

ESCALATION OF FORCE (EOF) INVESTIGATION REPORT
101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS

IN ACCORDANCE WITH FRAGO 132 TO OPERATIONS ORDER 01-06, THE FOLLOWING REPORT IS TO BE COMPLETED AND FORWARDED TO THE OFFICE OF THE STAFF JUDGE ADVOCATE OF TASK FORCE BAND OF BROTHERS NO LATER THAN 24 HOURS FOLLOWING COMPLETION OF ANY EOF INVESTIGATIONS.

UNIT: THT/1-187 IN, 3 BCT, 101ST ABN DIV (AASLT)

ESCALATION OF FORCE DATE TIME GROUP: 05/14/14 11:06

LOCATION OF ESCALATION OF FORCE INCIDENT: RAK SAN

TYPE OF INVESTIGATION: INFORMAL INVESTIGATION UNDER 15-6

FACTS AND FINDINGS OF INVESTIGATION

FACTS: THT PATROL CONSISTING OF 4 VEHICLES RESPONDED TO ASSIST BAYJL IN ESTABLISHING A ROADBLOCK. THE THT HAD BEEN DETONATED ON MSR TAMPA AT THE INTERSECTION OF 10TH AND 11TH STREETS. NO OTHER VEHICLES AND NO VEHICLES WERE STOPPED. THE THT WAS A WHITE, EXPLOSIVE DEVICE PLACED ON THE ROAD. IT WAS PLACED ON THE ROAD AND INTERSECTS MSR TAMPA. THE VEHICLE WAS PREVENTING EAST/WEST TRAFFIC FROM ENTERING THE AREA. THE PATROL HAD SUCCESSFULLY STOPPED THE MOVEMENT OF SEVERAL LAR VEHICLES. THE PATROL USED ARMED AND ARM SIGNALS AND BY A LOCAL IN WHO WOULD VERBALLY AND VISUALLY STOP UNCOMPLIANT VEHICLES. THE PATROL HAD TO HAVE THEM TURN AROUND. A WHITE, NISSAN HIGH-UP TRUCK TURNED ONTO THE ROAD AND

WITH CAUTION AND DETERMINED THE LN DRIVER TO BE DEAD. THE IP REMOVED THE BODY FROM THE TRUCK AND TRANSPORTED IT TO THE BAYJI HOSPITAL.

FINDINGS:

1) PID/HOSTILE INTENT. PID IS DEFINED AS REASONABLE CERTAINTY THAT THE PROPOSED TGT IS A LEGITIMATE MILITARY TARGET. HISTORICALLY, THERE HAS BEEN A Viable AND ACTUAL THREAT OF VBIEDs WITHIN THE AREA INCLUDING A VBIED DETONATION 30 MIN PRIOR TO THE EOF. NORMALLY, A LN VEHICLE WILL STOP, PULL TO THE SIDE OF THE ROAD AND WAIT FOR FURTHER GUIDANCE FROM A CF VEHICLE. PRIOR TO THE LN TRUCK, SEVERAL OTHER LN VEHICLES HAD STOPPED AND TURNED AROUND ON THE SAME ROAD WHEN THEY SAW THE CF BLOCKING VEHICLE POSITIONED ON [REDACTED]. THIS LN TRUCK DID NOT STOP OR PULL OVER AFTER REPEATED VISUAL INSTRUCTIONS FROM THE CF AND A LN BYSTANDER. THE TRUCK ALSO HAD ONLY 1X

EX-2
OCCUPANT AND SEVERAL LARGE CONTAINERS IN THE BED. THE GUNNER AND THE OTHER 2X SOLDIERS BELIEVED WITH REASONABLE CERTAINTY THAT THE DRIVER OF THE LN TRUCK WAS ANOTHER VBIED AND THAT HE AND THE TRUCK POSED A THREAT TO BOTH THEIR VEHICLE AND IP IN THE INNER CORDON OF THE VBIED SITE.

2) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] LN SHOUTED REPEATED WARNINGS FOR THE LN DRIVER TO STOP HIS FORWARD MOVEMENT. THE GUNNER ALSO SHOWED HIS WEAPON AND HIS INTENT TO USE DEADLY FORCE WHEN HE RAISED HIS M4 TO HIS SHOULDER TO AIM, AS DID 2X OTHER SOLDIERS. THE PATROL ALSO BLOCKED ACCESS TO THE ROAD BY THE POSITION OF THEIR VEHICLE. THE GUNNER AND THE 2X OTHER SOLDIERS USED GRADUATED FORCE BY FIRST FIRING WITH THEIR M4S IN AN ATTEMPT TO DISABLE THE VEHICLE. FINALLY, THE PATROL, AFTER USING ALL AVAILABLE MEANS, THE SOLDIERS BEGAN SHOOTING TO ELIMINATE THE THREAT WHEN THE ONCOMING VEHICLE WAS SHOWING NO SIGNS OF STOPPING ITS THREATENING MOVEMENT TOWARDS THE PATROL. IN USING GRADUATED MEASURES OF FORCE, THE ENGAGEMENT WAS NOT ONLY IAW 3 BCT ROE, BUT MNC-I EOF PROCEDURES AS WELL.

RECOMMENDATIONS FOR INVESTIGATION: SUSTAIN PRE-MSN EOE BRIEFING AND INCORPORATING SCENARIOS AND CONSEQUENCES OF PRE-MSN EOE AS IS IN BN2 ACROSS. ENFORCED CORDON, TO INCLUDE ALL SIDE ROADS AND SIDE OR MORNING TRAFFIC AS REQUIRED. REINFORCE LINE OF TRAFFIC CONES AND BARRIERS, AS THE TACTICAL SITUATION DEMANDS, WHEREVER VEHICLES ARE IN AN ATRIUMARY POSITION AND BLOCKING THE USE OF ROADS (SCL. SIDE ROADS). FINALLY, THE INVESTIGATING OFFICER RECOMMENDED

THE BAND OF BROTHERS

PREPARED BY:
DATE: 6 JUL 06.

THE RENDEZVOUS CONTINUES... DESTINY AWAITS

101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 187TH INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
FOB SUMMERALL, APO AE 09349

Ex 6

AFZB-KC-GC

05 JUL 2006

15 Jul 06

MEMORANDUM FOR: Commander 3RD Brigade Combat Team, 101ST Airborne Division (Air Assault),
FOB Speicher, APO AE 09309

SUBJECT: 15-6 INVESTIGATION FINDINGS

Ex 6

1. On 05 July 2006 I, [REDACTED] was directed to conduct an investigation in accordance with AR 15-6 in the matters surrounding the escalation of force on 05 JUL 06 involving the Tactical Human Intelligence Team 710 (THT 710) that is performing a Direct Support role for the 1-187TH Infantry Regiment. Specifically, to determine if the escalation of force was justified and procedures that should be either sustained or improved to mitigate further Escalation of Force.

Ex 2

Ex 2

Ex 2

2. Facts. The THT 710 patrol consisting of four vehicles responded to assist the Bayji police in the establishment of a cordon around a vehicle borne improvised explosive device (VBIED) that had just detonated. The patrol established an outer cordon for the Bayji Police with two vehicles blocking the northern portion and two vehicles blocking the southern portion of the area on [REDACTED]. The northern vehicle (C-05) was partially exposed to a small side street that runs east and west intersecting with [REDACTED]. The vehicle was preventing east-west traffic from entering the cordoned area. The patrol had successfully stopped the movement of several local national vehicles by using hand and arm signals and by a local national vendor who would verbally and visually stop the oncoming vehicles and have them turn around. A white Nissan pick up truck turned onto the road and began traveling east towards [REDACTED] and the established blocking position of C-05. The vehicle gunner began using hand and arm signals to stop the vehicle and the local national vendor again walked towards the street to stop the vehicle. The driver ignored all of the commands and was within 50 meters of the vehicle when the gunner fired eight disabling shots with his assigned M-4 rifle into the front bumper and tire of the truck. The truck continued its movement towards the cordon and was within twenty five meters of the cordon when the gunner fired an unknown number of rounds with his M240-B machine gun into the vehicle to eliminate the threat. The machine gun fire killed the local national driver but the vehicle continued to move towards the cordon. The truck commander ordered the driver to move the blocking vehicle forward so that the suspected VBIED did collide with their vehicle. The Nissan truck came to a halt at the same spot that C-05 had been parked. The patrol leader along with two other Soldiers approached the Nissan with caution and determined the driver to be dead. The Bayji Police then removed the body from the vehicle and transported the dead local national to the Bayji Hospital.

