



2ND BRIGADE
101ST AIRBORNE DIVISION (AASLT)
ROUTING SHEET



SUBJECT

06-108/EOF Death of 3X LN

DATE ACTION INITIATED

1 MAR 66

ORIGINATOR / ACTION
OFFICER

LEGAL

OFFICE SYMBOL

AFZB-KB-JA

TELEPHONE

242-4342

SUSPENSE

ROUTING

OFFICE

COMMENTS

INITIALS

DATE

BRIGADE S1

BRIGADE S2

BRIGADE S3

BRIGADE S4

BRIGADE S6 (SIGO)

BRIGADE CHAPLAIN

BRIGADE SURGEON

BRIGADE SJA

FALCON 6

BRIGADE CSM

BRIGADE XO

DEPUTY COMMANDER

STORY BOARD ✓

BRIGADE COMMANDER

3 MAR 66

4 MAR 66

7 MAR 66

IMPACT

PERSONNEL

FUNDS

TIME

TRAINING

SUPPLIES

OTHER

SUMMARY

Sir, for review & signature.
Follows the original story board + SIR; no surprises. (A)

2ND BDE, 101ST Airborne Division (AASLT)



DEPARTMENT OF THE ARMY

HEADQUARTERS, 2D BRIGADE COMBAT TEAM & 502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP STRIKER, IRAQ 09398



REPLY TO
ATTENTION OF

AFZB-KB-CDR

MEMORANDUM THRU Staff Judge Advocate, MND-B, Camp Liberty, Iraq

FOR Commander, MND-B, Camp Liberty, Iraq

SUBJECT: Approval and ratification of AR 15-6 investigation #06-108, EOF with death of 3 local nationals findings and recommendations

1. The undersigned has reviewed thoroughly the aforementioned investigation conducted by [REDACTED] and approved by [REDACTED]. I ratify and approve the findings and recommendations enclosed.

2. Commander's Comments:

No issue

will confirm conclusions IAD

3. POC for this memorandum is the undersigned.

[REDACTED]
IN
Commanding



DEPARTMENT OF THE ARMY
Headquarters 101st Airborne Division (Air Assault)
Camp Striker, APO AE 09398

S: 2 March 2006

AFZB-KB-JA

27 February 2006

MEMORANDUM FOR [REDACTED], Headquarters and
Headquarters Company, 2d Battalion, 502 Infantry Regiment, 2d Brigade Combat
Team, 101st Airborne Division (Air Assault), Camp Striker APO AE 09398

SUBJECT: Appointment as 15-6 Investigating Officer, Investigation 06-108

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, into the facts and circumstances of the death of 3 x LNs during a small arms engagement by B/2-502d Infantry Regiment on or about 27 1508 FEB 06. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is completed, this will be your primary duty responsibility.
2. Your investigations and findings will include, but not be limited to the following:
 - a. The exact time and place of the incident;
 - b. How exactly the loss occurred, to include the events leading up to and concurrent with the incident;
 - c. Whether or not the soldiers had PID of their target;
 - d. The last time the soldiers were briefed on the Rules of Engagement;
 - e. Any other matters you deem relevant.
3. You will use informal procedures under AR 15-6, Chapter 4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented on DA Form 3881. Witness statements should be sworn and recorded on DA Form 2823.
4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You must submit any requests for delay to me in writing. Include with your report all documentary and physical evidence you considered.
5. Before proceeding with the investigation you must contact [REDACTED] at the Brigade Annex for an initial legal briefing. He will serve as your primary legal advisor and can be reached at VOIP 242-4342.

AFZB-KB-JA

SUBJECT: Appointment as 15-6 Investigating Officer

6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor.

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

 IN
Commanding

6

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by [REDACTED] Commander, 2-502d Infantry Regiment, APO AF 09398

(Appointing authority)

on 27 February 2006 (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 Camp Striker, Iraq (Place) at 2000 (Time)

on 27 February 2006 (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.)

[REDACTED] 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.)

The (investigating officer) (board) finished gathering/hearing evidence at 1000 (Time) on 1 March 2006 (Date)

and completed findings and recommendations at 1200 (Time) on 1 March 2006 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO	NA
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 3-6h, 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 (para 1-1 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 "X" in column 4 constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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

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

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

SECTION VI - AUTHENTICATION (para 3-13, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. I am a member of the board and I have signed here or in Section VII below, indicate the reason in the space where his signature should appear.

(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 removes 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.)

Erasmus this vignette is included in future Bn level ROT training as I am confident the enemy will use civilians "as a shield" in the future.

_____, IN
COMMANDING



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HHC COMPANY 2ND BATTALION, 502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
FORT CAMPBELL, KENTUCKY 42223-5913



AFZB-KB-Z-HHC

01 MARCH 2006

MEMORANDUM FOR RECORD

SUBJECT: 15-6 Investigating Officer Report: CF killing of Local Nationals on 27 FEB 2006 (AO Strike Force)

1. Summary of events: On 27 February 2006, 2/B/2-502 ('Renegade 2') was tasked to conduct route security on [REDACTED] (AO Strike Force) in order to secure BN LOC's and Patrol Base [REDACTED] (PBGS). The Company Commander [REDACTED] issued the order to the 2/B platoon sergeant [REDACTED] on 27 FEB. The security mission on this route is one that 2/B conducts every three days for a 55-hour period. Prior to assuming RTE security, [REDACTED] received a Battle Handover brief from the unit he was relieving and then briefed his TL's on his tactical plan. Although he did not specifically cover the Rules of Engagement, the B/2-502 commander gave his entire company an updated ROE class on 23 FEB 06. Moreover, [REDACTED] had issued in-depth patrol briefs including ROE in the past for the same mission. Prior to every mission, he alluded to these briefs. Furthermore, all gunners involved were qualified on their assigned weapon system at the time of the incident.

At approximately 1430 hours on 27 February 2006, 2/B was in position to conduct its mission at the intersection of routes [REDACTED] and [REDACTED] (MB 25610 63810). SSG Hobbs arrayed his M1114 vehicles in positions where they could maximize observation with overlapping sectors of fire. Renegade vehicle number 2-3A, lead by [REDACTED], was positioned on the intersection of [REDACTED] and [REDACTED]. Renegade 2-3, commanded by [REDACTED] was 500 meters West of the Intersection on [REDACTED]. The remaining two vehicles were positioned North of the intersection on [REDACTED]. The intersection of [REDACTED] and [REDACTED] (approximately 50-100 meters South of and perpendicular to [REDACTED]) has historically been an area of intense AIF activity. On seven past occasions, 2-502 elements operating in the immediate area have taken enemy fire. Additionally, B/2-502 had found caches in the area containing AIF propaganda and insurgent TTPs about using civilians as cover when attacking U.S. forces.

