD G3 AFSCOORD)
Cc: Kimmitt, Mark (O-7); Finn, Karen A MAJ CJTF7-PAO
Subject: RE: Al Arabiya details on death
Update: see below in red.

Colonel Jill E. Morgenthaler
CJTF-7 PAO
email: morgenthalerj@orha.centcom.mil
telephone: 703-343-8203
DSN: 318-239-8203

-----Original Message-----

From: Morgenthaler, Jill E. (O-6)
Sent: Friday, March 19, 2004 1:54 PM
To: (b) (6) (b) (3) (1AD G3 AFSCOORD)
Cc: Kimmitt, Mark (O-7)
Subject: Al Arabiya details on death

After the Hayat hotel was attacked, two cars from Al Arabiya showed up at the cordon area. One car had the satellite equipment, the other, a grey KIA car, held a driver, journalist and photographer. The soldiers denied access to the site. The photographer Ali Abdel Aziz and the journalist Ali Al-Khatib got out of the car and spoke to the soldiers showing their press credentials around their necks (they are not registered at the CPIC). A Volvo with an unknown civilian who appeared to want to get into the cordon area crashed into a tank and soldiers shot the driver. The photographer and journalist jumped into the KIA to get away from the line of fire. As they drove off, a tank chased them soldiers shot at them thinking they were with the Volvo driver, and they were shot in the heads. The driver, although wounded in the hands and head, drove them to the nearest hospital. They were first taken to the Ednin Nifeef (pronunciation of a famous scientist) Hospital. The photographer was already dead. The critically wounded journalist was transported to the Nervous System Hospital (pronounced Jumula Al Afradeya), ~~the photographer was already dead, the reporter in critical condition, and the driver seriously wounded;~~ and the driver was released. The reporter subsequently died. The two bodies have been returned to the families. ~~I don't know if the driver is still in the hospital. The van is still on the street with the bullets in it.~~ The driver has returned to work at Al Arabiya and the three day mourning ceremony will begin today. No one knows where the KIA is.

Colonel Jill E. Morgenthaler
CJTF-7 PAO
email: morgenthalerj@orha.centcom.mil
telephone: 703-343-8203
DSN: 318-239-8203

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (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 Bachdat Trap	2. DATE (YYYYMMDD) 2004-03-16	3. TIME 2345	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6) (b) (3)	6. SSN (b) (6) (b) (3)	7. GRADE/STATUS (b) (6) (b) (3)	

8. CHARACTER OF INCIDENT
C Co 1-6 IN

9. I, (b) (6) (b) (3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We had a TCP set up on RTE Oilers in order to prevent vehicles and personnel from going through to an area we were securing. There was a sign in front, about 70 to 75 meters, to warn anyone coming that they would need to slow down and prepare to stop. Along with the sign, there were cones set up on both sides up to about 20 meters in front of us. This particular vehicle showed no intentions of slowing down and once he hit the cones at the 20 meter mark, his acceleration had increased. I, and the other members of the squad opened fire when he passed the 20 meter cones and the car rammed into C-25. A cease fire was called and then everyone moved back in order to take cover and pick up their sectors of fire again, in case the car were to explode or someone else would have wanted to attack us. Once the area was secured we moved up the street and set up another TCP to secure that area. (b) (6) (b) (3) Nothing else follows

10. EXHIBIT I	11. INITIALS OF PERSON MAKING STATEMENT (b) (6) (b) (3)	PAGE 1 OF 2 PAGES
------------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" DATED _____

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

Building 6 Regular FOB

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF ~~XXXXXXXXXX~~ (b) (6) (b) (3) TAKEN AT Building 6 Regular FOB DATED 16 March 2004

STATEMENT (Continued)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

USAPA V1.00

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

(b) (6) (b) (3)

TAKEN AT

Bldg. 6

DATED

3/19/2004

3. STATEMENT (Continued)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

USAPA V1.00

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: Badradd, Irak 2. DATE (YYYYMMDD): 2004/12/18 3. TIME: 23:45 4. FILE NUMBER:

5. GRADE/STATUS: (b)(6) (b)(3)

8. ORGANIZATION OR ADDRESS: 1st LWF

9. I, (b)(6) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We 2. Squad of 2. Platoon had a TCP Setup. C25 on the left side of the Road and C26 on the right side we had Kones setup 25m in front of our position and a sign 75m with Kemlight. The lights of both Vehicles were on.

We saw a car coming at maybe 40mph at us. It didn't look like he was going to stop, as he hit the 35m mark he speeded up and aimed straight at C25. I had my weapon pointed exactly at his chest and as soon as

Kones with never slowing down I shot (b)(6) (b)(3) (b)(6) (b)(3) Control Pairs at his chest. After that, (b)(3), (b)(6) the car crashed into (b)(3), (b)(6) C25. I stop firing and moved up to the car. Then I (b)(3), (b)(6) tried to perform CIs with (b)(6) (b)(3) But we get pulled away to move our TCP further up the Road. nothing else follows

10. EXHIBIT: H 11. INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(3) 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) (b) (3) TAKEN AT Bldg 6 DATED 18 March 04

STATEMENT (Continued) Nothing follows

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON STATEMENT (b) (6) (b) (3)

PAGE 2 OF 1 (b) (6) (b) (3)

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).
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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 Baghdad Iraq
2. DATE (YYYYMMDD) 20040318
3. TIME 2345
4. FILE NUMBER
7. GRADE/STATUS (b)(3), (b)(6)

8. ORGANIZATION OR ADDRESS C Co 1-6 Infantry

9. (b)(6)(b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

we had our TCP at a 4way intersection with a median running parallel to our direction of travel we had humvees on both sides of the road facing west a checkpoint sign was approximately 75 meters forward of our position with cones approximately 20 meters forward of our position. Dismounts were in position to stop pedestrians and vehicles

I saw the vehicle in question head down the road in our direction, as he closed within approx 20 meters of cones he was signaled to turn off the side road. He proceeded toward us at which point I heard yelling for him to stop, he proceeded toward us driving over the cones. He was headed directly toward the up-armed humvee, which I was the gunner, as he closed I braced for the impact which did occur. Immediately after impact the vehicle/driver was fired upon by the dismounts and myself. Dismounts ceased fire and closed with the vehicle maintaining security until additional forces arrived, and provided guidance on what to do.

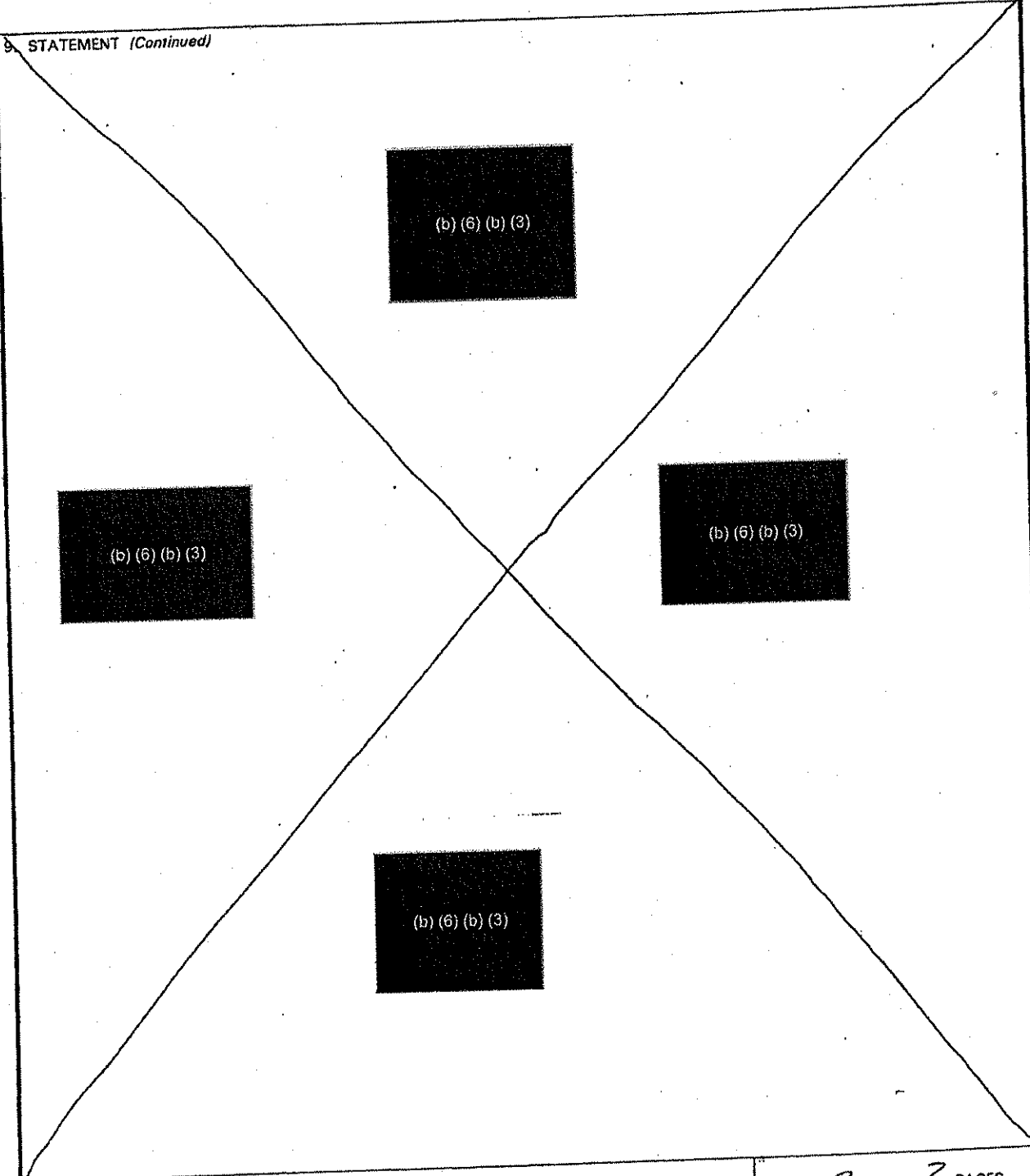
10. EXHIBIT G
11. (b)(6)(b)(3) PERSON MAKING STATEMENT PAGE 1 OF 1 (b)(6) PAGES

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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) (b) (3) TAKEN AT Alc. 6 DATED 13 Mar 04

9. STATEMENT (Continued)



(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

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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).
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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: Baghdad, Iraq
2. DATE (YYYYMMDD): 20040318
3. TIME: 2345
4. FILE NUMBER
7. GRADE/STATUS: (b)(6) (b)(3)

6. ORGANIZATION OR ADDRESS: C Co 1-6 Inf

9. (b)(6) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was positioned on C-26 as automatic gunner in front of my squad's TCP. Our TCP was set up to standard, a sign warning drivers of our TCP, with two cones around it and a chem light illuminating the sign approx. 60-75 meters from our position. At 25 meters out, we had 6 cones set up on both sides of the road, arched to allow motorists to turn onto a side road. We were approached by a small car traveling at a high rate of speed. The driver was signalled with flashlights when he sped up, ran through the cones, and rammed into the front of C-25. Upon seeing that, I opened fire on the vehicle, firing two 6-9 round bursts. I then heard cease fire being yelled, backed off my gun and proceeded to call out the cease fire, until all firing stopped. I then cleared my weapon, and picked up my assigned sector of fire, which was pulling frontal security. I only acted as I did because I felt an imminent threat to my squad's and my own safety. I remained there until Regular 6 had us move the TCP up the next intersection. Nothing follows.

10. EXHIBIT: F
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(3)
PAGE 1 OF 2 PAGES

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) (b) (3) TAKEN AT BLDG-6 (b) (6) DATED 18-03-04

3. STATEMENT (Continued)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSQPS

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: Wacondah TRAO
2. DATE (YYYYMMDD): 2004-Mar-18
3. TIME: 2345Hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b) (6) (b) (3)
6. SSN: (b) (6) (b) (3)
7. GRADE/STATUS: (b) (6) (b) (3)
8. ORGANIZATION OR ADDRESS: C co 1-6 INF

9. I, (b) (6) (b) (3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At grid MB 4751484665 & Co. 1-6 2nd Plt 2nd Sqd conducted a
tcp. To my left were three orange traffic cone and three
to my right in order to (b) (6) (b) (3) redirect traffic. Approx 70-75
meters a military checkpoint sign was posted and marked by
a chemlight. A vehicle w/ one personnel began to approach the
traffic cones and when told to stop he accelerated his vehicle
toward C25 (b) (6) (b) (3). Fired at the vehicles tires and it still
continued to accelerate. 2nd Sqd then engaged the individual
including myself, I fired two rounds and pulled back with (b) (6) (b) (3)
to provide security to our right flank. A cease fire
was called once the vehicle impacted with C25. (b) (6) (b) (3) We
then pulled back and found cover in case of a possible BUIED.
(b) (6) (b) (3) called upon my assistance in the aid and litter. 2nd Sqd
was relieved and ordered to set up a tcp farther north at the
intersection. nothing follows.

