



# DEPARTMENT OF THE ARMY

CHARLIE COMPANY, 1<sup>st</sup> BATTALION, 41<sup>st</sup> INFANTRY REGIMENT  
2<sup>nd</sup> BRIGADE, 10<sup>th</sup> MOUNTAIN DIVISION  
CAMP LIBERTY, BAGHDAD IRAQ APO AE 09303



REPLY TO  
ATTENTION OF

AFZN-BB-MC

3 April 2005

MEMORANDUM FOR Commander, Task Force 1-41 Infantry, Camp Liberty, Baghdad,  
Iraq APO AE 09303

SUBJECT: AR 15-6 Investigation Concerning the Shooting of Three (3) Iraqi Local  
Nationals on 02APR05

1. On 03 April 2005, I was appointed as the AR 15-6 Investigating Officer (IO) for the Shooting of three (3) Iraqi Local Nationals on 02 April 2005. On or about 021640 three (3) local national were shot and injured during a direct fire contact between Coalition forces and Anti-Iraqi Forces. I have conducted a thorough investigation surrounding this accident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.
2. FACTS. On or about 021515APR05 3<sup>rd</sup> Platoon, B Company, 2-14 Infantry moved to an IED site at grid [REDACTED] to assist in the cordon of the site. The 2B vehicle was set in an alleyway on the East side of RTE Vernon at grid [REDACTED]. The 2A vehicle was located at [REDACTED]. While securing their area of the cordon the 2b vehicle took fire from a RPG from their East at grid [REDACTED]; it struck and detonated on the turret shield of the 2b vehicle. The 2a gunner SPC [REDACTED] positively identified the target and returned fire with an M-240B on two AIF that were East in an unnamed alleyway. The AIF were taking cover behind a white Mercedes sedan and loading their second RPG round. SPC [REDACTED] fired at the car trying to hold the AIF position or kill both AIF personnel; he fired 200 rounds of 7.62mm. SGT [REDACTED] the Truck Commander of 2a, also fired with an M-4 at the AIF using 21 5.56mm rounds. The majority of SGT [REDACTED] shots were fired when SPC [REDACTED] was reloading his M-240B. SPC [REDACTED] the driver of 2a, fired 15 5.56mm rounds from his M-4 at the AIF. SPC [REDACTED] loaded his M-240B and commenced firing at the AIF and white Mercedes. During the second 200 rounds of 7.62mm fired by SPC [REDACTED] one of the AIF (the RPG gunner) ran North to an unnamed alleyway without being struck. After the first member of the AIF team crossed the East-West alleyway and was traveling North in the North-South alleyway the second AIF member started his movement to the North. He was struck in the leg with a round; what type is unknown. He did make it to the North-South alleyway and both members were reported to board a blue Opal sedan and drive North in the alleyway and East at the next intersection. After the second AIF member passed out of the field of fire a cease fire was called. All weapons systems were shut down and maneuvering on the objective began. The 3 vehicle and the 6 vehicle maneuvered to the East-West alleyway and moved to the white Mercedes and observed the alleyway

North. 1LT [REDACTED] and his soldiers, using their interpreter, began asking the Local Nationals what they saw and where the AIF went. The Local Nationals reported the AIF ex-fill route from the direct fire contact. Simultaneously to this action the 2a vehicle moved to the location of the Local National vehicles East of the AIF location and helped treat the two wounded Local Nationals. One female was injured and evacuated by Local Nationals before the area was secure to treat casualties.

3. FINDINGS. The Local Nationals were in direct line of fire of the 2a personnel. The rounds fired at the white Mercedes and AIF would pass through and by the vehicle and struck the vehicles behind the target. The amount of M-240B ammunition fired was used entirely to suppress the AIF. The fire kept the AIF from firing the second RPG round at Coalition Forces. There was no fault found on the part of any soldiers involved in the incident.

4. RECOMMENDATIONS. I find that no administrative or UCMJ action should be taken against any member of this platoon. I do recommend that the unit pay solatia payments to the family member of the injured individuals.