At approximately 1505-1508 hours, [REDACTED] vehicle (Renegade [REDACTED]) received one round of RPG fire and a high volume of SAF from approximately 200 meters Southwest of [REDACTED]. [REDACTED] was unable to positively identify the shooter. However, he was able to see that the fire was coming from behind and around a house 100-200 meters to his Southwest (See Exhibit A). He reported the contact to [REDACTED] (Renegade 2-3) who immediately maneuvered his M114 East on [REDACTED] to support [REDACTED]. [REDACTED] vehicle received 1 RPG before [REDACTED] arrived on scene, another as [REDACTED] was

2
6

2
6
2

en route, and a third once [REDACTED] arrived. The enemy small arms fire was constant. [REDACTED] maneuvered his vehicle to the left of [REDACTED] in a position where he could suppress the enemy fire. The exact moment that the two vehicles returned fire is unclear. However, it is clear that both [REDACTED] and [REDACTED] identified the direction and distance to the enemy and ordered their gunners to engage on that area to suppress enemy fire. [REDACTED] dismounted his vehicle and returned fire with his M4. Shortly after returning fire, [REDACTED]—[REDACTED] gunner—identified a dark colored van (See Exhibit B) parked where enemy fire was coming from. The van was parked on the South side of a house on or near [REDACTED]. Based on the position of the vehicle, and his elevation as the gunner, [REDACTED] was the only soldier who could see the vehicle at that time (See Exhibit C). [REDACTED] believed that the enemy fire was either coming from the van or immediately behind the van. Regardless, he concluded that the van was being used by the AIF as either a firing platform or cover. [REDACTED] informed [REDACTED] that he believed the van was the origin of the enemy SAF. [REDACTED] ordered [REDACTED] to fire on the van and kill the enemy; [REDACTED] obeyed this order. At roughly the same time, the van began driving East on [REDACTED] at a high speed. Once it began moving, both gunners and both TC's had visual contact with the van. [REDACTED] ([REDACTED] gunner) also opened fire on the van. According to interviews and statements, either [REDACTED] or [REDACTED] ordered [REDACTED] to fire. After firing on the van for approximately 2-10 seconds, the vehicle in question stopped and both gunners ceased fire. A few seconds later; however, the van continued to move, this time at a higher speed. The gunners, again ordered by [REDACTED], reinitiated fire on the van for another 2-10 seconds and disabled it at [REDACTED] (See Exhibit D). In total, the gunners fired roughly 50-100 rounds of 7.62 mm and 100-150 rounds of 5.56 mm (link) ammunition. At this point, the patrol shifted its focus toward evaluating the enemy situation and assessing battle damage.

[REDACTED] moved his vehicle 100 meters South to [REDACTED], which separated his element from the van. He dismounted his soldiers but the absence of a foot bridge prevented further movement toward the disabled van. Though they could see the van through the canal vegetation, visibility was not sufficient to conduct a battle damage assessment. Consequently, [REDACTED] notified his higher headquarters and requested aviation support to assist in the BDA. Attack Aviation arrived on scene at approximately 1520 hours and reported that a crowd of local nationals was gathering around the vehicle. LONGBOW attempted to disperse the crowd by firing an illumination flare. The D/2-502 commander ([REDACTED]) was located at PBGS and dispatched an element, including the Battalion Commander and CSM, to move to the disabled vehicle and conduct BDA. Upon arriving, the foot patrol confirmed that one local national adult male and two children occupied the vehicle. All three had been killed in the exchange of fire. Moreover, there were no weapons or ammunition in the van. However, D/2-502 did find a RPG round at [REDACTED] the same location of the van when the patrol began taking fire. Following the BDA and procurement of the RPG round, 2/B/2-502 remained in its original position to complete its route security mission.

a) Chronology of events

- 17 1430 FEB 2006: 2/B/2-502 In position (vic. Intersection of RTEs [REDACTED] and [REDACTED]) to conduct RTE security mission.
- 1508hrs: Renegade 2-3A receives SAF and RPG fire from 100-200 meters to the Southwest and return fire.
- 1509hrs: [REDACTED] van as AIF
- 1509 hrs: [REDACTED] orders gunners to fire on van
- 1510 hrs: Blue van is disabled
- 1520 hrs: Aviation is on sight to attempt BDA, fire illum flares to disperse crowd of LNs.
- 1530 hrs: CMDR/D/2-502 dispatches patrol to conduct BDA
- 1700 hrs: BDA complete; 1 LN adult male and 2 LN Children killed
- 17300hrs: RPG round found at original position of the blue van [REDACTED]

2

6

2

2

6

b) Chronology of investigation

- 27 1000 FEB 2007: [REDACTED] assigned as Investigating officer for this incident
- 1030 hrs: Investigating Officer conducts initial brief with BCT Legal office
- 1100 hrs: Investigating Officer Reviews SIR and Storyboard
- 1900 hrs: Investigating Officer interviews [REDACTED] (Exhibit E)
- 1920 hrs: Investigating Officer interviews [REDACTED] (Exhibit F)
- 1945 hrs: Investigating Officer interviews [REDACTED] (Exhibit G)
- 2110 hrs: Investigating Officer interviews [REDACTED] (Exhibit H)
- 28 1400 FEB 06: Initial draft of Investigation synthesis taken to BCT Legal Office for review.
- 1600 hrs: Final Investigation packet submitted to BCT Legal office

6

2. Findings

- a) Based on the BN SIR, interviews, sworn statements, and imagery, I do not believe that U.S. Soldiers involved in this situation violated the rules of engagement or escalation of force regulations. In the midst of an intense and fast-paced firefight, U.S. soldiers positively identified an enemy combatant vehicle to the best of their ability.
- b) Two M1114s from B/2-502 received enemy RPG and SAF at 1500-1510 hours on 27 FEB 2006 vic. [REDACTED]
- c) Renegade 2-3 and 2-3A, the two vehicles in question, initially returned fire in accordance with the Rules of Engagement and individual/team react to contact battle drills.

2

- 6
- d) At the outbreak of the firefight, there was a dark van parked at the origin of the enemy fire.
 - e) Given the situation, [REDACTED] positively identified the dark van as either an enemy firing platform or enemy cover to the best of his ability.
 - f) Under the orders of [REDACTED], [REDACTED] (M249 Gunner) and [REDACTED] (M240 B Gunner) opened fire on the van only after [REDACTED] positively identified it as enemy.
 - g) After engaged by U.S. forces, the van moved East at a high velocity, stopping once, until it was finally disabled.
 - g) All soldiers involved received a detailed and current ROE class from the company commander five days before the incident.
 - i) Based on the time of day and position of friendly vehicles, sunlight did not obstruct friendly vision of the enemy.
 - j) The area where the incident took place is a particularly volatile one where caches and anti U.S. propaganda had been found in the past. Certain pieces of AIF propaganda included insurgent TTPs such as using civilians as cover for attacks on CF.
 - k) Elements from B/2-502 involved in the incident responded with the necessary amount of force to deal with the situation.
 - l) After the firefight, D/2-502 found an RPG round at the disabled van's original position.