(b) (6) (b) (3)
(b) (6) (b) (3)
(b) (6) (b) (3)
(b) (6) (b) (3)

10. EXHIBIT: E
11. INITIALS OF PERSON MAKING STATEMENT: (b) (6) (b) (3)
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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT Bldg 6 DATED 19-03-04

9. STATEMENT (Continued)

(b) (6) (b) (3)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(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 retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION BAGHDAD IRAQ	2. DATE (YYYYMMDD) 2004 03 18	3. TIME 2345	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b) (6) (b) (3)	6. SSN (b) (6) (b) (3)	7. GRADE/STATUS (b) (3), (b) (6)	
8. ORGANIZATION C CB 1-6 INF			

9. I, **(b) (6) (b) (3)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While CORDONING OFF AN AREA THAT HAD BEEN ATTACKED BY RPBS **(b) (6) (b) (3)** SET UP A CHECKPOINT. OUR SQUAD HAD 2 HUMVEES FACING THE SAME DIRECTION WITH LIGHTS ON ON BOTH SIDES OF THE STREET. WE PUT 3 CONES APPROXIMATELY 25 meters on each street in front of vehicles. 75 meters in front of cones there was a MILITARY CHECKPOINT SSBN w/ A Chemlight on it DETOURING TRAFFIC. While pulling security on the left side of the left humvee a car ran our checkpoint which seemed to be accelerating as it approached. I heard a single shot fired then I proceeded to fire at the car to protect myself and fellow soldiers. After approximately 5 sec I heard cease fire so I proceeded to take cover by the humvee in case of an explosion. After realizing **(b) (3), (b) (6)** it wasnt an vehicle BORN IED OUR SQUAD PERSISTED TO give the casualty FIRST AID. I THEN PULLED OFF THE OBJ. AND CONTINUED TO PULL SECURITY. NOTHING ELSE FOLLOWS

10. EXHIBIT D	11. INITIALS OF PERSON MAKING STATEMENT (b) (6) (b) (3)	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.		

Building to Regular F.O.B

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF ~~(b) (6) (b) (3)~~ ~~(b) (6)~~ TAKEN AT Building to Reg FOB DATED 18 MAR 04

9. STATEMENT (Continued)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

USAPA V1.00

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 BAGDAD, IRAQ 2. DATE 18 MAR 04 3. TIME 2345 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(3) 7. GRADE/STATUS (b)(6) (b)(3)

9. I, (b)(6) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was AT a Blocking position, with a TEP set up. I sign at 75 to 80 M out with two cones on each side 25 to 30 meters out away from vehicles where more cones, 3 on each side of ROAD, we had 2 Humvee's on each side of the road to insure car's would stop. A vehicle approached at a high rate of speed passed thru our cones and accelerated toward our vehicle (C-25) our Squad leader hollared stop and attempted to shine at him with a coppe of flashes and the vehicle continued to accelerate, I then fire 3 rounds AT the driver, and yelled cease fire, the rest of the Squad yelled also we stopped firing, I order my team to take cover behind me in the rocks and bushes in case of an explosion, A-Team went up to the vehicle as we overwatched and assessed, A medic than ask for some medical assistance, I organized team security, and assisted until relieved, we than push over blocking position up soon and awaited orders. Nothing else followed.

10. EXHIBIT C 11. INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(3) PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6) (b)(3) EN 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.

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 command 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 Baghdad, Iraq
2. DATE (YYYYMMDD) 2004 03-18
3. TIME 2345
4. FILE NUMBER
7. GRADE/STATUS (b)(6) (b)(3)

6. INF BN.

9. (b)(6) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
that on 18 March 04 My squad was called to assist in a cordon at MB4751484665. My squad set up a standard tcp with signs 80 meters in front of vehicles and orange cones at about 25 meters in front of vehicles. we were instructed by Regular 6 to not let in one or any vehicles by us. My oper pro was if a vehicle was coming at a High Rate of speed and once he passed the cones open fire until vehicle stopped. A car approached our tcp, at a fast rate of speed once he got to the cones he increased his speed, that is when I opened fire and the rest of my squad follow and did the same. once the vehicle had stop when it crashed into our humvee I called a cease fire. At that time we

10. EXHIBIT B
MAKING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" AND BE DATED

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) (b) (3) TAKEN AT Building 6 DATED 18 Mar. 64

9. STATEMENT (Continued)

checked to see if the occupant of the car was alive. He was and we at once started administering 1st aid until another unit took over. At that point Regular 6 instructed me to move my TCP further up the road to the next intersection past where the incident happened. I took one vehicle and 6 guys and did as Regular 6 instructed. Nothing else follows (b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT (b) (6) (b) (3) PAGE 2 OF 2 PAGES

Head

*scalp:- tear where bullets entered.

*calavirum and base skull cap:- linear fracture in the left and right parietals.

*Menings and brain:- teared meninges . Brain is teared sharpnills of a bullet that rested inside the brain tissues ,as well as the foundation of small peaces of broken bones .There is a crush fracture that circular in shape at the upper back of the left parietal.

*Neck:- Muscles, capillaries, nerves are normal.

*Larynx and its cartilages :- No comments.

*Pericardium and heart :- No comments.

*Lungs and its pleura :- No comments.

*Diaphram:- Normal.

*Stomach:- contains turbid liquid .

*peritoneum and omentum:- No comments.

*Stomach and intestine:- No comments.

*Liver, Spleen and pancreases:-No comments.

*Kidney and adrenals:- No comments.

*Geneterias :- No comments.

*Vertebral column and bones of pelvis:- No comments.

*Upper limbs:- normal, no fractures.

*Lower limbs:- No comments.

Medical checks :-

X-rays were taken . These show the existance of a metal object of irregular shape of dimensions (1*2)cm rested in the head as well as small broken bones which were taken out during investigation.

1. Fir. bullet penetration of irregular edges. diameter is 10×8 mm at the left side of the front skull. No signs of near distance shooting. During the course of tracking the path of the bullet, ~~it is~~ it is found that the bullet left traces of explosions of shrapnills inside the skull.

2. Small irregular wounds. Number of wounds is 7 of diameters range from 0.5 to 0.6 mm. place is between the 2 parts of the sholder. These wounds appear to be due to ~~shrap~~ shrapnills. ~~some shrap~~ a pease of shrapnills stayed inside.

3. Two ^{irregular} wounds of 1 cm diameter each. Place of both is at the right side of the front skull bone. They appear as to be the entry and exit places of the bullets such that the bullet entered from the lower left side of the front skull bone and exited from the upper right side of the ~~bone~~ same bone.

EXHIBIT N

Head: ~~The~~ skull fractured, where ~~it~~ was
moved.

Skull and its base fractured and separated.

Brain & Brain tissues are ~~teared~~ ~~with~~ with
brain and brain tissues bleeding. Removed
3 peaces of deformed shrapnills that rested
in the brain.

Stomicks has turbid liquid inside

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: Baghdad, Iraq
2. DATE: 2004 (b)(3), (b)(7)(C) 24
3. TIME: 0943
4. FILE NUMBER:
5. (b)(6) (b)(3) (b)(6) (b)(3) (b)(6) (b)(3)
6. SSN: (b)(6) (b)(3)
7. GRADE/STATUS: (b)(6) (b)(3)
8. ORGANIZATION OR ADDRESS: Co 1-6 INF BN.

9. (b)(6) (b)(3) I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
(1) The reason I engaged the person in the vehicle is because of the rate of speed and he was speeding up and at 30 meters if the only way for him not to explode his bomb in his car if he had one was to kill him as quickly as possible to prevent him from hand detonating a bomb. (b)(6) (b)(3) (b)(3), (b)(6) I believe I did not have time to fire a warning shot.
(2) I did not see any vehicles attempting to leave the area due to the fact that I was not looking I was ensuring that my teams were preparing for a possible nother car because the terrorist sometimes attack in 2's.
(3) Their were armed U.S Soldiers behind my Blocking position. I do not remember hearing or seeing them fire any of their weapons. They were probably no more than 30-60 meters behind my position. I did not notice any other security personnel.

10. EXHIBIT: 0
PERSON MAKING STATEMENT: (b)(6) (b)(3)
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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

around as far as being personell that were armed, Including Iraqis and US. Civilians.

④ I spoke with (b)(6) who is the owner of the Continental Hotel he says he witnessed the whole incident. I Also spoke with (b)(3), (b)(6) who is the hotel Guard he says he witnessed the whole thing. (b)(3), (b)(6) They both told me that no one had been injured and that some minor collateral damage to the Hotel and the Hotels vehicle had been done. They also stated that as soon as the firing began they took cover and went into the hotel.

⑤ I conducted PCI before leaving on patrol everyone had their standard Combat load I checked my self to see how many rounds I had fired by counting the rounds left in my magazine and there was 12 rounds left. I did not personally (b)(6) inspect or have an ammo count upon leaving the site. (b)(3), (b)(6) My soldiers (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) Reported how many rounds they had fired to their team leaders. I got a count that was not in numbers but in a fashion that let me know we did not need an ammo resupply to continue on to any mission.

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(3)

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

⑥ we had reporters and Iraqi civilians come up to the position at first Regular 6 had instructed that bring them with an escort in groups to a designated site where he would talk to them. He latter then stated that we could tell them that there were no casualties and minor damage to the building had been done. The whole time during my blocking position I had instructed my soldiers to keep pushing people and vehicles down the streets to the right and left of our position. As not to keep a crowd around my position personell did walk up from the side streets and from the direction of the German Embassy. Nothing Else follows

(b)(3), (b)(6)

(b) (6) (b) (3) AFFIDAVIT I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3) by law to administer oaths, this ____ day of _____ at _____ (Signature of Person Administering Oath) (Typed Name of Person Administering Oath) (Authority To Administer Oaths)

(b)(3), (b)(6)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <u>Baghdad, Iraq.</u>	2. DATE <u>24 Mar 84</u>	3. TIME <u>0905</u>	4. FILE NO.
(b) (6) (b) (3)	5. ORGANIZATION OR ADDRESS <u>C/O 1-6 INF BN.</u>		
(b) (6) (b) (3)	7. GRADE/STATUS <u>(b) (6) (b) (3)</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 2nd BCT, 1 AD and wanted to question me about the following offense(s) of which I am suspected/accused: Shooting incident involving Iraq civilian
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

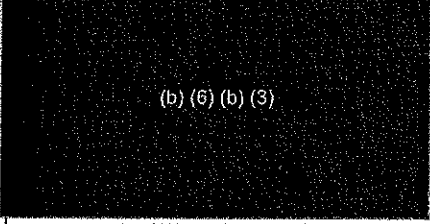
- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
 - or -
 (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)

1a. NAME (Type or Print) <u>(b) (3), (b) (6)</u>	
b. ORGANIZATION OR ADDRESS AND PHONE <u>C/O 1-6 IN</u>	
2a. NAME (Type or Print)	<u>HC</u>
b. ORGANIZATION OR ADDRESS AND PHONE	
6. ORGANIZATION OF INVESTIGATOR <u>HC 1-35 HC</u>	

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2029) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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 BAGMAN, IRAQ	2. DATE (YYYYMMDD) 2004 03 24	3. TIME 1123	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6) (b) (3)	6. SSN (b) (6) (b) (3)	7. GRADE/STATUS (b) (6) (b) (3)	
8. ORGANIZATION OR ADDRESS GCO VICTINE			

9. I, **(b) (6) (b) (3)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- I **(b) (6) (b) (3)** Fired at the vehicle because he was A Threat To My Fellow soldiers, Military equipment, and civilians. I fired 3 Rounds into The DRIVER SIDE DOOR.
- I DID NOT SEE ANY OTHER PERSONAL OUTSIDE My Squad Engage The Vehicle. That Includes civilian, IP, FPS, Security guards, or Any other Military Personal outside 2nd Sqd.
- I Did Not See any other vehicles besides The Volvo on The Road we engaged it on.