4. The point of contact for this memorandum is the undersigned, [REDACTED]

  
[REDACTED]  
1LT, IN  
Executive Officer

Ex 6



DEPARTMENT OF THE ARMY  
HEADQUARTERS, TASK FORCE 1-41 INFANTRY  
CAMP LIBERTY, BAGHDAD, IRAQ  
APO AE 09303

REPLY TO  
ATTENTION OF

AFZN-BB-MP (15-6b)

03 April 2005

MEMORANDUM FOR: 1LT [REDACTED] Task Force 1-41 Infantry, Camp Liberty, Baghdad, *Ex 6*  
Iraq APO AE 09303

SUBJECT: Appointment as Investigating Officer

1. Reference: AR 15-6, Procedure for Investigation Officers and Boards of Officers, 30 September 1996

2. You are hereby appointed as investigating officer for the circumstances surrounding the shooting of three Iraqi Civilians during the engagement of an RPG gunner in vicinity [REDACTED] in Baghdad, Iraq on or about 02 Apr 05. *Ex 1*

3. When possible, all witness statements will be sworn. From the evidence, you will make findings and recommendations as to whether you believe there was any inappropriate conduct, and whether any individual or individuals should be punished administratively or under UCMJ.

4. In your investigation, use informal procedures under AR 15-6.

5. Submit your findings and recommendations on DA Form 1574 and in memorandum to the Battalion Commander NLT COB 3 April 2005.

6. The POC for this memorandum is [REDACTED] TF Adjutant, DSN 141-2345

LTC, IN  
Commanding

*Ex 6*



DEPARTMENT OF THE ARMY  
HEADQUARTERS, TASK FORCE 1-41 INFANTRY  
CAMP LIBERTY, BAGHDAD, IRAQ  
APO AE 09303

REPLY TO  
ATTENTION OF

AFZN-BB-CDR

03 April 2005

MEMORANDUM FOR RECORD

SUBJECT: Investigation for shooting three Iraqi civilians

As the appointing authority for the Article 15-6 concerning the shooting of three Iraqi civilians during the engagement of an RPG gunner in Baghdad, Iraq, vicinity [REDACTED] on 02 APR 05, I concur with the findings of the investigating officer with the following caveats:

Ex 1

I find no fault on the part of any of the soldiers involved in the incident. This is based on the fact that the soldiers positively identified the AIF and engaged them. The soldiers did not identify the civilians during the engagement.

1. Concerning the facts pertaining to the incident, there were also two U.S. soldiers wounded in truck 2A and also two Iraqi civilians who were in close proximity to Truck 2B, that were wounded as a result of the RPG round.
  2. Following the incident, one of the civilian casualties was treated by U.S. forces for multiple shrapnel wounds to the thigh and both arms. He was classified as ambulatory and was evacuated by relatives. The other civilian RPG casualty was evacuated by civilian car with unknown injuries.
  3. I direct B/2-14 IN to complete payment of solatia for the families injured as a result of Coalition Forces. Additionally, the Task Force will conduct consequence management follow-up in the neighborhood. Names of the wounded civilians have been collected.
2. POC is the undersigned.

LTC, IN  
Commanding

Ex 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] LTC, IN, Commanding

(Appointing authority)

Ex 6

on 03 April 2005

(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at N/A

(Place)

at

N/A

(Time)

on N/A

(Date)

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

present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

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

1530

on

03 April 2005

(Time)

(Date)

and completed findings and recommendations at

1637

on

03 April 2005

(Time)

(Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

1	Inclosures (para 3-15, AR 15-6)	YES	NO
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)		
a.	The letter of appointment or a summary of oral appointment data?		
b.	Copy of notice to respondent, if any? (See item 9, below)	X	
c.	Other correspondence with respondent or counsel, if any?		
d.	All other written communications to or from the appointing authority?		
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?		
h.	Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?		

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

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

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

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation

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

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

The Local Nationals were in direct line of fire of the 2a personnel. The rounds fired at the white Mercedes and AIF would pass through the vehicle and struck the vehicles behind the target. The amount of M-240B ammunition fired was used entirely to suppress AIF. The fire kept the AIF from firing the second RPG round at Coalition Forces. There was no fault found on the part of any soldier involved in the incident.

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

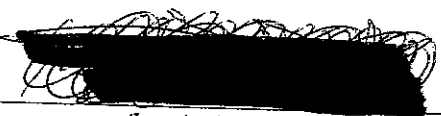
In view of the above findings, the *(investigating officer) (board)* recommends:

I find that no administrative or UCMJ action should be taken against any member of this platoon. I do recommend that the unit pay social payments to the family member of the injured individuals.

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

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

N/A  
(Recorder)

  
(Investigating Officer) (President)

Ex 6

N/A  
(Member)

N/A  
(Member)

N/A  
(Member)

N/A  
(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.)

N/A  
(Member)

N/A  
(Member)

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

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

See Attached memo

  
LTC IW

Ex 6



# RPG ATTACK 2 APRIL 2005

1. 1550 hours 3/B/2-14 arrives on scene to set Cordon.