3. Findings. Based upon the facts, I find the following:

Ex 2

Positive Identification is defined as reasonable certainty that the proposed target is a legitimate military target. Historically there has been a viable and actual threat of VBIEDs within the area including a VBIED detonation 30 minutes prior to the EoF. Normally, a LN vehicle will stop, pull to the side of the road, and wait for further guidance from a CF vehicle. Prior to the white Nissan vehicle, several other vehicles stopped and turned around on the same road when they saw the vehicle, C-05, positioned on [REDACTED] (See Exhibit C). This LN vehicle did not stop or pull over after repeated visual instructions from the CF and a local national bystander (See Exhibits B and E). The vehicle also had only one occupant and several large containers in the bed (See Exhibits A, B, C, E, F and J). The gunners and the

AFZB-KC-GC

SUBJECT: 15-6 INVESTIGATION FINDINGS

other two Soldiers believed with reasonable certainty that the driver of the white Nissan truck was another VBIED and that he and the vehicle posed a threat to both their vehicle and the Iraqi Police in the inner cordon of the VBIED site.

b. In accordance with 3 BCT ROE, graduated measures of force is defined as [REDACTED]

Ex. 2

[REDACTED]
[REDACTED]
[REDACTED] In this case the [REDACTED]
[REDACTED] and
a local national shouted repeated verbal and visual warnings for the driver of the Nissan truck to stop his forward movement (See Exhibits B, C, D, and E). The gunner also showed his weapon and his intent to use deadly force when he raised his M-4 rifle to his shoulder to aim as did two other Soldiers in the patrol (SEE Exhibits A, B, and C). The patrol also blocked access to the route by the position of their vehicle. The vehicle was parked to block both oncoming traffic on [REDACTED] and the western side road traffic and still provide protection to the crew using the available cover (See Exhibit B and H). Three Soldiers used graduated force by first firing with M-4 rifles in an attempt to disable the vehicle (See Exhibits A, B, and C). Lastly the patrol, after using all available means, began shooting to eliminate the threat when the oncoming vehicle was showing no signs of stopping its threatening movement towards the patrol (See Exhibits A, B, C, E, F, and J). In using graduated measures of force, the engagement was not only IAW 3 BCT ROE, but MNC-I EoF procedures as well.

4. Recommendations.

a. Continue the following procedures:

(1) The platoon conducted an Escalation of Force briefing with scenarios prior to the patrol. Upon completion of the patrol the platoon conducted an After Action Review also covering Escalations of Force in accordance with the published Leader TACSOP.

b. Refine the following procedures:

- (1) Enforce the IP cordon to include all side roads and call for more IP assistance as required.
- (2) Reinforce the use of traffic cones and wire, as the tactical situation permits, whenever vehicles are in a stationary position and blocking the use of roads to include side roads
- (3) Ensure that all patrols carry radios to communicate with IPs in order to call for more IPs as required to increase security.

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SUBJECT: 15-6 INVESTIGATION FINDINGS

Ex 6, Ex 2

5. POC this memorandum is [REDACTED]

Ex 6

[REDACTED]
[REDACTED]
CPT, IN
Assistant S-3

Enc:

1. Exhibit A (Sworn Statement of [REDACTED])
2. Exhibit B (Sworn Statement of [REDACTED])
3. Exhibit C (Sworn Statement of [REDACTED])
4. Exhibit D (Sworn Statement of [REDACTED])
5. Exhibit E (Sworn Statement of [REDACTED])
6. Exhibit F (Sworn Statement of [REDACTED])
7. Exhibit G (Sworn Statement of [REDACTED])
8. Exhibit H (Storyboard)