Nothing follows

10. EXHIBIT P	11. INITIALS OF PERSON MAKING STATEMENT (b) (6) (b) (3)	PAGE 1 OF 2 PAGES
-------------------------	---	--------------------------

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

- Nothing Follows

(b) (6) (b) (3)

AFFIDAVIT

I, (b) (6) (b) (3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6) (b) (3)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-3D; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <u>BAGDAD, IRAQ</u>	2. DATE <u>24 MAR 04</u>	3. TIME <u>0905</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b) (6) (b) (3)</u>	6. ORGANIZATION OR ADDRESS <u>C-1016 INF</u>		
8. SSN <u>394 90 49013</u>	7. GRADE/STATUS <u>(b) (6) (b) (3)</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 2ND BDE 1st AD and wanted to question me about the following offense(s) of which I am suspected/accused: Shooting incident involving Iraqi Civilians

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- If *For personnel subject to the UCMJ* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) <u>(b) (6) (b) (3)</u>	b. ORGANIZATION OR ADDRESS AND PHONE <u>C/1-6 INF</u>	<u>(b) (6) (b) (3)</u> <u>AR</u>
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>NAC 1-35 AR</u>

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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 2961; 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 Baqubah, Iraq	2. DATE (YYYYMMDD) 2004 03 24	3. TIME 1150	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6) (b) (3)	6. SSN (b) (6) (b) (3)	7. GRADE/STATUS (b) (6) (b) (3)	
8. ORGANIZATION OR ADDRESS C co 1/6 INF			

9. (b) (6) (b) (3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. I shot at the white Volvo after it had run the TCP and skinned into the hummer. I shot 5 rounds into the drivers side of the vehicle before hearing the cease fire being called.
2. Other than my squad there were no individuals who fired at the vehicle or any other object.
3. There were no other vehicles, that I was aware of, at the time of the shooting. To the intersection, there was a decent amount of light in order to have a visual but past it, there was not a good amount of light in order to make a good sight picture. While we were parked both Hummers had their lights set on bright. (b) (6) (b) (3)

10. EXHIBIT Q	(b) (6) (b) (3)	ON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not
Used

I, (b) (6) (b) (3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH (b) (6) (b) (3) PAGE . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6) (b) (3)

(Signature)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <u>Baghdad, Iraq</u>	2. DATE <u>24 March 2004</u>	3. TIME <u>0905</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b) (6) (b) (3)</u>	6. ORGANIZATION OR ADDRESS <u>C Co 116 INF</u>		
6. <u>(b) (6) (b) (3)</u>	7. GRADE/STATUS <u>(b) (6) (b) (3)</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 2nd Brigade 1st AD and wanted to question me about the following offense(s) of which I am suspected/accused: Shooting incident involving Iraqi civilian

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)

3(b) SIGNATURE OF INTERVIEWEE

1a. NAME (Type or Print) <u>(b) (6) (b) (3)</u>	[Redacted Signature]
b. ORGANIZATION OR ADDRESS AND PHONE <u>C/1-6 IN</u>	
2a. NAME (Type or Print)	[Redacted Signature]
b. ORGANIZATION OR ADDRESS AND PHONE <u>HHC 1-33 AR</u>	

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (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 BAGHDAD I.R.A.C	2. DATE (YYYYMMDD) 2004 03 24	3. TIME 1050	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS (b)(6)	
8. ORGANIZATION OR ADDRESS C LO 1-6 INF			

9. I, (b)(6) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

① AS THE DRIVER OF THE HUMVEE, WITH THE LIGHTS ON RAINING TRAFFIC, I WAS DISMOUNTED OFF TO THE LEFT SIDE OF THE VEHICLE. AS THE CAR APPROACHED OUR LOCATION IT SEEMED TO BE PICKING UP SPEED AS IT DROVE THROUGH THE KILL ZONE WHICH WAS 25 TO 30 METERS IN FRONT OF MY LOCATION. THE CAR WAS HEADING DIRECTLY FOR THE CENTER OF OUR HUMVEE WHICH LED ME TO BELIEVE IT WAS A SUICIDE ATTACK. BECAUSE I FELT A THREAT TO MYSELF AND MY FELLOW COMRADES I OPENED FIRE ON THE CAR. SHOOTING 8 ROUNDS INTO THE WINDSHIELD IN WHICH THERE IS LITTLE DOUBT I MISSED SINCE THE VOLVO WAS 10 TO 15 FEET TO MY FRONT. MY SHOTS WERE FIRED AT THE PASSENGER SIDE WINDSHIELD IN CASE OF SOMEONE THERE TRYING TO DETONATE ANY BOMB.

② I DO NOT KNOW OFF ANY OTHER PERSONNEL OTHER THAN MY SQUAD WHO FIRED ON THE CAR OR FIRED AT ALL. THAT INCLUDES ANY FPS, IPS, CIVILIANS, OR ANY IRAQI PEOPLE OR GUARDS WHATSOEVER.

③ I DID NOT NOTICE ANY BODY OF VEHICLE FLEEING THE SCENE OR AROUND THE SCENE AT THE TIME OF THE SHOOTING.

10. EXHIBIT R	11. IN (b)(6) (b)(3) PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
(b)(6) (b)(3)
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

① I DID NOT SEE ANY BODY SHOOT AT ANYTHING OTHER THAN THE WHITE VOLVO. NOTHING ELSE FOLLOWS

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

(b) (6) (b) (3)

AFFIDAVIT

I, (b) (6) (b) (3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6) (b) (3)

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

(b) (6) (b) (3)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 BAHADD, IRAC	2. DATE 24 MAR 04	3. TIME 0905	4. FILE NO.
5. NAME (Last, First, MI) (b) (6) (b) (3)	8. ORGANIZATION OR ADDRESS C CO 1-6 INF		
(b) (6) (b) (3)	7. GRADE/STATUS (b) (3), (b) (6)		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 2nd BDE 1st AD and wanted to question me about the following offense(s) of which I am suspected/accused: shooting incident involving IRAQI civilian

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any question or say anything.
 2. Anything I say or do can be used as evidence against me in a criminal trial.
 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a. (b) (6) (b) (3)	(b) (3), (b) (6)
b. ORGANIZATION OR ADDRESS AND PHONE C/1-6 INF	
2a. NAME (Type or Print)	HHC 1-35 AK
b. ORGANIZATION OR ADDRESS AND PHONE	
6. ORGANIZATION OF INVESTIGATOR	

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2829) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (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 <i>Beahdaded, Irak</i>	2. DATE (YYYYMMDD) <i>2004/03/24</i>	3. TIME <i>1030</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b) (6) (b) (3)</i>	6. SSN <i>(b) (6) (b) (3)</i>	7. GRADE/STATUS <i>(b) (6) (b) (3)</i>	
8. ORGANIZATION OR ADDRESS <i>Cco 1-6 WF</i>			

9. I, *(b) (6) (b) (3)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. I saw the car coming speeding up. He didn't make an attempt to slow down. He even speed up a couple meters before he hit the Cones. After the car hit the Cones I shot 3 pairs at the Driver, because I could see his white shirt, since *(b) (6) (b) (3)* had his Sunfire on him. And on the Hummies where the Bright lights on.
2. I could see ca. half way down from our TCP to the Traffic circle, where one white SUV was parked. Otherwise I didn't see any other car leaving or coming into our Area.
3. The Only other Personell with Weapons where from Headquarters Company, and they didn't fire any shot's. There were no Civilians or Irakis in the Area with weapons.
4. My Teammembers *(b) (6) (b) (3)* and *(b) (6)* shot at the Vehicle *(b) (6) (b) (3)* shot at the Passengerside and *(b) (6)* at the Driverside. nothing follows

10. EXHIBIT <i>S</i>	11. INITIAL <i>(b) (6) (b) (3)</i> SON MAKING STATEMENT	PAGE 1 OF <i>2</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

not used

(b) (6) (b) (3)

AFFIDAVIT

I, (b) (6) (b) (3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6) (b) (3)
(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 ____ day of _____, _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b) (6) (b) (3)

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 Baghdad, IRAQ	2. DATE (YYYYMMDD) 2004-03-24	3. TIME 1205	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6) (b) (3)	6. SOCIAL SECURITY NUMBER (b) (6) (b) (3)	7. GRADE/STATUS (b) (6) (b) (3)	

8. ORGANIZATION OR ADDRESS

C Co 1-6 INF

9. I, (b) (6) (b) (3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. I shot at the vehicle because it accelerated after hitting the traffic cones. I fired 2 shots at the drivers chest through the driver side window. The vehicle was a white car.
2. I DID NOT SEE OR HEAR ANYBODY ELSE FIRE OTHER THAN THE PERSONEL IN 2nd Sqd.
3. I did not see any vehicles or personal flee from the scene at the time of the shooting.

NOTHING FOLLOWS

10. EXHIBIT T	PERSON MAKING STATEMENT (b) (6) (b) (3)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

NOT USED

NOT USED

AFFIDAVIT

I, (b) (6) (b) (3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6) (b) (3) _____
(Signature)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INIT (b) (6) (b) (3) ON MAKING STATEMENT

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

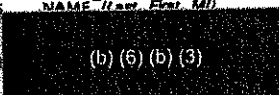
(Authority To Administer Oaths)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <u>Baghdad, IRAQ</u>	2. DATE <u>24 March 04</u>	3. TIME <u>0905</u>	4. FILE NO.
5. NAME (Last, First, MI) 	8. ORGANIZATION OR ADDRESS <u>C Co 1-6 INF.</u>		
6. <u>(b) (6) (b) (3)</u>	7. GRADE/STATUS <u>(b) (6) (b) (3)</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 2nd Brigade 1st Armored Division and wanted to question me about the following offense(s) of which I am

suspected/accused: Shooting incident involving Iraqi civilian

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

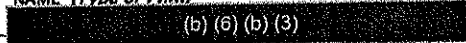
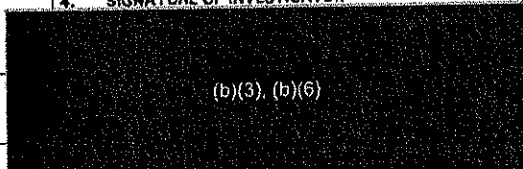
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE <u>[Signature]</u>
1a. NAME (Type or Print) 		4. SIGNATURE OF INVESTIGATOR 
b. ORGANIZATION OR ADDRESS AND PHONE <u>C/1-6 INF</u>		<u>(b)(3), (b)(6)</u>
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		<u>HNC 1-35 AR</u>

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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 Baghdad, Iraq 2. DATE (YYYYMMDD) 20040324 3. TIME 1215 4. FILE NUMBER

5. (b) (6) (b) (3) (b) (6) (b) (3) (b) (6) (b) (3)

8. ORGANIZATION OR ADDRESS C co. 1-16 TINF

9. (b) (6) (b) (3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. I engaged the white Volvo, immediately after it crashed into the front of C-25. I fired late because I had to redirect my SAW, and change it, prior to engaging. I engaged the vehicle because I felt an immediate threat to my squad, myself, and all other personnel, military and civilian, that we were providing security for.
2. I did not hear any other firing prior to, or after I engaged the vehicle. This includes other military, Iraqi civilians and Iraqi Police. The only firing I witnessed, or heard came from my squad.
3. I saw no vehicles, or people fleeing the area during the shooting. I heard no screaming, screeching of tires, or any thing else that would indicate Iraqi civilian personnel in the area.
4. On both Humvee's, Headlights were turned on brights, and our 4-way Hazard lights were on.
Nothing Follows.

10. EXHIBIT U (b) (6) (b) (3) 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.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not Used

(b) (6) (b) (3)

AFFIDAVIT

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

(b) (6) (b) (3)

(Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6) (b) (3)

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <i>Basijahad, Iraq</i>	2. DATE <i>24 Mar 04</i>	3. TIME <i>0905</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>C Co. 1-6 Inf.</i>		
6. [REDACTED] (b) (6) (b) (3)	7. [REDACTED] (b) (6) (b) (3)		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army, *2nd BDE, 1st AD* and wanted to question me about the following offense(s) of which I am suspected/accused: *Shooting incident involving Iraqi Civilians*
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)

1a. NAME (Type or Print) [REDACTED] (b) (6) (b) (3)	[REDACTED] (b) (6) (b) (3)
b. ORGANIZATION OR ADDRESS AND PHONE <i>C/1-6 IN</i>	[REDACTED] (b)(3), (b)(6)
2a. NAME (Type or Print) [REDACTED] (b)(3), (b)(6)	[REDACTED] (b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR <i>MMC 1-35 AC</i>

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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 BAGHDAD IRAQ	2. DATE (YYYYMMDD) 2004/02/29	3. TIME 1544	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6) (b) (3)	6. SSN (b) (6) (b) (3)	7. GRADE/STATUS (b) (6) (b) (3)	
8. ORGANIZATION OR ADDRESS HHC 1/6 IN BN 2ND BDE 1AD			

9. I, **(b) (6) (b) (3)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE NIGHT OF 18 FEBRUARY I ROLLED OUT IN HQ 6A SERVING AS REGULAR 6'S HUMVEE GUNNER. WE RESPONDED TO A ROCKET ATTACK AT THE HOTEL AND FOUND THE SCENE SECURED BY CHARLIE COMPANY. WE MOVED INSIDE THEIR CHECK POINT AND STOPPED DIRECTLY IN FRONT ^{TO THE SOUTH} OF THE HOTEL. I WAS MONITORING RADIO TRAFFIC AND RELAYING TO 6 RON. I WAS ALSO SCANNING ROOF TOPS TO THE SOUTH OF THE HOTEL. MY 240 B. WAS ^{POINTED} ORIENTATED TO THE SOUTH EAST. WHEN THE SHOOTING STARTED, I REACTED BY FACING WEST WITH MY M16 IN POSITION. I LEFT THE 240 B IN PLACE BECAUSE I ~~RE~~ WAS STILL RESPONSIBLE FOR THE ROOF TOPS TO THE SOUTH. I SAW NO MUZZEL FLASHES TO INDICATE FIRE COMING TOWARD ME. THE FIRE CONTINUED SO I TRAVERSED MY TURRET TO THE SOUTH ~~EAST~~ ^{WEST}. THEN SOMEONE WHO, FROM POSITION, I THOUGHT TO BE REGULAR 36 ^{HE HAD} SHOUTED A WARNING ABOUT NOT FIRING UNTIL A CLEAR PICTURE OF THE TARGET. VERY SOON AFTER THIS SHOOTING I HEARD A SHORT BURST, ~~SEEN~~ ^{HEARD} 4-6 SHOTS, FROM WHAT SOUNDED LIKE A 240 B. ^{THIS CAME FROM MY RIGHT AS I FACED WEST} _{SOUNDED LIKE IT}