3. I recommend no punitive or judicial action in this case. In the future; however, this situation should be used as a case-study to help teach Strike soldiers of the importance ROE and the willingness of insurgents to use civilians to their advantage. I Also recommend CERP condolence payments to the family of the deceased if appropriate.

4. The POC for this memorandum is the undersigned at 242-4957

[REDACTED]
[REDACTED], FA
Assistant BN FSO

SUMMARY SAF/RPG ENGAGEMENT BETWEEN A/1C/F RESULTING IN DEATH OF 3XEN

T. SECURE
P. TO FACILITATE FREEDOM OF MOVEMENT

WTD. 28/2/02

WHAT? RPT SECURITY

WHERE? 2/10/02 ERUK

WHEN? 27 FEB 06 1508

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHY? FACILITY OF FREEDOM OF MOVEMENT

HOW? FACILITY OF FREEDOM OF MOVEMENT

WHO? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

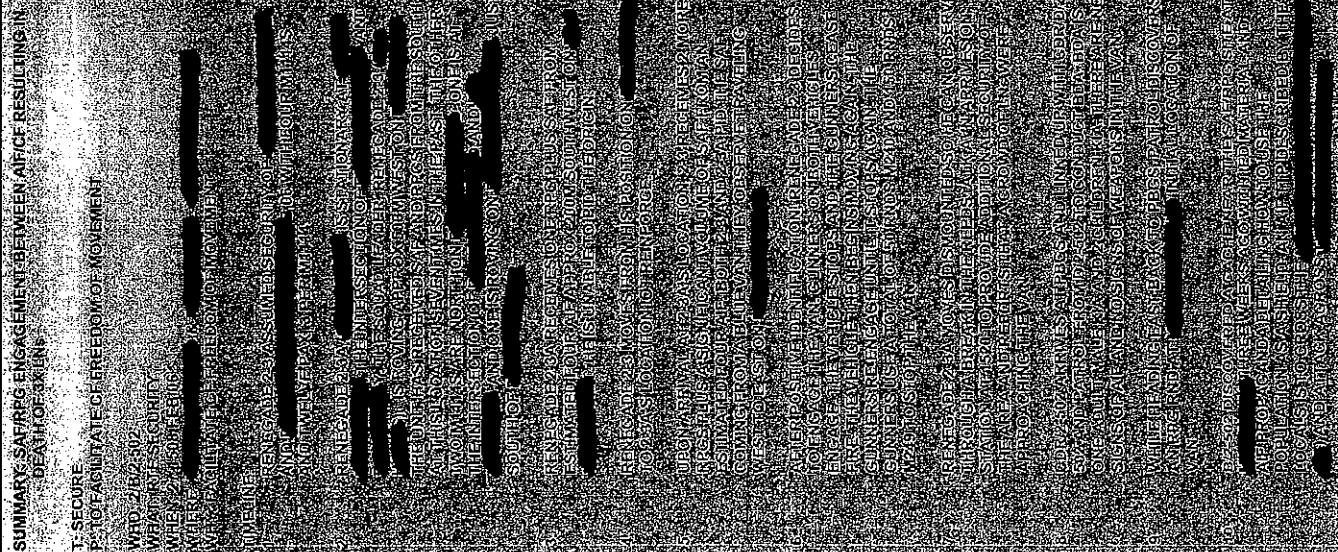
WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT

WHAT? FACILITY OF FREEDOM OF MOVEMENT

WHERE? FACILITY OF FREEDOM OF MOVEMENT

WHEN? FACILITY OF FREEDOM OF MOVEMENT



15-6 Investigation Exhibit List

#06-108 EOF Death of 3 Local Nationals

EXHIBIT A.	Photograph	
EXHIBIT B.	Photograph	
EXHIBIT C.	Photograph	
EXHIBIT D.	Photograph	
EXHIBIT E.	MND-B SIR FORMAT	
EXHIBIT F.	[REDACTED]	Interview Form
EXHIBIT G.	[REDACTED]	Sworn Statement
EXHIBIT H.	[REDACTED]	Interview Form
EXHIBIT I.	[REDACTED]	Sworn Statement
EXHIBIT J.	[REDACTED]	Interview Form
EXHIBIT K.	[REDACTED]	Sworn Statement
EXHIBIT L.	[REDACTED]	Interview Form
EXHIBIT M.	[REDACTED]	Sworn Statement

6

Exhibit A

EXHIBIT A: View From Renegade 2-3A

Camera is oriented Southwest

6

Origin of enemy fire:
225°, 100-200 meters

Exfill route of van

Dark Green Van is
parked behind this house
when the engagement
begins

-From this position, 2-3A
[redacted] TC) is unable to
observe the van.

-2-3 [redacted] TC)
maneuvers to the left of 2-3A
where his gunner [redacted]
[redacted] identifies the van.

-The van's exfill route is to
the East (left as seen in this
photograph)