Ex 6

Ex 6

STATEMENT OF [REDACTED] TAKEN AT FOR SUMMERY DATED 5 July 2006

Ex 6

9. STATEMENT (Continued)

IF THE DRIVER WAS ALIVE OR DEAD. MYSELF, [REDACTED] AND [REDACTED] MOVED TO WITHIN 15feet of the vehicle. I OBSERVED AN ARABIC MALES SLUMPED OVER INTO THE PASSENGER SEAT AND HE APPEARED TO HAVE BEEN SHOT NUMEROUS TIMES IN THE BODY AND HEAD. THE BODY WAS NOT BREATHING AND HE WAS NOT MOVING. I WITHDREW THE SOLDIERS AND ALLOWED THE IP TO REMOVE THE BODY FOR TRANSPORT TO BAYIT HOSPITAL. THE INCIDENT TOOK PLACE NO. [REDACTED] I SAW THE VEHICLE AS A THREAT TO MY PATROL AND MY SOLDIERS SINCE THE VEHICLE COULD HAVE VERY EASILY BEEN ANOTHER VBIED. I DID GIVE AN ORDER TO [REDACTED] TO CEASE FIRE AS THE VEHICLE ROLLED TO A STOP NEAR WHERE C5 HAD BEEN PARKED. //— END OF STATEMENT—//

Ex 2

Ex 6

AFFIDAVIT

Ex 6
[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFORMATION, OR UNLAWFUL STATEMENT. [REDACTED] *[Signature of Person Making Statement]*

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 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 2851; 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 [REDACTED]	2. DATE (YYYYMMDD) 20000905	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS A 221 Military Intelligence Battalion			

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1200 hrs on July 5, 2000, our Tactical Human Intelligence Team was out on a mission in and around the vicinity of [REDACTED] when a Vertical Borehole Improvised Explosive Device was detonated about 700 to 1000 meters away from our location at the time. We ran to our Vehicle and proceeded towards the Detonation site via [REDACTED]. Once we arrived on the scene we secured the area and set up our Vehicle Rail and cut on a [REDACTED] to [REDACTED] a side street. The gunner in the Vehicle was [REDACTED]. The Driver was [REDACTED]. The TC was [REDACTED] and myself. I was positioned on the RFP side behind the driver so that I could assist with scanning RFTop & alerting the gunner about any issues. The side street that we had control of was approximately 200-300 meters long, and a local National with a stand next to our vehicle was helping to wave off oncoming traffic. Other vehicle had attempted to come down the street but they usually never made it past a Bulldozer that was parked about half way down the street. When the local National would see our reaction to a vehicle approaching, he would run out & wave the vehicle off, and this worked well. I saw the vehicle turn onto the street and at this time I warned the gunner that we had a vehicle approaching. He acknowledged my statement, and we monitored the situation further. The local National at the corner saw our reaction and ran out to wave the truck off as usual. The vehicle did not stop and proceeded down the street towards us. At this time I heard shots from the Hatch coming from the M-4, and the TC told the Driver to move forward.

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	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 [REDACTED]

TAKEN AT FBI Sunnyside Twp DATED July 5, 2004

9. STATEMENT (Continued)

After the M-4 shots I then heard the 840B machine gun go off. The Driver moved the vehicle up a few feet & stopped. At this time opened my door and fired about 5 shots into the Driver side Door of the Vehicle. I then got out of the truck and moved towards a Barrier that was on the side walk. I yelled at the gunner and asked if he was fine, and then asked if everyone in the vehicle was ok. [REDACTED], myself and [REDACTED] moved towards the vehicle we were taking a location up behind a concrete wall with a clear view of the side street to pull security. [REDACTED] said that the occupant of the vehicle was dead, and to Fall Back to our vehicles.

Ex 6

AFFIDAVIT

Ex 6
[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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 2351; 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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
	20060705	1344	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS) THT 711, A co 221 ME Bn			

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

[REDACTED] ON 20060705 at approx. 1200 a white Toyota Pick up truck approached our M114 Humvee, which was part of a UBIED cordon that had just detonated. I was the gunner for C45, facing North in the Southbound lane of [REDACTED]. My vector of fire was to the North of [REDACTED] and down the west road adjacent to the Bayji Public Water Station. [REDACTED], a passenger in C45 told me the white Toyota had turned onto the road west of our vehicle, as the truck approached our position I attempted to wave him off, prior to the truck I had waved off approx. 7 vehicles attempting to use the road west of our truck. At approx. 50 meters I fired 3 disabling shots low into the bumper of the truck, the truck did not stop, at which point I noticed 4 bar cans in the bed of the truck. As the truck got closer I continued to engage [REDACTED]

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

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

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

STATEMENT OF [REDACTED]