10. EXHIBIT V	11. INITIALS OF PERSON MAKING STATEMENT	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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

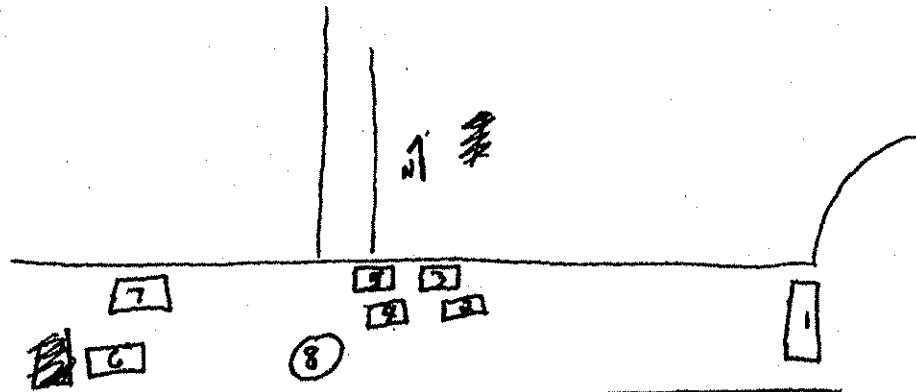
MY DIAGRAM ON THE NEXT PAGE IS INCOMPLETE.
THERE WERE MORE HUMVEES IN THE AREA OF VEHICLES
#2,3,4,5 OF WHICH THE NUMBER AND PLACEMENT
I AM NOT CERTAIN. ^{IM NOT SURE IF} VEHICLE #2 WAS ~~OUR~~ OUR SCOUT
ELEMENT. ~~ADD NOW~~ I AM UNCERTAIN WHERE THAT
VEHICLE WAS AT THE TIME OF THE SHOOTING BECAUSE
THEY HAD STARTED OUT TO MY SOUTH EAST AND
MOVED PERHAPS ALL THE WAY TO MY WEST, DURING THE
COURSE OF THE NIGHT. AT THE TIME OF THE SHOOTING,
THEY WERE NOT AT MY SOUTH EAST. IN THE TIME
BEFORE THE SHOOTING, A CONVOY OF ABOUT 5 HUMVEES AND
1 SUB URBAN HAD PULLED INTO THE SCENE AROUND
VEHICLES #2,3,4,5 WHICH IS WHY I AM SO UNCLEAR ABOUT
VEHICLE PLACEMENT. I AM CERTAIN ABOUT THE LOCATION
OF HQ 6A AND HQ 3 AT THE TIME OF THE SHOOTING.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



- 1- CHARLIE BLOCKING VEHICLE POSSIBLY 113
- 2 HUMVEE / UNKNOWN
- 3 REG 3 HUMVEE
- 4 REG HUMVEE
- 5 UNKNOWN HUMVEE / I THINK SHOOTER / I THINK PART OF BRIGADE CONVOY
- 6 CHARLIE ELEMENT / CHECK POINT / STUCK BY VEHICLE / HUMVEE
- 7 CHARLIE ELEMENT / CHECK POINT / HUMVEE
- ⑧ OUR SCOUTS STARTED THE NIGHT HERE

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

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 <i>Baghdad Iraq</i>	2. DATE (YYYYMMDD) <i>24 Mar 04</i>	3. TIME <i>1600</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b) (6) (b) (3)</i>	6. SSN <i>(b) (6) (b) (3)</i>	7. GRADE/STATUS <i>(b) (6) (b) (3)</i>	
8. ORGANIZATION OR ADDRESS <i>HKC 16 IN</i>			

9. *(b) (6) (b) (3)* WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. I shot a white ~~van~~ sedan, after I heard warning shot. I saw the car was still coming at the blocking position, I had a open lane to fire so I shot, a 5 round burst. I was about 40 meters behind the blocking position and 12-15 meters to the right of the humvee in front of me.

2. After I shot the 5 round burst. I looked up and noticed a dark colored vehicle turn sharply sharply left, jump over the median, drive down the road and turn right heading North at the intersection.

3. I did not see any soldiers fire at the vehicle that turned left across the median.

Nothing Follows

10. EXHIBIT <i>W</i>	OF PERSON MAKING STATEMENT <i>(b) (6) (b) (3)</i>	PAGE 1 OF _____ 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.

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 BAHDA, IRAC	2. DATE 24 MAR 04	3. TIME 0905	4. FILE NO.
5. NAME (Last, First, MI) (b) (6) (b) (3)	6. ORGANIZATION OR ADDRESS C 601-6 INF		
7. GRADE/STATUS (b) (6) (b) (3)			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army, 2nd BDE 1st AD and wanted to question me about the following offense(s) of which I am suspected/accused: shooting incident involving IRAQI civilian

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any question or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) (b) (6) (b) (3)	(b)(3), (b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE C/1-6 IN		
2a. NAME (Type or Print)	(b)(3), (b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		
		6. ORGANIZATION OF INVESTIGATOR HAC 1-35 AR

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer
 - I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <i>Baghdad, Iraq</i>	2. DATE <i>24 Mar 04</i>	3. TIME <i>1600</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>Beizer, Brian</i>	8. ORGANIZATION OR ADDRESS (b) (6) (b) (3)		

WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *2nd Brigade 1st Armored Div.* and wanted to question me about the following offense(s) of which I am suspected/accused: *Shooting incident involving death of Iraqi civilian*
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) <i>(b) (6) (b) (3)</i>	<i>(b) (3), (b) (6)</i>
3. ORGANIZATION OR ADDRESS AND PHONE <i>HHC 1-6 IN</i>	
2a. NAME (Type or Print)	
2. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR <i>HHC 1-35 AR</i>

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not USED

AFFIDAVIT

I, (b) (6) (b) (3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b) (6) (b) (3)

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b) (6) (b) (3)

PAGE OF PAGES

EXHIBIT X

From : Al-Masbah Police Station – 20.03.2004
To : Respectful Deputy Attorney
Respectful Judge of Al-Karrada Investigation

1. On 18.03.2004 at 2300 o'clock, we were notified by Ibn Al-Nafees Hospital about the murder accident of Ali Abdel Aziz & the injured of Ali Abdel Hussein Al-Khateeb who are working in Al-Arabia Satellite Channel by the American Coalition Forces when they came to film the explosion which happened at Al-Karrada Neighborhood – Burj Al-Hayat Hotel on 18.03.2004, then we went to the hospital, it was difficult for us to take the statement of the injured Ali Abdel Hussein because he was in a dangerous condition.
2. The body of murdered Ali Abdel Aziz was examined.
3. The statement of driver (b) (6) was taken during the investigation, for kind information with thanks.
4. On 19.03.2004, the plaintiff of the private right whose name is Abdel Hussein Mohammed Ali Al-Khateeb came & said that his son was died because of his injury, his statement was taken & he demanded to raise a complaint against the American coalition forces, for kind information, with thanks.
5. The body of the second victim Ali Abdel Hussein Al-Khateeb was examined.
6. The two bodies were sent to the forensic medicine for making the autopsy.

For your kind information & issue the suitable decision, with appreciation.

Signed by : (b) (6) – Investigation Officer

To the officer :

1. To bring the plaintiff of the private right in front of me.
2. To bring the driver (b)(6) in front of me.
3. To go to the owners of the commercial shops or to the houses where the accident happened & asking about the people who saw the accident & those who were close by during the accident of murdering the victims Ali Abdel Aziz & Ali Abdel Hussein Al-Khateeb in order to get valuable information to facilitate your investigation mission.
4. Both of the bodies have to be sent to the forensic medicine for making the autopsy & to put the result of that with other investigation papers.
5. The complainant (b)(6) has to come in front of me to take his statement in order to know how the accident happened.
6. The car has to be sent to the technical expert to check it & write down the damages.
7. The plaintiff of the private right has to come in front of me.

20.03.2004

EXHIBIT X

From : Al-Masbah Police Station – 20.03.2004
Sub. : Progress of Investigation.

Today afternoon the legal representative of Al-Arabia Satellite Channel (b)(6) (b)(6) came to our police station & he asked to take his statement because he is the complainant, I explained that during the investigation progress & I started to take his statement.

Signed by : (b)(6) – Investigation Officer

Statement of the legal representative (b)(6) :
Born in 1965 – his job is legal consultant for the Al-Arabia Satellite Channel – living in Baghdad at Al-Ghazalia Neighborhood – phone No. : 5153118, he stated the following :

- On 18.03.2004, group of Al-Arabia Satellite Channel individuals were murdered while they were filming the explosion accident at Al-Karrada Neighborhood & exactly near Burj Al-Hayat Hotel, they were murdered by the Americans existing at that region, they were: Ali Abdel Aziz & Ali Abdel Hussein Al-Khateeb & the injured driver (b)(6) they caused huge damages for his car No. 62416 – Baghdad type Kia Sportage – gray color – model 1993. the coalition soldiers have shot them & killed them, the accident happened at 9.55 PM, according to this I demand to raise a complaint against those who caused the accident & compensate the families of the dead people, this is my statement.

Signed by : (b)(6) – Investigation Officer

Signed by : (b)(6) – The Lawyer – 20.03.2004

Abdomen and abdomen cavity:-

- peritoneum and omentum:- No comments.
- stomach & intestine:- contain turbid liquid.
- Liver , spleen and pancreas :- pail.
- vertebral column and pelvis bones:-No signs of fracture.
- Upper limbs :- No signs of fracture.
- Lower limbs :- No signs of fracture.

Completion checks , results and discussion:-

- 1- The dead documents that are issued by Ibn AL – Nafees hospital are checked .The body arrived at that hospital dead on the 18th of March 04 at 21:00 he was admitted to the hospital casualties due to being shot in the head . he then was sent to the forensic medicinal institute for investigation .
- 2- X-Ray investigation revealed the presence of strange objects in the head and chest .
- 3- Clothes checks revealed tears where bullets hit .

Conclusion :

- 1- The death causes have been due to fractures and tears and bleeding as a result of fire shootings in the head .
- 2- No signs of near distance shooting .
- 3- direction of bullets 1,2 & 3 (no description given) .
- 4- We return back to you the deformed bullets that have been taken out of the body . It has not been possible to identify the type & caliber of bullet or weapon used due to the bad shape deformation .

Signed by

(b)(6)

Converted From Arabic to English

(b)(6)

7 March 19, 07

الأعضاء التامسية والشرح :

العمود الفقري وعظام الحوض : لا أثر للكسور

الطرفان العلويان : لا أثر للكسور
الطرفان السفليان : لا أثر للكسور

الفحوص التكميلية ونتائجها والمناقشة :

- ١- اطلعنا على طيلة المتوفي والصادرة من طوارئ مستشفى ابن النفيس والتي جاء فيها بأنه وصل متوفيا بتاريخ ٢٠٠٤/٣/١٨ الساعة التاسعة مساء الى ردهة الطوارئ اثر اصابته بمقذيف نارية في الرأس . وتم إحالته الى معهد الطب العنلي لأجراء الفحص الطبي العنلي .
- ٢- تم التصوير الشعاعي للجسم للتحرري عن وجود اجسام غريبة فيه وثبت ذلك في الرأس والصدر .
- ٣- تم فحص الملابس ولوحظ وجود تمزقات تطابق اصابات الجسم .

- الاستنتاج :
- ١- يظهر من أوصاف العلامات التشريحية المشاهدة في جثة المتوفي (علي عبد العزيز عبد المطلب) ان سبب وفاته هو الكسور والتمزقات والانزفة الدموية اثر اصابته بمقذيف نارية في الرأس .
 - ٢- لم نجد ما نستدل به عينيا ما يؤيد قرب مسافة الاطلاق .
 - ٣- المقذوف للناري رقم (١) و(٢) : خلف امام / اعلى - اسفل / ايسر - ايمن
(٣) : خلف - امام
 - ٤- نعيد اليكم طيا المقاذيف المشومة والمستخرجة من الجثة ولم يكن بالمستطاع البت في نوع وعبارية السلاح المستعمل لتشوهها وفقدانها المظاهر التشخيصية لها .

(b)(6)

الطبيب في معهد الطب العنلي

Discussion:-

The dead was admitted to the neurosurgery -hospital on the 18th of March 04 after it was referenced by liben Al Nafeess hospital due to fire bullet shot. The man was unconscious . He was checked by the CT-scan which revealed the existence of shrapnel and small broken bones as well as brain bleeding. He was admitted to the special care unit .He received artificial breathing . Then he died on the 19th of March04.