4. Opel departs the area

3. AIF escape to waiting vehicle possibly a blue Opel.










2. 1640 hours RPG is fired from the east by two AIF.  
3/B/2-14 ID's shooters and returns fire pinning individuals behind civilian vehicle striking one AIF.

Vehicle AIF are pinned behind.

IED BEING CORDONED

NORTH

## LEGEND

-  Possible Getaway Car
-  Civilian Vehicle
-  M1114
-  M1A1
-  IED
-  Path of fire
-  Path of likely escape
-  Wire
-  AIF





IED

Wugman

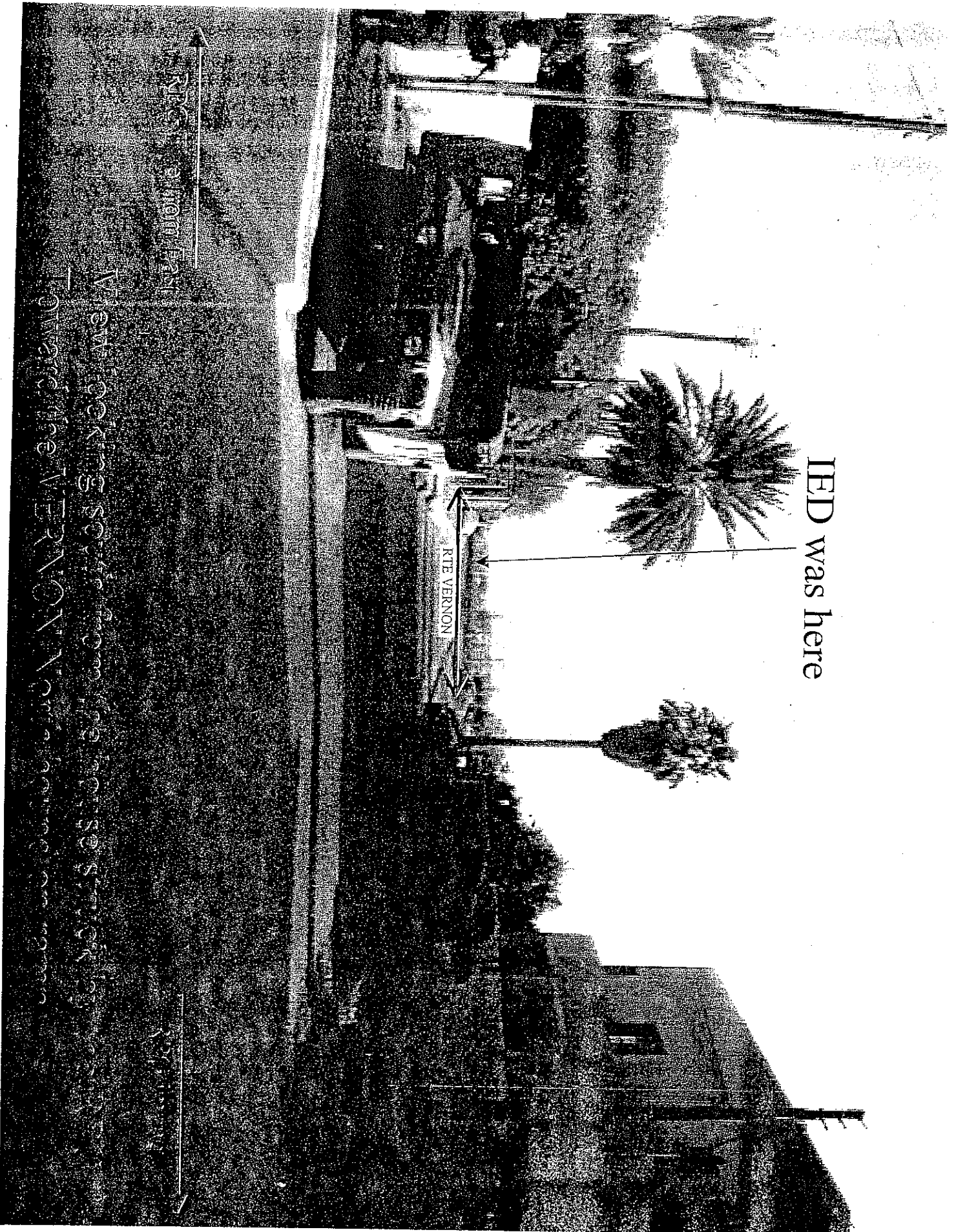
B2-14 TCP

Possible RPG  
position

Wounded  
LN's



IED was here



House that was hit by the RPG after it passed the

SS-100 = NVA hit by the RPG

Possible RPG gunner's perspective looking from vic MB 3534 8638

West to MB 3510 8641 position of CHM/VV in