TAKEN AT FOB Summerall DATED 2006-07-05

9. STATEMENT (Continued)

with my M4 with another 5 rounds. The vehicle continued to move toward our position, at which point I felt that [REDACTED] myself as well as my teammates life [REDACTED] were at risk. I switched from my M4 to [REDACTED] the M240 mounted in the turret, at this point the truck was within 20 meters, I engaged with an unknown amount of shots. [REDACTED] Our T.C. [REDACTED] told the driver [REDACTED] to pull forward, the white Toyota rolled another 5 meters before stopping in our original position. [REDACTED] Moved to the Toyota truck, the driver was KIA. I.P. [REDACTED] cordoned off the truck, removed the driver and took him to the Dayji hospital. After approx 20 minutes our patrol returned to base. // End of Statement //

AFFIDAVIT

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

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 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 180-45; 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: 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.

Ex 1

1. LOCATION [REDACTED] 2. DATE (YYYYMMDD) 3. TIME [REDACTED] 4. FILE NUMBER [REDACTED]

5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS [REDACTED]

8. ORGANIZATION OR ADDRESS A Co 221 MI BN [REDACTED]

Ex 2

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 15 July 2006, at approximately 1200 hours, a local natural driving a white pickup truck toward [REDACTED] east toward [REDACTED] which was cordoned off by our faction Humint team. The area was blocked off because of an RPG which detonated at approximately 1115 hours. Our teams arrived at the scene and discovered there were a RPG rocket still attached to the vehicle. The vehicle, which I was the Truck Commander for, secured the intersection in which the said incident took place. Prior to the incident, several vehicles attempted to [REDACTED] drive through our Area of Responsibility for the cordon. Hand and arm signal were used to warn of the approaching vehicles. Those vehicle then turned around and headed in the opposite direction. The same methods were used to warn of the pickup truck, but the driver seemed to comply. The gunner of the truck, [REDACTED] fired 3 disabling shots into the lower part of the truck with his M-16 rifle. The truck continued to approach our vehicle. Within about 30 meters of our position, [REDACTED] continued to disable the vehicle, ultimately killing the driver. [REDACTED] During the gunfire, [REDACTED] and [REDACTED] also engaged the vehicle because of the threatening nature. [REDACTED] As the gunfire went off, and the vehicle kept approaching, I told our driver, [REDACTED] to pull the vehicle toward in the event the other soldiers were unable to stop the vehicle and it should explode. By the time the vehicle came to a halt, it was in the intersection where our vehicle was. [REDACTED]

Ex 3

Nothing to Follow

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

Ex 6.

STATEMENT OF [REDACTED]

TAKEN AT FOB Summerall DATED 5 July 96

9. STATEMENT (Continued)

AFFIDAVIT

[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 Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of _____, _____
at _____

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 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. 13397 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	2. DATE (YYYYMMDD) 20060705	3. TIME 1339	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS
Aco 2d MI BN

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

I was the Driver For Cowboy 5, at approximately 1200 hours local time I heard [REDACTED] who was sitting in the passenger seat on the Drivers side, yell that we had a local national white truck coming up to the west. I looked, and saw a local national waving and yelling in Arabic to persuade the vehicle to stop. as the truck closed Distance, [REDACTED] who was the gunner, fired a few disabling slats into the bumper of the vehicle. I heard another M4 firing onto the vehicle as an TC, [REDACTED] told me to Advance the UBIED. as I was moving forward, [REDACTED] fired with his 240B into the truck, while the truck refused to Stop.

10. EXHIBIT E	11. INITIALS PERSON 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 BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT FOR Sworn DATED 05 Jun 06

9. STATEMENT (Continued)

[REDACTED] followed the ROE, and engaged a vehicle that appeared and acted [REDACTED] as a VBIED. [REDACTED] used deadly force to protect the passengers of cowboy 5 from becoming victims of a hostile vehicle; the vehicle neither stopped nor slowed as [REDACTED] engaged, continuing to do us harm. Immediately after the vehicle rolled to a stop, IP came onto the scene and removed the body from the truck, after an patrol assessed him as dead. // end of statement

//

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

[REDACTED]

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
	2006 07 05	(338 ^{CS})	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS 221 MI, A Co.			