Conclution:-

- 1- It appears from checking the dead body that the cause of death has been due to the fractures tears and heavy bleedings as a result of a fair shot.
- 2- No evidences of near distance shooting.
- 3- Direction of shooting (no comments).
- 4- We return back the bullet that has been removed from the brain tissue. The shape of bullet is deformed which made it difficult to recognize the type and caliber.

Signed by:-

(b) (6)

Forensic Medicine Institute.

3-22-2004

Converted from Arabic to English

(b)(6)

March 19, 07

العنود الفقري وعظام الجوفاء:

اعتيادية ولا اثر للكسور:

انظر فدان الطويلان:

انظر فدان السفليان:

الفصوص الكمبرية ونقحها والمناقشة:

= الفجوات ١ = نسبتا اخذ الرقوق الشمعاه للتحري عن الاطلاقات والاجسام الغريبيه وقد وجد مايلي: =
وجود جسم معدني غير منتظم الشكل بسعته (٢x١) سم في الرأس من شظايا عظمية منتشرة تم استخراجها
اثناء التشرح.

= المناقشه =

أدخل المتوفى علي الخطيب الي مستشفى الجميه الجراحي بتاريخ ٨ / ٢ / ٤٠٠٤ بعد إحالته من
مستشفى ابن النفيس اثر اصابته بطلق نارى في الرأس وكان فاقد الوعي وبعد اجراء المغفاس وجد شظايا
وقطع عظام في داخل الدماغ ونزف دموى في الدماغ أدخل العناية المركزه تحت التنفس الاصطناعي وتوفي بتاريخ
١٩ / ٢ / ٢٠٠٤ م

الاستنتاج:

- ١ = يظهر من اوصاف العلامات التشريحيه على جبهه المتوفى علي الخطيب ان سبب وفاته هو الكسور والتشققات
والانزفه الدمويه الغزيره اثر اصابته بقذوفات ناريه.
- ٢ = المناقشه: لم يجد ما يستدل به على ان الاطلاق قد تم من مناسفه قل بيده.
- ٣ = الاتجاه: = الاطلاقه الاولى: خلف امام قنبر / الخن اسفل / ايسر ايمن -
= الاطلاقه الثانيه: خلف امام قنبر / الخن اسفل / ايسر ايمن.
- ٤ = نميد اليكم القذوف المستخرج من انسجه الدماغ وهو مشوه ولم يك بالمستطاع البت في نوع وقياس يسه
الاسلح المستعمل.

(b)(6)

الطبيب في معهد الطب العدلي

٢٠٠٤/٢/٨

عندئذ وزارة الصحة
معهد الطب العدلي
الرقم / ٢٢٩٤
التاريخ ٢٠٠٤/٣/٢٧

الى / مركز شرطة الممبيح
اشارة الى استبيان طلب التشريح المرقم ١٥٤٣ في ٢٠٠٤/٣/١٩
لذاه التقرير الطبي العدلي التشريحي الخاص بالموتوفي علي عبد العزيز عبد المطلب
راجين التفضل بالأطلاع .. مع التقدير
(نعيد اليكم الشظايا المستخرجة من الجثة مرزومة حسب الاصول)

د. فائق أمين بكسر
مدير معهد الطب العدلي
٢٠٠٤/٣/٢٧

التقرير الطبي العدلي التشريحي

أني الموقع أدناه د. سعد كاظم أجريت الفحص الطبي العدلي التشريحي على جثة علي عبد العزيز عبد المطلب في الساعة ١ ظهرا يوم ٢٠٠٤/٣/١٩ وكانت النتيجة ما يلي :

العمر : ٣٥ سنة الجنس : ذكر الطول : متوسط لون البشرة : ابيض لون شعر الرأس : اسود
لون شعر الوجه : اسود العينان : سوداوان البقع الموتية : في الوجه الخلفي للجسم التفسخ : لم يبدأ البنية : معتدلة
صملم الموت : مكتمل النقوش الوشمية والعلامات المميزة : الملابس : بلوز رصاصي + بلوز اصفر + بنطلون كاويي
ازرق + فانيلة بيضاء + لباس فيلي (لذويه)

الأضرار الخارجية :

- ١ - مدخل مقذوف ناري غير منتظم الشكل بسعة ١٠ * ٨ ملم توضع في اليسر المنطقة القذالية للرأس ولا اثر لمخلفات الاطلاق القريب حوله ولدى تتبع مسير المقذوف الناري وجد مشوها ومتشظي الى قطع صغيرة جدا في الجوف القحفي .
- ٢ - جرحان غير منتظمي الشكل بسعة ١ سم لكل منهما توضع في اليمن المنطقة القذالية للرأس يظهر من اوصافهما على اليسر مدخل ومخرج لمقذوف ناري شمل الفروة ولم يفلح بالنفاذ الى الجمجمة وياتجاه من اليسار لليمين ومن الاسفل للأعلى - خلف امام
- ٣ - جروح صغيرة غير منتظمة الاشكال بعدد (٧) ويسعات تراوحت ما بين ٥ مم - ٦ سم سم توضع في المنطقة ما بين لوجي الكتف يظهر من اوصافها بانها نتيجة دخول شظايا مشوهة وصغيرة وقد تم العثور على جزء من قميص لمقذوف ناري في احد الجروح .

الرأس :

الفروة : ممزقة ومتكسمة في باطنها في معظم اجزائها مما يوافق مسار المقذوف الناري .
القحف وقاعدته : كسور انفصالية توضع في عظام القذالية والاجزاء الخلفية للعظام الجدارية مما يوافق مسار المقذوف الناري للسحايا والدماغ : ممزقة مع وجود نزوف دماغية وسحانية تحت العنكبوتية وتحت الام الجافية في معظم اجزاء الدماغ مما يوافق مسير المقذوف الناري . وتم استخراج ثلاثة قطع معدنية مشوهة كانت مستقرة في الدماغ .

عظام الوجنه : لا اثار للكسور

الرقبية وملحقاتها : لا اثار للكسور

الصدر والجوف الصدري :

عظام الصدر : لا اثار للكسور

التامور والقلب : شاحبة

الرئتان واغشيتيها : شاحبة

الحجاب الحاجز : اعتيادي

البطن والجوف البطني : اعتيادي

البريتون والشرب :

المعدة والأمعاء : تحوي سائلا عكرا

الكبد والطحال والبنكرياس : شاحبة

الرحم وملحقاته :

1. Fir. bullet penetration of irregular edges. diameter is 10×8 mm at the left side of the front skull. No signs of near distance shooting. During the course of tracking the path of the bullet, ~~left~~ it is found that the bullet left traces of explosions of shrapnills inside the skull.

2. Small irregular wounds. Number of wounds is 7 of diameters range from 0.5 to 0.6 mm. place is between the 2 parts of the sholder. These wounds appear to be due to ~~shrap~~ shrapnills. ~~some~~ shrap a piece of shrapnill stayed inside.

3. Two ^{irregular} wounds of 1 cm diameter each. place of both is at the right side of the front skull bone. They appear as to be the entry and exit places of the bullets such that the bullet entered from the lower left side of the front skull bone and exited from the upper right side of the ~~lower~~ same bone.

EXHIBIT N

Head: ~~The~~ skull fractured / when ~~it~~ ~~was~~ moved.

Skull and its base fractured and separated.

Brain & Brain tissues are ~~teared~~ ~~with~~ with brain and brain tissues bleeding. Removed 3 peaces of deformed shrapnills that rested in the brain.

Stomick has turbid liquid inside

Report of the body of Ali Abdul Aziz Abdul Mutalib

External damages :-

1-Entry of a fire bullet of irregular shape has the dimensions (10x8)mm. at the left side of the occipital. No signs of near distance shooting. On tracking the path of the bullet it is found that the bullet is deformed and is shrapnel into very small pieces inside the calavrium cavity .

2- Tow irregular wounds each of a diameter of 1.0cm. both are located at the right side of the occipital. It appears that while one has been the bullet entry. The other has been the exit. The bullet moved through the scalp but did not penetrate to the calavrium cavity. The direction has been from left to right and from lower to upper direction.

3- small irregular wounds , there are seven of them , their diameters ranged from 0.5 to 0.6 cm. all are situated between the scapulas they appear to be due to shrapnel entry. Part of a bullet is found in one of these wounds .

Head:-

1-The scalp :- is tear, brosed inside along the path of the shooting bullet.

2- Calavirum and its base :- separated fractures found in the occipital bones as well as the parietal bones. These have been along the shooting bullet path .

3-Mening and Brain:- tear with brain and meninges bleedings as well as subara chinod and subdural bleedings , this has been along the bullet path . Three deformed metal pieces were removed from the brain where they rested .

4- Zygmatic bones :- No signs of fracture .

5- Neck:- No signs of fracture .

Chest and its cavity :-

-chest bons:- No signs of fracture .

-pericardium and heart:- pail.

-lungs and its pleura:- pail.

-Diaphragm :- Normal.

EXHIBIT X

From : Al-Masbah Police Station – 20.03.2004
Sub. : Progress of Investigation.

Today afternoon the injured complainant (b) (6) who works for Al-Arabia Satellite Co. has come to our police station & he asked to take his additional statements because he was wounded in his head & right hand at the beginning of the accident, when he got healthy he came to give his statement because it is important for the investigation's progress, therefore I explained that & started to write his statement.

Signed by : (b) (6) – Investigation Officer.

Subsequent to the statement of the complainant injured (b) (6)
(b) (6)

Born at (b) (6) his job is (b) (6) (b) (6) - living at (b) (6)
(b) (6) (b) (6) he stated the following :

- On 18.03.2004 at 9.00 PM, we have been notified by a phone call that there is an explosion at Al-Karrda Neighborhood – Burj Al-Hayat Hotel, the staff of the channel went to the accident place to videotape it & announce the news, at the beginning I went by a car type Kia Sportage – red color with the driver (b) (6) & the photographer (b) (6) when they arrived they asked for our help as the team was not completed to perform the videotape operation & covering the accident, actually I went there accompanied by the both of the victims Ali Abdel Aziz & Ali Abdel Hussein Al-Khateeb, the first one was the camera man & the other one was the company's reporter & the group's leader, we were driven by the car of live broadcast, I was driving my car – type Kia Sportage – gray color – holding plate no. 64216 – Baghdad, when we arrived near by the accident I parked my car at the right side nearby the German embassy & I switched on the lights inside & outside the car, the American forces were existing at the place of the explosion nearby Burj Al-Hayat Hotel, the way was blocked by them, the victims left the car & walked to the accident place, when they arrived nearby the American soldiers while the victims were holding official badges hanged on their chests the thing which clear that they are press staff, they told one of the American soldiers that they are from Al-Arabia Satellite Channel staff & they stayed for ten minutes standing with the American soldiers talking to them because the victim Ali Al-Khateeb knows how to speak English language well, almost after 15 minutes the driver (b) (6) came to me & told me that he got an order from the reporter Ali Al-Khateeb to leave the accident place & to take the tape which was recorded & sent it to Al-Arabia Office in Baghdad, actually the following mentioned left the place : (b) (6) & the camera man (b) (6) after passing a few minutes the two martyrs Ali Abdel Aziz & Ali Abdel Hussein Al-Khateeb came to me & told me to leave the place of the accident because they heard another explosion at other place to know the place of the other accident, I switched on the car while the victim Ali Al-Khateeb was sitting in front of the car & the second one was sitting in back seat, when I

EXHIBIT X

moved my car, we saw a car type Volvo – white color – I couldn't recognize its no. & we are driving at a normal speed towards the American forces, as a result of that I turned the car to the left side & after passing the medium circle I drove in my way as the road was blocked by the American forces because their tanks were existing nearby the hotel, after some seconds, the Americans started to shoot us in intensive way which caused to murder the camera man Ali Abdel Aziz & the reporter Ali Abdel Hussein Al-Khateeb & injuring me with wounds in my head & bruise in my shoulder. I transferred them to Ibn Al-Nafees Hospital. I demand the treatment & compensate me for the damages of my car, that was my statement.

Signed by [REDACTED] (b) (6)

Signed by [REDACTED] (b) (6) – Investigation Officer.

EXHIBIT X

From : Al-Masbah Police Station – 19.03.2004
Sub. : Opening a minutes.

Today the plaintiff with the private right (b)(6) came to our police station & asked to report the death of his (b)(6) at the Nervous System Hospital after getting shot by the forces of (M.P) at a region near to Ministry of Oil, therefore the minutes was opened & the investigation was started :-

Signed by (b)(6) – First Lieutenant .

The statement of the plaintiff with the private right (b)(6) (b)(6) – born in (b)(6) his job is an employee in University of Technology – living at (b)(6) states

the following :

On 18.03.2004, my (b)(6) was working as a reporter at Al-Arabia Channel, at 9.30 PM and after the explosion which happened to the Ministry of Oil, my (b)(6) went with his group to cover the accident, when he arrived there, the (M.P) forces started to shoot him & his friend who is called (Ali Abdel Aziz) which cause to murder them. I demand to raise a complaint against the (M.P) forces & taking all the legal procedures against them, that was my statement.