6

Exhibit B

EXHIBIT B: Vehicle in Question

Camera oriented to the South. Photo taken after vehicle was disabled

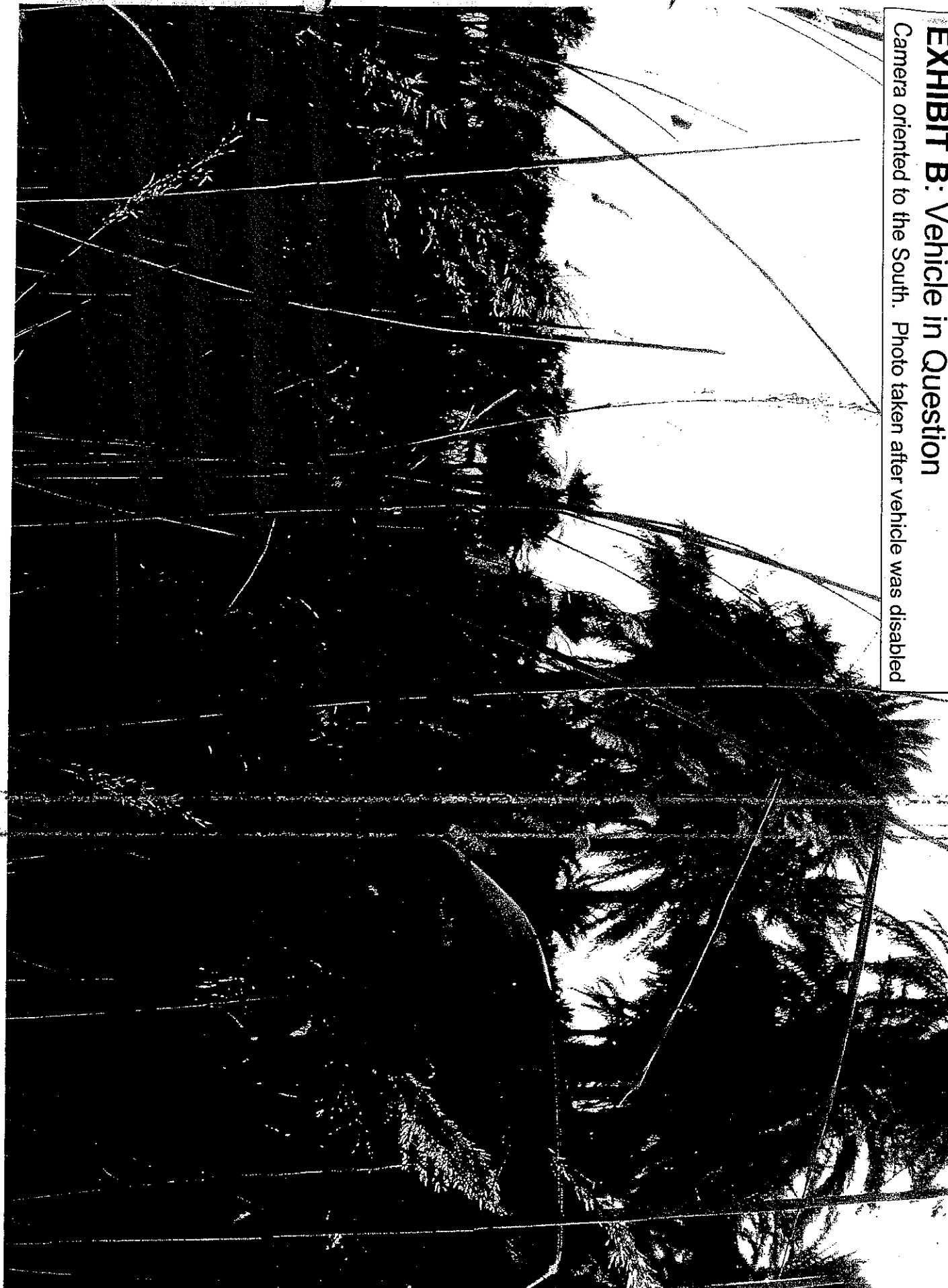


Exhibit C

6

EXHIBIT C: Location of vehicles after 2-3 moves to support 2-3A

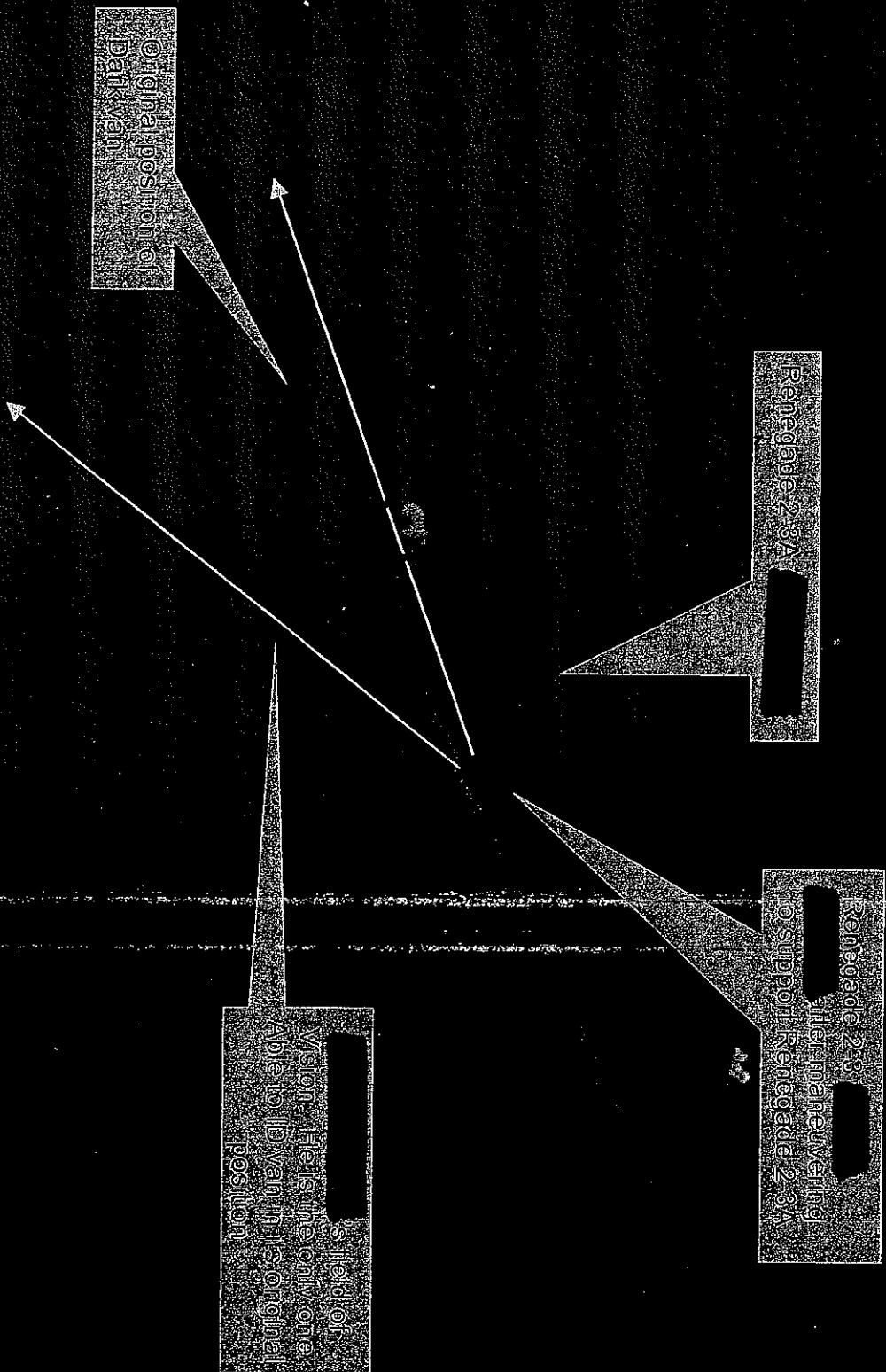


Exhibit D

6

EXHIBIT D: Exfil of Van after 2-3 and 2-3A return fire

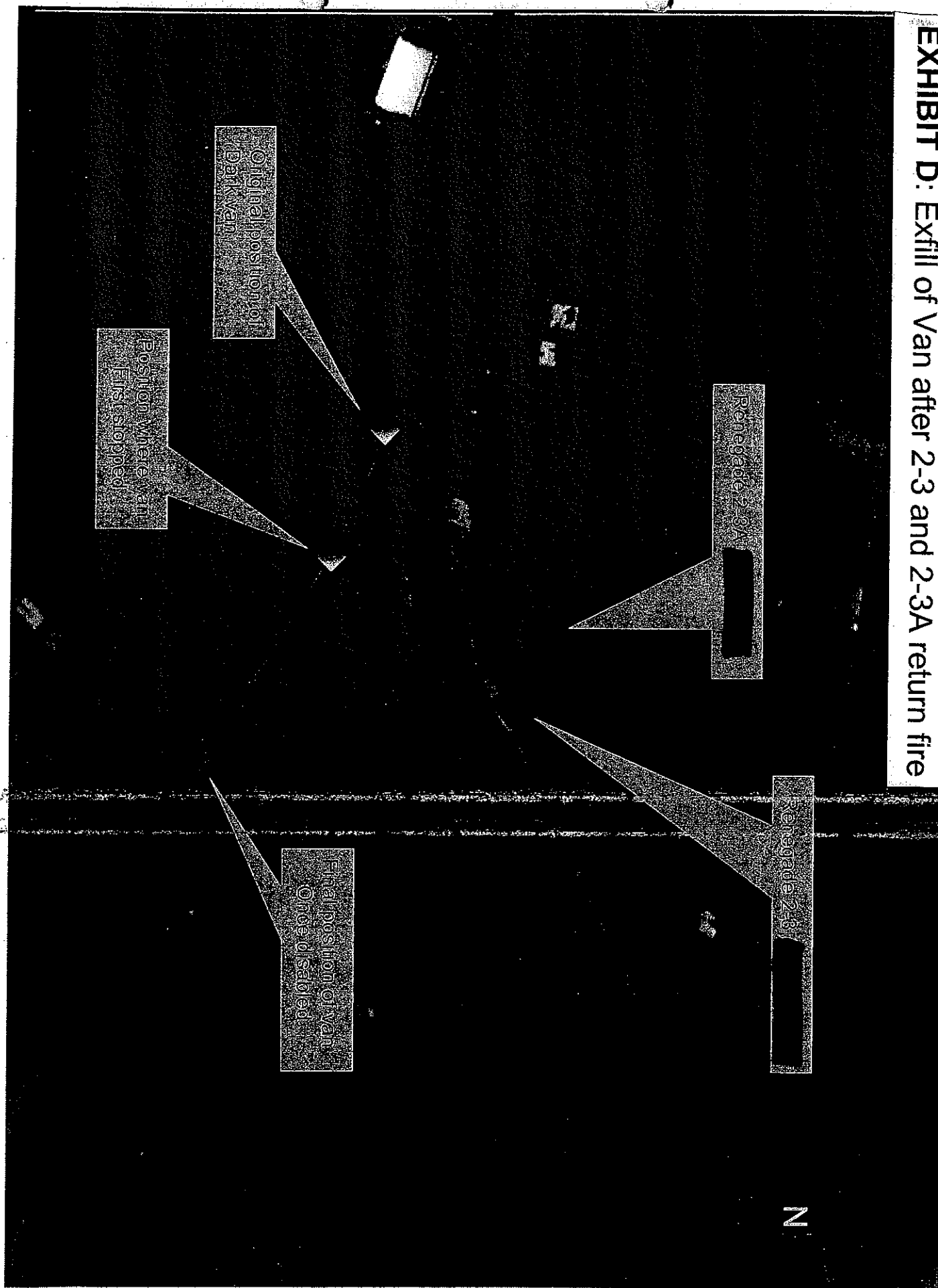


Exhibit E

MND-B SIR FORMAT

From: 2-502 IN

Thru: 2/101 BCT

To: 4th ID / Division Operation Center

Subject: LN Fatal Shooting on RTE Earnhardt

1. Category:

2. Type of incident: LN Fatal Shooting

3. DTG:

A. DTG of Incident: 27 1508 FEB 06

B. DTG Unit was notified of Incident: 27 1508 FEB 06

C. DTG received by DOC:

4. Location: Intersection of [REDACTED] and [REDACTED]

5. Personnel involved:

A. Subject:

1. Name: [REDACTED]
2. Rank or grade: [REDACTED]
3. Social Security Number: [REDACTED]
4. Race: Cauc.
5. Sex: M
6. Age: 23
7. Position: SL
8. Security clearance: None
9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single

B. Additional personnel involved:

1. Name: [REDACTED]
2. Rank or grade: [REDACTED]
3. Social Security Number: [REDACTED]
4. Race: Cauc.
5. Sex: M
6. Age: 23
7. Position: TL
8. Security clearance: None
9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single

1. Name: [REDACTED]
2. Rank or grade: [REDACTED]
3. Social Security Number: [REDACTED]
4. Race: Cauc.
5. Sex: M
6. Age: 21
7. Position: M240 Gunner (qualified on M249)
8. Security clearance: None

9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single
1. Name: [REDACTED]
2. Rank or grade: [REDACTED]
3. Social Security Number: [REDACTED]