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

On 05 JUL 06 @ approximately 1200 hlt I was
 driver in TH7 vehicle, cowboy 38, facing North
 at on [REDACTED] conducting a
 Cordon of a VBIED that had gone off
 approximately @ 1115 hlt. I heard shots fired,
 determined they were coming from TH7 vehicle, cowboy 5,
 to our West cordonning off the Southbound lane [REDACTED]
 a side street [REDACTED] that runs in front of Public Works in
 Bayji. A white Nissan pickup truck w/ 3 plastic barrels
 in the back continued to roll slowly towards TH7 cowboy 5
 cowboy 5 fired more disabling shots, first w/ M-4 & then
 the ZUO as cowboy 5 moved up. I called on the radio
 to cowboy 5 to state it appeared as if the driver of suspicious
 vehicle was dead & the vehicle was rolling with the initial [REDACTED]

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

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 FOB Summary DATED 05 JUL 06

9. STATEMENT (Continued)

movement. Cowboy 5 clear of the moving vehicle & with the information that the driver appeared KIA Ceased fire. At that point I called up Leader 70C to report EOF & provide grid & did not see any further action @ that point.

AFFIDAVIT

[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 25. 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. CS

(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 2 OF 2 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. 13397 dated November 22, 1943 (SSN).
 PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
 ROUTINE USER: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION [REDACTED] 2. DATE (MMYYDD) 3. TIME [REDACTED] 4. FILE NUMBER [REDACTED]
 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS [REDACTED]

8. ORGANIZATION OR ADDRESS HHC 1-187 IN RGT MORTARS FOB SUMMERRALL

9. [REDACTED]

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I WAS CALLED OUT AS QRF PATROL LEADER TO PROVIDE SECURITY FOR E.O.D ELEMENT TO CONDUCT A POST BLAST ON A VBIED LOCATED AT GIRD [REDACTED]. MY SECTION ARRIVED AT APPROX 1145 AND THE QRF SET SECURITY ON [REDACTED] SOUTH, ABOUT 400M FROM THE VBIED SITE. MYSELF AND EOD MOVED FORWARD TO BEGIN A POST BLAST ANALYSIS WHEN I HEARD SMALL ARMS FIRE; THEN I HEARD A NEW SECURED MACHINE GUN BEGIN TO FIRE AND I MOVED TO THE WEST TO SECURE A SIDE STREET. I WAS INFORMED BY MY DRIVER THAT AN ESCALATION OF FORCE HAD JUST OCCURRED, SO I MOVED TO THE LOCATION BY FOOT AND SAW 1 LOCAL NATIONAL

10. EXHIBIT

6

11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

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

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

Ex6

STATEMENT OF [REDACTED] TAKEN AT _____ DATED 2006 07 05

9. STATEMENT (Continued)

who had received a Head wound, I accessed him as KIA at that time and the I.P. picked the local NATIONAL up and took him to Btyj Hospital. The local NATIONAL who was shot, his truck had stopped on Tampat about 15 meters from the engagement truck (m114). I spoke thru an Interpreter to one of the I.P. and he felt sorry for the elevation of force, saying he was responsible for the security of that street. That the local National had drove down [REDACTED] end of statement