Signed by (b)(6) – Investigation Officer

Signed by : Plaintiff with his private right : (b)(6)

EXHIBIT X

From : Al-Masbah Police Station – 18.03.2004
Sub. : Investigation's Progress.

Today at 2300 PM, we were informed by Ibn Al-Nafees Hospital that they have the body of the victim Ali Abdel Aziz & the injured Ali Abdel Hussein Al-Khateeb who are working at Al-Arabia channel, they were exposed to this accident by the American forces while they were existing nearby the explosion which happened to Burj Al-Hayat Hotel, they were driving a car type Kia Sportage – gray color, therefore we went to the place of the accident & I started to take the statement of the attendants.

Signed by : [REDACTED] (b) (6) – Investigation officer.

The statement of the driver [REDACTED] (b) (6) – born in [REDACTED] (b)(6) his job is at the Al-Arabia Satellite channel.

Today evening at 9.30 PM, when we heard about the explosion which happened in Al-Karrda neighborhood – Burj Al-Hayat Hotel, as we are working in the field of the press & media we went by a car type Kia Sportage – gray color & I was accompanied by the victim Ali Abdel Aziz & the injured Ali Abdel Hussein Al-Khateeb (who is in a very bad condition), when we arrived the place of the accident & videotape the place, we left the region while the American forces entered. When we left our car was collided with one of the American tanks by a minor hit, as a result of that the Americans started to shoot us which caused to murder the victim Ali Abdel Aziz & injuring Ali Abdel Hussein Al-Khateeb with a serious shot in his head. They were transferred to the hospital, that was my statement.

Signed by [REDACTED] (b) (6) – Investigation Officer.

EXHIBIT X

From : Al-Masbah Police Station – 18.03.2004

Sub. : Medical Examination on the body.

In accordance to the news came to us by Ibn Al-Nafees Hospital that the body of the victim Ali Abdel aziz & the injured Ali Abdel Hussein Al-Khateeb are existing at their hospital as they were exposed for fire shooting by the American coalition forces, therefore we went to the mentioned hospital & I saw the following :-

1. I saw the body of the victim Ali Abdel Aziz on his bed inside the emergency hall at Ibn Al-Nafees Hospital.
2. The clothes on that body were a gray pants & a shirt of different colors & black shoes on his feet.
3. I saw a bullet in the head of the victim in front of the head & that bullet went through his head & went out from the back of his head which caused his death.
4. The age of the body was 35 years old.
5. I didn't saw anything else that be useful now.

Signed by : (b) (6) - Investigation officer.

EXHIBIT X

From : Al-Masbah Police Station – 19.03.2004
Sub. : Medical Examination on a body.

At 900 we went to Nervous System Hospital to make medical examination on the body of the dead man Ali Al-Khateeb. We noticed the following :-

1. There was a fire shot at the front of the head as a result of shooting.
2. There were many holes back of the head because of the shrapnel of the bullets.
3. There was a trace of shrapnel at the right & left sides of the chest as a result of fire shooting.
4. We saw the body when it was naked & there was a bed sheet on the body.
5. There weren't any other traces on the body that is valuable for the investigation.

Signed by [REDACTED] (b) (6) – Investigation Officer.

EXHIBIT X

From : Al-Masbah Police Station – 18.03.2004
Sub. : Investigation & Sketch of the Accident's Place.

I accompanied the driver (b) (6) in order to make the investigation & the sketch on the place of the accident, I saw the following :-

1. The place of the accident is far a way almost 400 meters from the police station.
2. The place of the accident was main road with two directions, the first direction is leading to Uqba Ibn Nafie' Square & the second one is adverse & leading to Karrada outside.
3. The place of the accident was dark at that time because of the outage of the electricity.
4. Through the site seeing for the place of the accident we found out that car No. 64216 – Baghdad – type Kia Sportage – gray color & belongs to the driver (b) (6) was parking at the beginning of the road nearby the German embassy & was almost 200 meters far away from the place where the American vehicles were parking in front of Burj Al-Hayat Hotel.
5. While asking the injured driver (b) (6) we found out that after finishing the videotaping operation he went forward a little bit with his mentioned car & then turned away to the other direction passing the medium circle of the road & the distance of fire shooting was about 100 – 150 meters where the American soldiers started to shoot on one of the cars coming towards them with high speed & the type of that car was Volvo, & that happened at the same time when the driver (b) (6) was turning to the adverse direction.
6. I didn't see now anything else which is valuable.

Signed by (b) (6) – Investigation Officer.

EXHIBIT X

From : Al-Wasbah Police Station - 18.03.2004 - Sub. : The Sketch - Signed by : [REDACTED] - Investigation Officer.

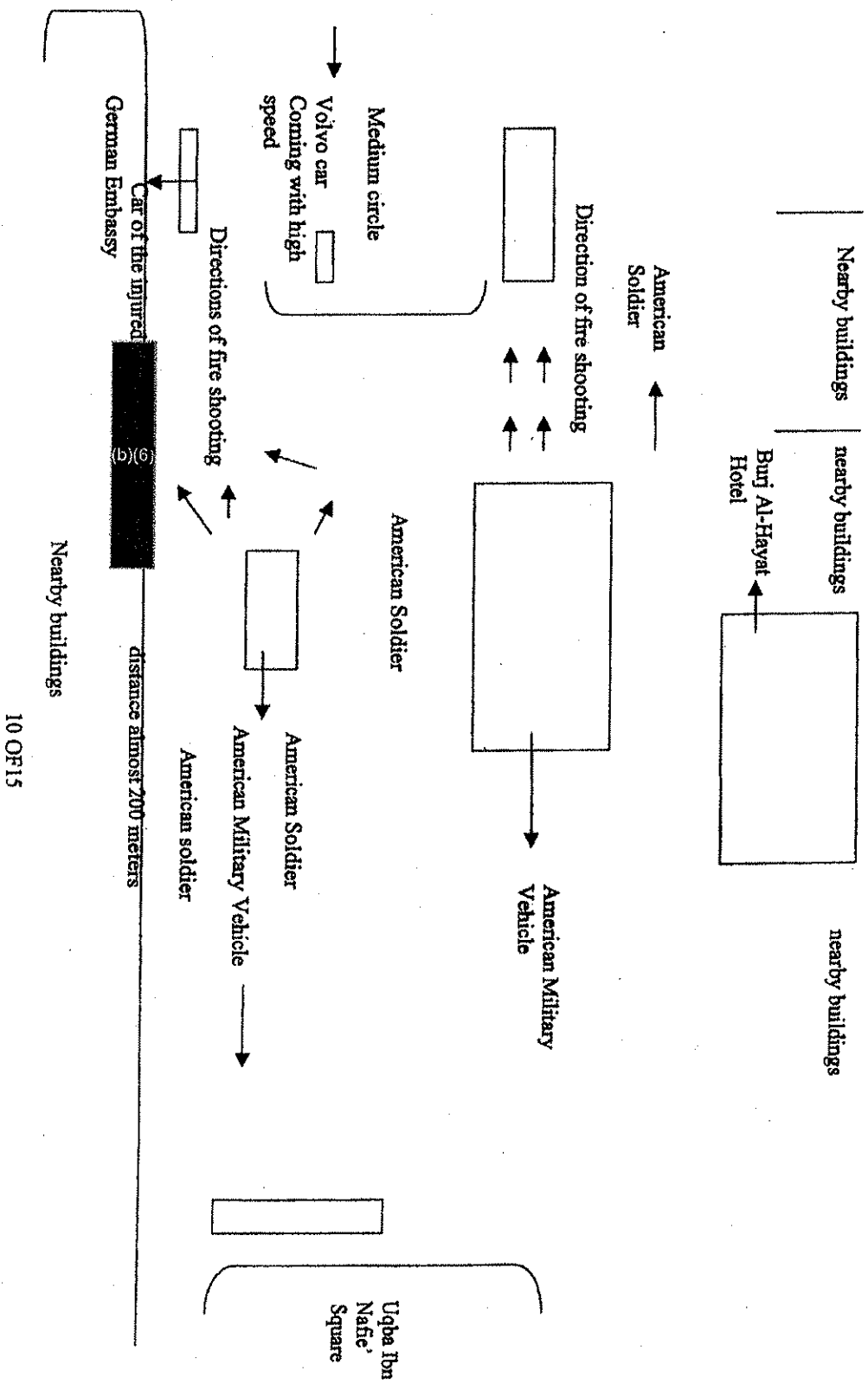


EXHIBIT X

From : Al-Masbah Police Station – 20.03.2004
Sub. : Progress of Investigation.

It was difficult for us to take the statements of the commercial shop's owners or the people living in the nearby houses as the commercial shops were closed & also the accident happened at late night, as concerning the houses nearby, there were no specific houses nearby the place of the accident since that street was the main road.

This progress of investigation was prepared for your kind information & was signed by me.

Signed by : (b) (C) – Investigation officer

EXHIBIT X

From : Al-Masbah Police Station – 18.03.2004
Sub. : Progress of Investigation.

It was difficult for us to take the statements of the injured Ali Abdel Hussein Al-Khateeb who is working with Al-Arabia Satellite Channel as he was transferred to the Nervous System Hospital because he was exposed to a serious shot during the accident & there was no one of his family to take their statements as he was the plaintiff with the private right.
Therefore I prepared this progress of investigation in such a way.

Signed by : (b) (6) – Investigation Officer.

الرقم ٢٠٣٩٣
التاريخ ٢٠٠٤/٣/٢٤

إشارة إلى استيفان الساب لتشريح المقدم ١٥٤٢ والمذرع ١٤/٣/٠٠٤ من أجل معاونتكم
لنظام التقرير القلي التشريحي المقدم المتولى علي عبدالحسين الخطيب راجون للتفضل بالاطلاع مع التقدير.

فائق أمين بكسر
مدير معهد الطب القلي
٢٠٠٤/٣/٢٤

*** التقرير الطبي القلي التشريحي ***

أني الموقع لثناء بشير شاكركياية لورمتم الفحص الطبي القلي التشريحي على جثة علي عبدالحسين الخطيب وذلك في الساعة ١٠ صباحاً يوم ١٤/٣/٢٠٠٤ وكانت للنتيجة ما يلي :-
الوصف التشريحي للجثة :

العمر: ٢٢ سنة : الجنس : ذكر : الطول : متوسط : لون البشرة : خنطيه : لون شعرا الرأس : اسود
لون شعر الوجه : اسود : العينان : اخضر : البقع المرقية في الوجه : منتشر في اليد
الاعراض المرضية : لا يوجد .
الاضرار الخارجية :

١ = ضامه طبي حول الرأس عدد رفعه لوحظ وجود مدخل مقذوف ناري غيرمنتظم الشكل يقطر ٤ x ٦ سم في مؤخره اعلى المنطقه الجدارية اليسرى لم يشاهد عليها مخلفات الاطلاق القريب وهي نافذه الى الجوف القحفي وهي مخاطه جراحيا .
٢ = مدخل مقذوف ناري غيرمنتظم الشكل يقطر ٧ x ٤ سم في اعلى وايسر المنطقه القذاليه لم يشاهد عليها مخلفات الاطلاق القريب وهي غير نافذه الى الجوف القحفي وهو مخاطه جراحيا .
٣ = مدخل لمقذوف ناري غيرمنتظم الشكل بسعده ١ x ٢ سم في مقدمه المنطقه الجدارية اليسرى لم يشاهد عليها مخلفات الاطلاق القريب ومسارها في الانسجه الرخوه لقروه الرأس ومخرجه فتحه بيضويه الشكله مخاطه جراحيا بسعده ١ x ٣ سم في اعلى منتصف المنطقه الجبهويه .
٤ = مدخل مقذوف ناري دائري الشكل يقطر ٥ ر . ٤ سم في اعلى وايسر الصدر لم يشاهد مخلفات الاطلاق القريب وهو غير نافذ للجوف الصدري ومخاطه جراحيا .
٥ = مدخل مقذوف ناري دائري الشكل يقطر ٥ ر . ٤ سم في اعلى وايمن الصدر وهو غير نافذ للجوف الصدري لم يشاهد عليها مخلفات الاطلاق القريب وهو مخاطه جراحيا .
٦ = فتحه جراحيه بطول ٢ سم في منتصف واعلى الرقبه وهي لاغراض علاجيه (علويه بيتح الرظاي)
الداخلي :

الرقبه : ميزقه بما يقابل مداخل الاطلاقات .
التخف وقاعدته : كسر خطي في الجداريتين اليمنى واليسرى .
السحايا والدماع : السحايا : ميزقه .
الانسجه الدهناغ : ميزقه مع وجود شظيه لاطلاقه مستقره في
عظام الوجه وفكناك والاسنان : .
الرقبه : العضلات والعروق والاعضاء الرقبية اعتيادية .
الحجره وعضلاتها : مع وجود كبريتيتي
البنام الامي : دائري الشكل في
الغده الدرقيه / الرغامى / المريء : الرظاي : فتحه جراحيه في الرظاي
الصدر والجوف الصدري : اعتيادي . وهي لاغراض جراحيه

الترقوة والاشلاخ وعظام القفص : تكدم الانسجه الرخوه على جانبي الصدر .
التامور والقلب :
الرفقان والغشيرهما :
الحجاب الحاجز : اعتيادية .
البطن والجوف البطني :
البريتون والرب :
المعدة والامعاء :
الكبد والداخال والبنكرياس :
الكليتان والكليتان :
الرحم وملحقته :

EXHIBIT X

Republic of Iraq
Form of Autopsy Request
Ref. No. : 1542
Date : 19.03.2004
Investigation source : Al-Masbah Police Station.
To : Forensic Medicine Institute .