4. Race: Cauc.
5. Sex: M
6. Age: 25
7. Position: TL (former M240 gunner, qualified on M240)
8. Security clearance:
9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single

C. Summary of incident:

On 27 FEB 06, Renegade 2-3 [REDACTED] was securing [REDACTED] with four M1114s and twelve personnel, three per vehicle. He had been in position since 1430 that day. Renegade 2-3A's vehicle, commanded by [REDACTED] with an M249 manned by [REDACTED] is stationary at the intersection of [REDACTED] and [REDACTED]. Renegade 2-3's vehicle was roving, but at the time of the incident was located approx 500m west on [REDACTED]. Two more vehicles are north on [REDACTED]. One was stationary at the intersection of [REDACTED] and [REDACTED] and one was roving north of [REDACTED] and south of [REDACTED]. The vehicles had ASIP FM comms and could talk both to Renegade at Camp Striker as well as the Swamp, which was run by D CO.

T: Secure [REDACTED]
P: IOT maintain a secure LOC to PBGS.

B/2-502 units at the intersection of [REDACTED] and [REDACTED] have received SAF and RPG fire from the south, across [REDACTED], seven times in the past. They have been unable to PID in the past. Based on reports from LNs in the area over the last month, the LNs infiltrate by foot from the [REDACTED] and attack are forces across [REDACTED]. They are supported by an anti-coalition Zobai Sheik who lives in this area. We found a cache at [REDACTED] three weeks ago, 300m from the SAF/RPG location, consisting of IED making material and propaganda. One of the propaganda items found was an AIF pamphlet describing techniques for using the population as a shield.