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

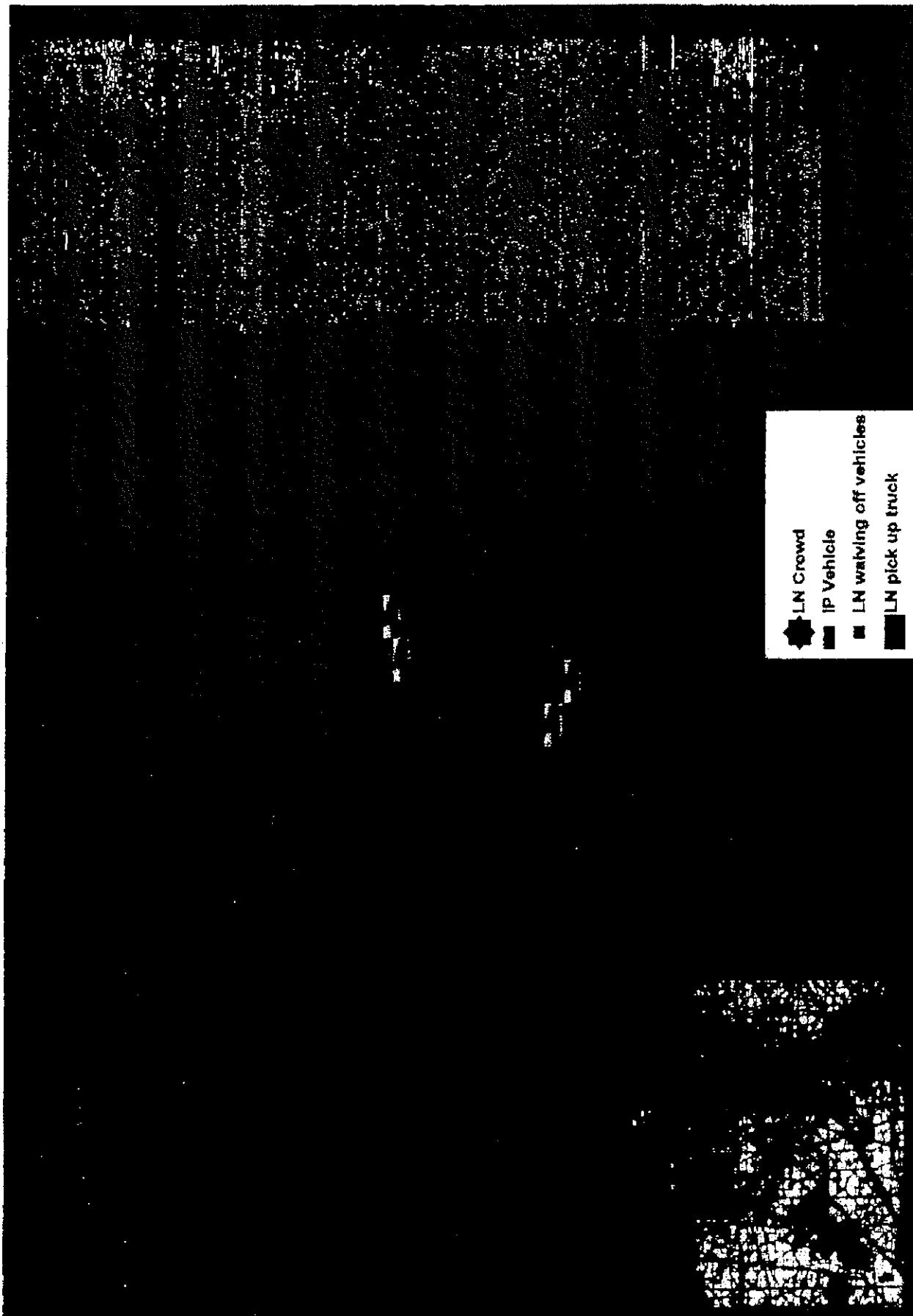
ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00



13023



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
101st AIRBORNE DIVISION (AIR ASSAULT)
COB SPEICHER, IRAQ, APO AE 09349



AFZB-KC-CO

5 July 2006

Ex6

MEMORANDUM FOR ██████████, HHC, 1-187th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division (Air Assault), COB Speicher, APO AE 09349

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

Ex2

1. Effective 5 July 2006, ██████████ is hereby appointed as the investigating officer.

2. AUTHORITY: AR 15-6, Investigations.

3. PURPOSE. To perform an informal investigation IAW AR 15-6, obtaining details pertaining to the Escalation of Force (EoF) by HHC (THT)/1-187 IN on 051144JUL06 vic ██████████ vicinity Bayji, Iraq, resulting in 1x LN KIA. Your investigation should answer the following:

a. What were the facts and circumstances surrounding the incident?

b. Were proper MNC-I EoF procedures used?

c. Was the engagement IAW MNC-I and 3 BCT Rules of Engagement (ROE)?

d. What changes in procedures are recommended, if any, to prevent future incidents?

4. PERIOD. Until the investigation is completed and no further investigation is required, unless released sooner by the appointing authority.

5. SPECIAL INSTRUCTIONS. Conduct of this investigation will be your PRIMARY duty until the investigation is submitted to the appointing authority. Your findings will be supported by substantial evidence and by a greater weight of evidence than supports any different conclusion. Your findings and recommendations will be submitted to this headquarters NLT 081700JUL06. Prior to submission, you will obtain a final legal review of your findings and recommendations from the 3 BCT CJA.

Ex6

6. POC this action is 3 BCT CJA at ██████████

IN
Commanding