Please make the forensic medicine autopsy on the body sent with this form accompanied with Policeman No. to clarify the cause of the death & answering the question below :-

Name & family name : Ali Al-Khateeb, Name of father & grandfather : (b) (6)
(b) (6) Name of mother & her grandfather : (b) (6) sex : male - nationality : Iraqi - religion :
(b) (6) job : Press man - fitness : (fat, average, weak) (b) (6) skin color : Brown, Hair color :
black - face hair color : white - eyes : ..., age : 1972 , other distinguished marks : (scars, mole, tattoo
... etc.) , height (tall, average, short) : average, date & hour of the injury : 2:30 on 19.03, date &
hour of death : , place of death : Al-Karrada - Uqba Ibn Nafie' Square.

The following to be taken from the civilian ID. :

Civil record No. : 433, page No. : 96, province : Baghdad, sector ... ? neighborhood : ?

Death circumstances : (the investigator has to mention how the accident happened & the direct causes of the death such describing the shape of the body & mentioning the type of the weapon used and clarifying the almost distance of fire shooting Etc.)

Description of clothes : (each piece of the cloth on the body to be mentioned & pointing out whether there is torn, dirt or strange things) :

Shape of damages : (to describe the shapes of surface damages of the body & fixing their numbers & places) :

Outward reasons of the death shown by the investigation (to mention the reason if it was known otherwise to mention that it was unknown) :

The questions directed by the investigator in addition to show the reason of death : ...

1. To know the reason of death ... ?

Note : the stamp is not available please.

Signature of form organizer :

His name : (b) (6)

His position : Officer

Signature of the person received the body, his name & job (b) (6) on
19.03, date & hour of receiving the body : 900.

Note :

1. The form to be organized with three copies, two of them to be returned back by the policeman after filling the blanks specified for receiving the body.
2. During the delivery the person who asked for the exam should record his available information in the form specific & prepared for this purpose.
3. To keep the form at the forensic medicine institute in Baghdad by the approval of the general attorney through their letter No. 1695 dated 27.05.1970.

EXHIBIT X

Republic of Iraq
Form of Autopsy Request
Ref. No. : 1543
Date : 19.03.2004
Investigation source : Al-Masbah Police Station.
To :

Please make the forensic medicine autopsy on the body sent with this form accompanied with Policeman No. to clarify the cause of the death & answering the question below :-

Name & family name : Ali Al-Amiri, Name of father & grandfather : (b) (6)
Name of mother & her grandfather (b) (6) sex : male - nationality : Iraqi - religion : Moslem - job : Press man - fitness : (fat, average, weak) : Average, skin color : White, Hair color : ... - face hair color : ... - eyes : ... , age : almost 35 years, other distinguished marks : (scars, mole, tattoo ... etc.) , height (tall, average, short) : average, date & hour of the injury : 18.03 at 2130 o'clock, date & hour of death : 2200 o'clock, place of death : inside Burj Al-Hayat Hotel.

The following to be taken from the civilian ID. :

Civil record No. : 280 M, page No. : 62, province : Baghdad, sector : Al-A'dhamiya ? neighborhood :

Death circumstances : (the investigator has to mention how the accident happened & the direct causes of the death such describing the shape of the body & mentioning the type of the weapon used and clarifying the almost distance of fire shooting Etc.)

Description of clothes : (each piece of the cloth on the body to be mentioned & pointing out whether there is torn, dirt or strange things) : wearing yellow & dark blue T-shirt & blue pants.

Shape of damages : (to describe the shapes of surface damages of the body & fixing their numbers & places) :

Outward reasons of the death shown by the investigation (to mention the reason if it was known otherwise to mention that it was unknown) : fire shooting.

The questions directed by the investigator in addition to show the reason of death : ...

1. To mention the actual reason for death.
2. To mention the bullet path & its type.
3. Any other thing which is valuable for the investigation matters.

Note : the result of autopsy to be sent to Al-Masbah Police Station.

Signature of form organizer :

His name (b) (6)

His position : Investigation Officer

Signature of the person received the body, his name & job : (b) (6) on 19.03.2004, date & hour of receiving the body : ...

Note :

1. The form to be organized with three copies, two of them to be returned back by the policeman after filling the blanks specified for receiving the body.
2. During the delivery the person who asked for the exam should record his available information in the form specific & prepared for this purpose.
3. To keep the form at the forensic medicine institute in Baghdad by the approval of the general attorney through their letter No. 1695 dated 27.05.1970 & I asked to supply the investigators with enough copies of them.

EXHIBIT X

In the name of god, most gracious, most merciful

From : Al-Masbah Police Station
Ref. No. : Nil
Date : 20.03.2004
To : Al-Kindi Hospital – Emergency hall.
Sub. : Treatment of Injured.

We send you the complainant & injured (b)(6) who is working with Al-Arabia Satellite Co., please examine him & provide us with a medical report in order to enable us taking the necessary legal procedures, with appreciation.

Signed by : (b) (6) – Investigation Officer

Note : We apologize for non stamping the letter because the stamp is not available now.

EXHIBIT K - Notes of Interview with (b) (6)

1. Interview took place at the Iraq Forum 210925 - 211015MAR04. Present were (b) (6) (Director, Al Arabiya Baghdad), his driver (Name Unknown) (b) (6) (2BCT CAT II Interpreter) and the Investigating Officer.

a. The meeting was original scheduled for 0900.

b. After brief introductions, the Investigating Officer escorted the party to a vacant room to conduct the interview. The Investigating Officer stated that he needed to find a vacant room to conduct the interview. (b) (6) stated, "that should not be difficult since you occupy the entire country."

c. Prior to beginning the interview, (b) (6) stated that he would not make any written statements without the presence of his lawyer and his interpreter.

2. Interview.

a. (b) (6) acknowledged that he was not a witness to the alleged shooting, but had received his information secondhand from the eyewitnesses. The witnesses he received information from are:

- (1) (b) (6) (Driver of the gray KIA involved in the shooting, sustaining a wound to the head and shoulder).
- (2) (b) (6) (Engineer in Satellite Van)
- (3) (b) (6) (Engineer in Satellite Van)

b. (b) (6) stated that alleged shooting took place in the vicinity of the German Embassy at 10pm, 18 March or just before. He stated that it could not have occurred later than ten minutes after 10pm.

c. He stated that the two individuals killed in the gray KIA were:

- (1) Ali Al Khateeb (Correspondent) - died immediately from a wound to the head
- (2) Ali Abdul Aziz (Cameraman) - died in hospital a few hours after the shooting

d. Both of the deceased were transported to the Baghdad Forensics Hospital where reports were made and the bodies released to their families. The deceased were buried on Friday, 19 March. (b) (6) stated that personnel at the Forensics Hospital informed him that complete reports of the autopsy should be available with two to three days (o/a 23 March).

e. (b) (6) stated that the gray KIA is currently located at the Al Mesbah Police Station, but that no report was filed with the Iraqi Police.

3. (b) (6) agreed to a follow up meeting with the Investigating Officer at the Iraq Forum 1300, 23 MAR 04. He agreed to bring the witnesses, his interpreter and his lawyer.

Prepared by (b) (6) (b) (3) Investigating Officer, 211600MAR04.

EXHIBIT L - Notes of Interview with Al Arabia Witnesses (23MAR04)

1. Interview took place at the Iraq Forum 231350 – 231515MAR04. The following people were present, in addition to the Investigating Officer:

- (b) (6) (Al Arabia employee and driver of the gray KIA; witness)
- (b) (6) (Al Arabia employee; present at scene prior to incident, but not during shooting)
- (b) (6) (Al Arabia Satellite Engineer and driver of the Satellite van; witness)
- (b) (6) i (Bureau Chief of MBC; Interpreter)
- (b) (6) (Al Arabia Engineer; witness)
- (b) (6) (Al Arabia Lawyer)
- (b) (6) (Al Arabia Employee)
- (b) (6) (Al Arabia Employee)
- (b) (6) (Baghdad Bureau Chief, Al Arabia)
- (b) (6) (b)(6) (Dubai Station, Al Arabia)
- (b) (6) (Dubai Station Chief)
- (b) (6) (2BCT CATT II Interpreter)

a. The meeting was original scheduled for 1300.

b. After brief introductions, the Investigating Officer escorted the party to a small meeting room to conduct the interview.

2. Interview. During the interview the witnesses explained the sequence of events and answered clarifying questions posed by the Investigating Officer. Necessary translation was conducted by (b) (6) (Al Arabia Translator) and validated by (b) (6) (2BCT CAT II Interpreter). Summary of the events as related by the witnesses follows:

a. Events Prior to the Shooting (b) (6) arrived at the scene of the Al Hyatt rocket attack in a KIA at approximately 2130, 18 March. He immediately moved with a photographer to the blocking position established by the US soldiers west of the hotel. They approached the soldiers and requested permission to photograph the attack site. After a brief discussion with the soldiers (b) (6) and the photographer were allowed to view the attack site and take video. When complete (b) (6) and the cameraman moved back away from the attack site, returning to their car, which was parked on a side street between the German Embassy and the blocking position. At approximately 2145 (b) (6) (b)(6) (driver of the gray KIA), Ali Al Khateeb (Al Arabia Correspondent and Team Chief) and Ali Abdul Aziz (Al Arabia Cameraman) arrived and parked their gray KIA vic the German Embassy. They met briefly with (b) (6) and (b) (6) instructed him to return to the Al Arabia Office with the video he had shot (b) (6) then left the area. Al Khateeb and Aziz then walked to the blocking position. (b) (6) and (b) (6) arrived at the same time in the Al Arabia Satellite van, parking behind the gray KIA adjacent to the German Embassy. Upon arriving at the blocking position, (b) (6) asked the soldiers for permission to set-up the satellite van for a live feed from an area near the rocket attack site. The soldiers denied the request and shortly before 2200, Al Khateeb and Aziz moved away from the blocking position and returned to their gray KIA. Satisfied that they had accomplished their task by sending (b) (6) to the office with the videotape, Al Khateeb directed the group to return to the Al Arabia Offices.

b. Events Related to the Shooting. At approximately 2200, the Al Arabia personnel entered their vehicles and prepared to depart. (b) (6) was driving the gray KIA with Al Khateeb in the front passenger seat and Aziz in the back seat. (b) (6) was driving the satellite van and (b) (6) was the passenger. A white Volvo sedan proceeded down the street from west to east toward the blocking position as (b) (6) pulled the gray KIA away from the curb. (b) (6) crossed the median and made a U-turn to drive west in the proper

EXHIBIT L - Notes of Interview with Al Arabia Witnesses (23MAR04)

lane after the Volvo had passed. The satellite van back up in order to provide space to also execute a U-turn. Soldiers at the blocking position then began to engage the white Volvo with rifle and machine gun fire. Hearing the gunfire, Al Khateeb instructed (b)(6) to drive quickly and get out of the area. The gray KIA sped up moving west, away from the blocking position and toward the next major intersection. (b)(6) stated that at this point, the rear window shattered and bullets struck the windshield from the rear. Al Khateeb then slumped over and his head fell against (b)(6) shoulder. Aziz asked Aziz to assist Al Khateeb, but Aziz did not respond. Realizing that both men had been shot, (b)(6) turned north at the major intersection and drove the men to a hospital.

When the firing began, (b)(6) backed the satellite van into another car parked near the German Embassy. Seeing the soldiers at the blocking position firing at the white Volvo, he then attempted to execute a U-turn and move toward the major intersection to the west. As he turned the van, he observed that two soldiers on the north side of the blocking position had begun to engage the gray KIA. (b)(6) stated that one soldier fired a few shots at the KIA then stopped, while another continued to fire at a sustained rate until the KIA had turned out of sight to the north at the intersection. (b)(6) negotiated the U-turn and proceeded north at the major intersection following the gray KIA, his vehicle was not hit by gunfire.

c. Additional Observations by Al Arabia Personnel.

(1) Blocking Position. All of the witnesses stated that the blocking position was marked with three orange cones in front of the HMMWVs. These cones were placed a short distance in front of the military vehicles. All witnesses stated that a khaki colored sign was placed in the center of the road forward of the blocking position. When asked by the Investigating Officer, none of the witnesses could determine whether or not something was written on the sign. All witnesses stated that the sign was approximately 1 meter by 1 meter in size. All witnesses stated that the headlights on the military vehicles were not illuminated and that the streetlights had gone out.