At 1505, Renegade 2-3A's M1114 received one RPG round plus a high volume of SAF from an estimated four personnel approx 200m southwest on [REDACTED]. He was unable to PID the attackers' location through the tall reeds. He reported to [REDACTED] who was currently located 500 meters west on [REDACTED]. [REDACTED] moved his M1114 to 2-3A's location to support. Upon 2-3's arrival, at 1508, both vehicles received two more RPG rounds plus a significant volume of SAF from an estimated four personnel from the southwest (the same approximate location as they last received fire). They PID'd the origin of fire at grid [REDACTED], from a blue van moving west to east on [REDACTED]. [REDACTED] made the decision to engage the van. His gunner, [REDACTED], engaged with the M240, and 2-3A's gunner, [REDACTED], engaged with the M249. The van stopped upon engagement and both gunners ceased fire. After a few seconds, the vehicle began moving again at a high rate of speed. Both gunners re-engaged until it stopped again at [REDACTED]. The gunners used a total of 50 rounds from the M240 and 150 rounds from the M249 to stop the vehicle. Renegade 2-3A moved 100 meters south to the canal dismounted with two personnel so that he could observe the van through a break in the reeds. He saw that the van was stopped but could not confirm BDA, and there are no crossing points on the canal. He notified higher in order to get attack aviation and Dog 6 to confirm BDA. Longbow arrived on scene at 1520 and spotted a crowd moving towards the vehicle and attempted to disperse the crowd with a flare. Dog 6, currently running PB Swamp, sent an element to include Falcon 6 and Falcon 3 to confirm BDA. Upon arrival at the scene, they found that the BDA was one adult male KIA and 2 children KIA. A crowd had gathered around the vehicle. There were no signs of AIF and no weapons or ammunition in the van. Dog 6 found a RPG round at [REDACTED] the location of the van when the element first received RPG and SAF. Following confirmation, the Dog 6 element returned to the Swamp and Renegade 2-3's element remained on [REDACTED].

All four soldiers had received an ROE class from Renegade 6 on 22 February 06. All soldiers were qualified on their weapon systems.

6. Other Information:

- A. Racial: None
- B. Alcohol Involvement: None
- C. Last Deployment to OIF/OEF: [REDACTED] and [REDACTED] deployed with 2/101 and returned FEB 04. [REDACTED] and [REDACTED] deployed with 1st AD and returned JUL 04.
- D. Is Soldier on Rear "D"? No

6

7. Remarks:

[REDACTED] I believe that the soldiers acted within the ROE. They believed that they PID'd the shooting as coming from the van. There is no way to determine if the AIF used the van as cover, either firing from the van and stripping the evidence, or firing from behind the van. All soldiers recently received ROE training and have displayed sound judgment in the past.

8. Commander reporting: [REDACTED] B/2-502 IN

9. Point of contact: 242-7509

10. Report originated by: [REDACTED] B/2-502

11. Released by:

12. Unit Notifications:

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
-----------------	-------------	-------------	---------------------

FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
-----------------	-------------	-------------	---------------------

B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
-----------------	-------------	-------------	---------------------

Exhibit F

1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

While getting shot at, calls 2-3, gets there gets RPG, 1st saw Van after last 3rd volley - Driver & TC also 2-3 minutes [REDACTED] 3rd RPG hits, Van pops out from behind build. Shot Van immediately when came out (2-3 sec), Stopped & that was it. Just saw the Van in passing. Van goes speeding by. No order to shoot Van, return fire just continued.

- Fire came from general direction behind house.
2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR? It's a common mission. Had been out only one hour. Had been briefed extensively before but only on tactical plan this time

3. HOW LONG WAS THE 1ST VOLLEY OF FIRE? THE 2D?

1) 2 RPG 2-3 min didn't PID Van - Fired at area, not house

4. DID YOU PID THE VAN? WHERE SHOTS COMING FROM THE VAN?

No only saw direction/distance. Only saw Van when it started driving off

5. WHERE WAS THE SUN?

Midday → high → No obstruction

6. WHO GAVE THE ORDER TO FIRE?

did for 1st wave 2 [REDACTED] on vehicle

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1ST/2D TIME?

NA → Didn't remember Van stopping/restarting

8. WHEN WAS THE LAST TIME YOU RECEIVED A ROE BRIEF? CONVOY BRIEF? DID ROE COME OUT IN CONVOY BRIEF?

No patrol brief
ROE brief w/ Renegade 6 w/i last few days

Exhibit G

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Fob Striker	2. DATE (YYYYMMDD) 20060228	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS B Co 2-502			

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

On Monday the 27th of February, My Squad 23 and Weapons Squad 24 assumed [REDACTED] Patrol around 1330. My Vehicle 23A with my team assumed [REDACTED] and [REDACTED] intersection. Around 1500 we took two rounds of RPG Followed by small arms fire from approx. 100m South west of my position. We returned fire with 249 and M4. A fire fight followed for approx. 2-3 min. By this time My Squad leader 23 and his truck had pushed to my location. As soon as they reached my position we took the third RPG. At the same time the third RPG Exploded a Forest Green van was traveling East on [REDACTED] in the same area the third RPG was fired. The van was traveling at a high rate of speed. We engaged the van until it stopped. At this time all fire had ceased. We then pushed up to try and get eyes on my movement and observed none.

Nothing Follows

10. EXHIBIT

11. [REDACTED] PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

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

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

STATEMENT OF [REDACTED] TAKEN AT FoB Stryker DATED 27 Feb 06

9. STATEMENT (Continued)

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

6

STATEMENT OF [REDACTED] TAKEN AT 28 Feb 06 DATED FOB Stryker

9. STATEMENT (Continued)

[REDACTED]

6

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Feb, 2006 at FOB Stryker

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Art 136b(4) UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

6

Exhibit H

1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

Didn't return fire until [REDACTED] gets there. Only saw van speed up. [REDACTED] told him to shoot the van from other M114. Van came from right where fire was coming from. Didn't see van in original position but did see it drive out of general area. Before he was told to fire on the van, [REDACTED] he believed it was AIF. Would have fired anyway. 6

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR?

Standard Tactical brief. More thorough brief in the past. No ROE covered today.

3. HOW LONG WAS THE 1ST VOLLEY OF FIRE? THE 2D?

1) Few seconds 2) 10 seconds

4. DID YOU PID THE VAN? WHERE SHOTS COMING FROM THE VAN?

When AIF fire stopped van took off to East. Didn't see van until it started moving.

5. WHERE WAS THE SUN?

Not an issue

6. WHO GAVE THE ORDER TO FIRE?

[REDACTED] told him to fire on van. 6

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1ST/2D TIME?

RPG + small arms sustained. → couldn't notice any breaks

8. WHEN WAS THE LAST TIME YOU RECEIVED A ROE BRIEF? CONVOY BRIEF? DID ROE COME OUT IN CONVOY BRIEF?

Couple days ago ([REDACTED])
ROE didn't come out in convoy brief but had been briefed before.

Exhibit I

SWORN STATEMENT

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

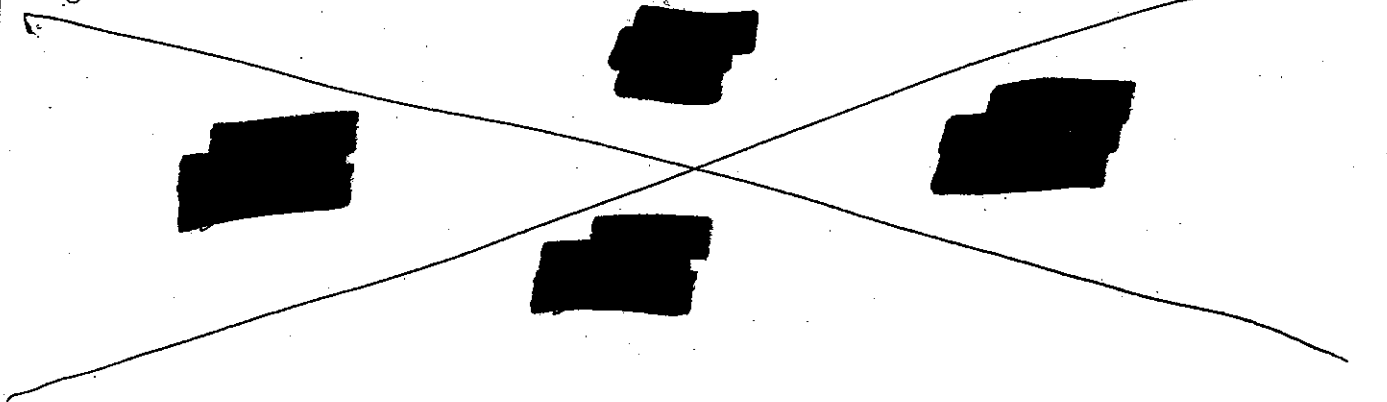
PRIVACY ACT STATEMENT

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

1. LOCATION Fob Striker	2. DATE (YYYYMMDD) 2006 02 28	3. TIME 1900	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS B 2/501			

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

On the 27th Feb 06 our squad along with weapons squad assumed motorhead patrols at 1430. I was the gunner on [REDACTED] vehicle located on the corner of [REDACTED] and [REDACTED]. I was overwatching to our South and [REDACTED] vehicle was 500 meters west of us on [REDACTED]. At approximately 1500 a RPG round landed 10 mtrs in front of me, to the South of our vehicle. I immediately took cover inside of the hummer. But continued scanning and looking for the shooter. At this time we took 2 more RPGs along with small arms fire from 100 meters ~~SW~~ Southwest of my location. At this time [REDACTED] had moved the vehicle forward to obtain a better view of [REDACTED]. Also at this time I noticed [REDACTED] vehicle with [REDACTED] on the gun was behind us and aiding with security. After the small arms stopped [REDACTED] spotted a vehicle moving at a high rate of speed away from us. The van did not stop but moved faster away. At this time [REDACTED] were told to engage the van to disable/stop it. We shot again and the van stopped. As soon as the van stopped we ceased fire and scanned the area across the canal for any more possible enemies. After a long time of no contact [REDACTED] dismantled a team to secure and observe the van for the dog element that was on it. Was from Remagade swamp to assess the Blue Van and surrounding area. I continued to secure the South and after the Dog element left we resumed normal [REDACTED] patrols.



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

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

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

STATEMENT OF

TAKEN AT

1900

DATED

2006 02 28

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

6

STATEMENT OF [REDACTED] TAKEN AT 1900 DATED 2006 on 28

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 33. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Feb, 2006 at FCB Stryker

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Art 136b(4) UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

Exhibit J

6

1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

Hears [REDACTED] take RPG, he ^{will} returns fire, [REDACTED] tells him they're taking fire. He moves to [REDACTED] When he gets there, [REDACTED] truck is no longer firing. Another RPG hits. [REDACTED] says (pointing where fire is coming from). [REDACTED] told him he's taking fire from Van. [REDACTED] gives order to fire on Van (14-15 seconds). [REDACTED] calls cease fire when Van stops. Van starts moving out again - then Van pulls off to the side & is disabled. They move forward but couldn't conduct BDA. LONGBOW @ 1st couldn't see anyone in Van. Longbow ID's a crowd of 30 Pax. Dog 6, Falcon 6, Dog 1/7 comes up & PID's them. D1/6 finds RPG round where Van started from.

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR?

3. HOW LONG WAS THE 1ST VOLLEY OF FIRE? THE 2D?

NA - Enemy fire SAF was Constant w/ 3 RPG RDS

4. DID YOU PID THE VAN? WHERE SHOTS COMING FROM THE VAN?

Van was stationary where he took 1st volley of RPG fire - but he didn't see it.

5. WHERE WAS THE SUN?

No where ~~was~~ where it could obstruct vision

6. WHO GAVE THE ORDER TO FIRE?

[REDACTED] 1st → [REDACTED] on vehicle to kill

6

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1ST/2D TIME?

1) (14-15) sec 2) (14-15) sec

8. WHEN WAS THE LAST TIME YOU RECEIVED A ROE BRIEF? CONVOY BRIEF? DID ROE COME OUT IN CONVOY BRIEF?

Patrol Brief: Gets brief from Revegade 6 → Gives tactical brief plan to his TC's.
Company recieved ROE brief 2-3 days prior from CO

Exhibit K

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: 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>FOB Striker</i>	2. DATE (YYYYMMDD) <i>2006 02 28</i>	3. TIME <i>1900</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS <i>B 2-502</i>			

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

On 27 Feb 06 my Squad was tasked to take over [REDACTED] security. my Squad was all set in place at 1430. At 1500 2-3A [REDACTED] received Fire from the south west [REDACTED] From about 200m away on the south side of the canal. The Fire consisted of 1 RPG Followed by small arms Fire. My truck was 500m west on [REDACTED] I called [REDACTED] on FM for [REDACTED] a sit rep on what was happening. I moved my truck to his Location and call the swamp which was manned by D 2-502 to let them know what was going on. once I arrived at [REDACTED] Location my truck was Fired on by 2 more RPG also Followed by small arms Fire my Gunner [REDACTED] ID the Location From the RPG Being Fired and small arms there was a blue colored van. [REDACTED] ID rounds coming from and around the van. I told [REDACTED] to return Fire on the van with a 240B and Had [REDACTED] have his gunner Fire also which was a 249 Gunned by [REDACTED]. I called a cease Fire and [REDACTED] or [REDACTED] Did not see any one moving