(2) Actions by the White Volvo. The witnesses stated that the white Volvo moved down the road toward the blocking position at a "normal speed for traveling on an open road." The vehicle continued to move forward after the soldiers engaged it until it collided with the HMMWV.

3. The interviews concluded at 231515MAR04.

Prepared by (b)(6) (b)(3) Investigating Officer, 232130MAR04.

۱۳/۴/۷۰

(b)(6)

میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔
میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔
میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔

(b)(6)

(b)(6)

میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔
میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔

(b)(6)

میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔
میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔

(b)(6)

(b)(6)

میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔
میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔

(b)(6)

میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔
میں نے اس بارے میں جاننا چاہتا ہوں کہ کیا آپ نے اس بارے میں کوئی فیصلہ کیا ہے۔

(b)(6)

احمد عجاز امیر کاظم (پتہ: لاہور)

عبدالرحمن

External Damage
Ali Adul Hassain AL Kateeb

1. Fire bullet penetration of irregular edges of a diameter of ~~4~~6 mm at the end of the upper left ^{mandible} skull bone. No signs of near distance shooting. The bullet penetrated to the inside space of the skull. The wound has external ~~stg~~ stitches
2. Penetration of irregular edges of a diameter of ~~3~~5 mm at the left upper (front skull). No signs of near distance shooting. The bullet did not enter the skull space.
3. penetration of a fire bullet of diameter of 1.2 cm at the front of the left skull bone! The bullet moved thru the soft tissues and exited making an oval opening of diameter 3x1 cm. No signs of near distance shooting.
4. penetration of fire bullet of diameter 0.5 mm at the upper left side of the chest. No signs of near distance shooting. The penetration did not reach the chest cavity.
5. Similar to (4) but at the upper right of the chest.

EXHIBIT M

اللہ تعالیٰ حفظہ لعلہ لعلہ

عمر آٹھ سال کے لائق (b)(6) رضیہ آج ہزار لاکھ کے لائق
للم لک کے رتہ ساتھ کے ساتھ

۱۔ مل جل کے بیٹھ کر دس دس م تقریباً
۲۔ سارا لک کے عیارہ عن تاریخ نام ذرا بجا ہینے آج ہمارے
انسان کی عیاشیہ ابدانہ اور لائق کے حاصل ہو رہی ہیں اگر وہ خارج
۳۔ سارا لک کے تمام حلقہ میں جہاں سبب آنتھاع لیکر لکریہ ہے
۴۔ سارا لک کے ساتھ ہی ہوتے ہیں لک کے قبضہ میں لیا
الرحمہ (b)(6) برقیہ کو لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
تاریخ کے واقعہ یہ ہے کہ لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
وہیہ عن ضروریہ لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
تقریباً

۵۔ سارا لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
آج کے عملیہ لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
۱۰۰ - ۱۵۰ تقریباً جہاں جہاں لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
الوقت کے لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ ہی لک کے ساتھ
تقریباً

Handwritten signature

(b)(6)
(b)(6)

رضیہ اللہ تعالیٰ

Report of the body of Ali Abdul AL- Husain AL- Khateeb .

External damages

1- Entry of a fire bullet .the entry has irregular edges of dimension 4 x 6 mm at the upper back of the left of the left parietal . no signs of near distance shooting . the bullet penetrated to the calavrium cavity .

2-Entry of fire bullet of irregular edges . dimensions of entry is 5 x 3 mm .place of entry is at the upper left of occipital .no sings of near distance shooting .

3- Entry of fire bullet of irregular edges of dimension of 1x2cm at the front of left parietal no signs near distance shooting . the bullet path has been through the soft tissues of the scalp . the bullet exit has on oval shape of dimension of 1x3cm at the upper middle of the frontal bone.

4- Entry of fire bullet of diameter of 0.5mm at the upper left of the chest . no penetration to the chest cavity . no signs of near distance shooting .

5- Entry of fire bullet of diameter 0.5mm at the upper right chest . no penetration to the chest cavity . no signs of near distance shooting .

6-Asurgical opening of 2cm length in the middle of the upper part of the neck for medical treatment.

Head

- Skull is damaged where bullets penetrated.
- Base of skull has a linear fracture ~~is~~ on left and right skull walls.
- The Brain and Brain tissues is teared. A shrapnel rests inside the brain tissues
- Face & teeth (no comments)
- Neck : normal
- Throat : no comments
- Groter : no comments
- Hart : = =
- Chest & Chest cavity normal
- Ribs: Broses ~~are~~ of soft tissues on both sides of chest.
- Abdomen & abdomen cavity Normal but stomick has a turbid liquid inside

فتح محمد

المرتب
المرتب
المرتب

(b)(6)

مصدر مركزنا المدعي بالحق (مستوصفها) في مستشفى
مطبيب الكلى، عن طريق وفاة (ولده) في مستشفى

(b)(6)

المحكمة العفوية أترأ لطلاق نار من قبل (M.P) في مستشفى
من وزارة النفط عليه فتح الى نردو بواشرا بالالتفات

مأدته


(b)(6)

٩٤٥ (b)(6)

(b)(6)

اقارة المدعي بالحق (مستوصفها)
في عيادة عوليد، ثم بجاء وقت التفتولونيا

تاريخ ١٨/٢/٢٠٠٧ كان ولدك يعك حراسه من قنارة العفوية
في جوارك الساعة التاسعة والنصف بعد الانقبار من قبل وزارة النفط
ذهب للوردها فتمت له هرا را الخبر الكون في ذوالاعت. وتيد رجهسولة ال
عمل اكدت حاصه قنوات (M.P) بانربي في طلات الصوات (منا رت عليه
وعلمك صديقه المدعو (عبد العزير) ما أدرك الة قتلهم هرا الر من
ذالك اطلبنا الكونك ضد قنوات (M.P) وأتمنا ذ كاتفه اله هرا راد
الفا نوليت. في قدهم ر ههزه أفا ر


(b)(1) 1.4e

المدعي بالحق (مستوصفها)
(b)(6)

۱۸ / ۲ / ۶۰۰۰

افراط

الخط - الجانبي

الخط - الجانبي

الجانب - الجانبي

الخط - الجانبي

الخط - الجانبي

الخط - الجانبي

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الخط - الجانبي



(b)(6)

الخط - الجانبي

19/11/2004

الشفقة على كثرته

تم لفتنا الى قولها...
الميكروبيولوجيا...
تم تكملة ما يلي

وجود صلة طلاقة تاريخية...
تاريخية

وجود صلة منافية من...
فعل البرصاعة

وجود آثار...
تقييمية... بالاطلاق

تم...
على

عدم...
في

Handwritten signature and stamp area.

(b) (6)

بسم الله الرحمن الرحيم

مركز شرطة الجبل

العدد ٤٤٤

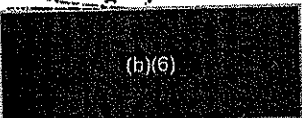
التاريخ ١٤/٥/١٩٦٤

م/م صالح محمد صالح

مستشفى الملك سعود
دعوى رقم ١٢٣٤

السيد / السيد / السيدة

أخبرني في يومنا هذا
تتمتعون بالحرية
التي هي من نصيبنا
في الدنيا



(b)(6)

م/م صالح محمد صالح

تتمتعون بالحرية
التي هي من نصيبنا
في الدنيا

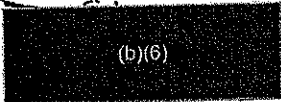
صالح محمد صالح

تقدیر

۳۳ برس ۱۹۶۱

۱۰/۲۱-۶۰

تقدیر ملکانہ سندھ کے اقدار کے احباب کے لئے
 التیامیہ اور لڈو لہارویہ کونہ احباب کے لئے کا فو
 ضلقت کے لئے التیامیہ کونہ لہارویہ کے لئے لڈو لہارویہ
 ارا لڈو لہارویہ کے لئے لڈو لہارویہ کے لئے لڈو لہارویہ
 کا کونہ کے لئے لڈو لہارویہ کے لئے لڈو لہارویہ
 وقفہ کے لئے



(b)(6)

حفاظت کے لئے

سیر کتب

۶
۰۰۰۶/۲/۰

کلمه هذا اليوم لغز زماننا المتلذذ لعلنا نؤك لشركه القناه العربية
القضايا (b)(6) وحديث تدريبنا مقام لغز
حقوقنا على ترهه في صلح سيد لغزنا ربا شره سيد لغزنا
انوال

عنه ما نه شارح
خاتمه لغزنا

(b)(6)

أما به المطل لغزنا في
تد لره ۱۹۶۰ خلفه مشاهير لغزنا لشركه القناه العربية
سنة لغزنا لغزنا (b)(6) فيسنا لغزنا

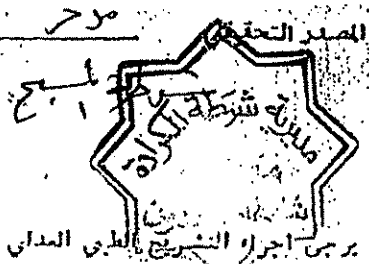
تاريخ ۱۱/۲/۰۰ لغزنا مجموعنا منا أفراد لشركه القناه العربية لغزنا
ال حارة حقل لغزنا قريامنا بأجرنا عمده لغزنا كارت لغزنا
من منطقتنا بلادنا بالقراب من منطقتنا لغزنا لغزنا لغزنا
على يد الامم لغزنا لغزنا لغزنا لغزنا لغزنا لغزنا لغزنا
ال كتيبه و لغزنا لغزنا (b)(6) لغزنا لغزنا لغزنا
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(b)(6)
خاتمه لغزنا

(b)(6)
۰۰۰۶/۲/۰

العدد / ٨٤
التاريخ ١٩/١٢/٢٠٠٤

الجمهورية العراقية
استمارة طلب تشريح



يرمى اجراء التشريح بالطري المعدني على الجثة الرسله حية هذه الاستمارة ودرقة الشروط الرقم ١
بيان سبب الوفاة الاجابة على الاسئلة المدرجة في ادناه:-

الاسم واللقب عليه اسم الاب الجد اسم الام والد
الجنس ذكر الجنسية عراقية الدين سليم المهنة محامي
البنية ايدن متوسط هزيل متوسط طول البشرة اصفر لون الشعر لون شعر الوجه العيان مقاهر العمر
الارصاف الميزة الاخرى اندبة شال وشم ١٠٠٠ الخ الذول الطويل متوسط قصير سوسه
تاريخ وساعة الامابة ٣/١٨ تاريخ وساعة الوفاة ٤:٥٠ ل الوفاة داخل خيمة
يقع من دفتر النفوس مايلين الساعة ١٣
رقم السجل المدني ٣٤٨ رقم الصحيفة ٦٤ مكان بعضه غذاء الاغصية
ناحية

ظروف الوفاة (اذكر المقت مجمل كيفية وقوع الحادث وما له علاقه مباشرة بالوفاة كرمف وضعية الجناح
وبيان نوع السلاح المستعمل وذكر المساهة التريبية في الاسباب اسرية (الخ)
وصف الملابس (بذكر مفردات الملابس الموجودة على الجثة وما فيها من تمزقات او ثلثات او مواد غريبة)
مقاهر الاضرار (موصف مقاهر وانكسار الانسداد السلطية للجثة وثبت مددها ومراضهها)
السبب الظاهري للوفاة من وجهة تحقيقية (بذكر السبب ان عرف والا فيكتب مجهول) طلوع نار
الاستله الني ينسب المحقق توجيهها اضافته لاسباب الوفاة

- ١ - بيان سبب الوفاة لخصت
- ٢ - بيان مسار لاط الأتق ونوع
- ٣ - أي شئ امر يتفا ورضه
- ٤ - احور للتحقيق

توقيع مستم الاستمارة
اسم (b)(6)
مست الوظيفه مخاضة

ملاحظة: ترسل نتيجة التشريح طو من كذا
المست
في يوم مستم الجثة اسم وموقع الوظيفه (b)(6)
ملاحظة:-

- ١ - تنظم الاستمارة بنسخ ثلاث وتعدا اثنان شبه يوم الترمش بعد اداء الفرائض الخمسة باتلام الج
 - ٢ - في وقائع النسخ سجل طاب الفحص مالدية من الامانات في الاستمارة العامه المدة لهذا الاس
 - ٣ - وفيه الاستمارة معد اللب المعدني بيداد مسوانته رناة الامساك بكباسا ام ف و
- والزوج في ١٧٠/٥/١٧ وثبت تزويد الحمض بنسخه كدية منها

EXHIBIT 2
C/1-61N Shooting Incident
182200MAR04

Al Hayat Hotel

C/1-61N
Blocking Position

White Volvo
Collides with HMMWV
White Volvo Engaged

Hotel Continental Hit by
Stray Fire

Parking Location of
Gray KIA & Satellite Van

German Embassy