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>3</u> PAGES
-------------	---	--------------------------

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

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

STATEMENT OF

TAKEN AT

1900

DATED

2006 02 28

9. STATEMENT (Continued)

After I called a sit rep to the swamp the van drove off at a high rate of speed. at that ~~time~~ time I had [redacted] and [redacted] engage the van until the van stopped. I called to swamp to let them know what had happen. called in that my Squad had no casualties and to see IF they had called for Attack Aviation (Longbow 5-1). I moved my vehicles to get in a better position to keep eyes on the van and the location were it has stop. I then had [redacted] take a 3 man team to an opening in the reeds from the canal to possibly ID any one that was in the van for movement. at this time Longbow came on station. and I also had them maneuver on the van to possibly ID any one inside. then had them check the area [redacted] around the van due to the fact we were on the north side of the canal and the van was on south. [redacted] Longbow spotted a crowd forming in a court yard south of the van that escalate to [redacted] around 30 people and 5 vehicles. I called the swamp to let them know and they informed me that they were pushing a element east down [redacted] to check the van. It was Dog 17 and Dog 6 - Falcon 6 - and Falcon 3

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

6
were with them once they arrived at the van. they
ID 1 adult male and 2 male children. all three KIA. During
This time I still had [REDACTED] with Dis mounts to the north
of the van for security and [REDACTED] and [REDACTED] manning
the guns still why I was on the FM monitoring the radio
[REDACTED] while the Day 1-7 element was looking around the area they
Found the expended RPG lying 800m south east of [REDACTED]
[REDACTED] truck on the side of the road. after over this was all
said and do [REDACTED] Fired 150 rds of link 556 From
his 24A. and [REDACTED] Fired 50 Link 7.62 From his
240B.

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

6
Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 28 day of Feb 2006
at RB Strickland

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

Art B 66(4) VCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

Exhibit L

2144

15-6 INVESTIGATION INTERVIEW FORM

DTG 28 Feb INTERVIEWER [REDACTED] INTERVIEWEE [REDACTED]

6

1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

See statement - pretty clear
Saw the van stationary from his position.
* Believed fire was coming from van *

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR?

It's a frequent mission 55 hrs on 55 off. No brief this time beyond standard tactical.

3. HOW LONG WAS THE 1ST VOLLEY OF FIRE? THE 2D?

1-3A was already engaged - when they got there they took 2 RPG rounds.

4. DID YOU PID THE VAN? WHERE SHOTS COMING FROM THE VAN?

Van was sitting where rounds were coming from. Looked like it was coming from behind van. He saw the entire time. ~~He~~ Believed he had PID.

5. WHERE WAS THE SUN?

High - didn't interfere w/ vision

6. WHO GAVE THE ORDER TO FIRE?

- He told [REDACTED] about van; [REDACTED] orders him to fire

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1ST/2D TIME?

1) 2-3 sec 2) 14 seconds

8. WHEN WAS THE LAST TIME YOU RECEIVED A ROE BRIEF? CONVOY BRIEF?

DID ROE COME OUT IN CONVOY BRIEF?

ROE Brief: [REDACTED] gives ROE brief around 21st or 22nd

Convoy Brief: Standard tactical

6

Exhibit M

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

FOB Striker

2. DATE (YYYYMMDD)

20060228

3. TIME

1900

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

B 2/502

9.

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

On 27 FEB 06 at 1400 my squad, 3rd squad 2nd platoon, took over security operations on [REDACTED] and [REDACTED]. Around 1500 [REDACTED] and myself were located 500m west of [REDACTED] truck on [REDACTED] when we heard an explosion in the direction of [REDACTED] truck. A couple of seconds later [REDACTED] called over the net that he was receiving RPG fire and Small arms Fire. At that time [REDACTED] gave the go ahead for our truck to move to [REDACTED] location. Upon arriving at [REDACTED] location [REDACTED] moved our truck into a position to set up support by fire. A few seconds went by then we received 2 more rounds of RPG Fire. After the rounds were fired I ^{was} able to locate the origin of fire on [REDACTED] 100m southwest of our position. At the spot where I saw the fire there was a dark color van that I thought it was coming from. I notified [REDACTED] and told him that I thought that ~~it~~ ^{the} fire was coming from the dark colored van located on [REDACTED]. [REDACTED] gave the go ahead to engage the van. At that time [REDACTED] gunner and myself [REDACTED] gunner opened up our weapons on the van. [REDACTED] had a

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

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

STATEMENT OF [REDACTED]

TAKEN AT 1900

DATED 23 FEB 06

9. STATEMENT (Continued)

MZ49 (SAWS) and I had a MZ40B. After a few seconds of fire ~~RTE~~ [REDACTED] and I ceased fire. The Van then tried to speed away heading east on ~~RTE~~ RTE Earnhardt. [REDACTED] and myself were told to reengage the van by [REDACTED] to reengage the Van. I was unable to reengage at first due to my field of fire was blocked by [REDACTED] truck. My driver pulled up away from [REDACTED] truck to clear my field of fire, where I then reengaged the Van ~~RTE~~ until it stopped on [REDACTED]. When the Van stopped, I ceased fire. At that time our element was no longer taking any type of fire. [REDACTED] told [REDACTED] to move his truck down [REDACTED] towards [REDACTED] to get a better view to see if anyone was in the Van or if anyone had ran. [REDACTED] moved his truck into position but was unable to see due to the high reeds along the canal between [REDACTED] and [REDACTED] intersection. [REDACTED] then informed [REDACTED] that there was a cut in the reeds on [REDACTED] East just parallel to where the van had stopped. [REDACTED] gave the okay to [REDACTED] to move with a small element to the cut in the reeds. [REDACTED] called back on ICom and said he could not see anyone in the van, but the windows on the drivers and passengers doors were shattered and that it looked like it had wrecked on [REDACTED] where it had stopped. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT

1900

DATED

28 FEB 06

9. STATEMENT (Continued)

~~Told [REDACTED] to hold in~~ Told myself to relay to [REDACTED] to stay via Icom, To stay in place and to keep any body from approaching the Van until Dog 6 ^{RTB} could move an element to the Van's location. When I saw the van after more rounds of fire came in it was clear that the rounds were coming from the Van or within a few feet of the van as if the ATF were using the Van as cover. When we were receiving fire it was clear to me the the van was part of the fight.

[REDACTED]

[REDACTED]

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREE [REDACTED] 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 28 day of Feb, 2006 at FOB STRIKE

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

A.N. 1366(4) VCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES