

**Any Classified Document Downgraded in  
this packet is done so under the  
Memorandum for Record, dated 28  
February 2007, Subject: Declassification  
Guidance for Operation Iraqi Freedom  
(OIF) 05-07 issued by the 4th Infantry  
Division G2**



101<sup>st</sup> AIRBORNE DIVISION (AASLT)  
ROUTING SHEET



SUBJECT

15-6 06-087 C/1-5022 Eof

25 JAN 06

ORIGINATOR / ACTION  
OFFICER

OFFICE SYMBOL

TELEPHONE

SUSPENSE

AFZB-KB-A

ROUTING

OFFICE

COMMENTS

BRIGADE S1

BRIGADE S2

BRIGADE S3

BRIGADE S4

BRIGADE S6 (SIGO)

BRIGADE CHAPLAIN

BRIGADE SURGEON

BRIGADE SJA

BRIGADE CSM

BRIGADE XO

DEPUTY COMMANDER

BRIGADE COMMANDER

IMPACT

PERSONNEL

FUNDS

TIME

TRAINING

SUPPLIES

SUMMARY

Vehicle went off road to avoid cns stopped at TCF (redacted)  
Soldiers went through Eof. Well aimed shots only as 1st result.

-Famir Pms \$2,000 - BCD

26 JAN 06 - Sir connected approval memo

Add

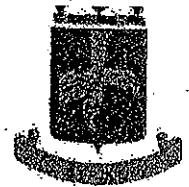
2<sup>nd</sup> BDE, 101<sup>st</sup> Airborne Division (AASLT)

ALL ITEMS ARE  
REDACTED UNDER  
5 USC 552(B)(6)  
UNLESS OTHERWISE  
NOTED



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

REPLY TO  
ATTENTION OF



AFZB-KB-CDR

MEMORANDUM THRU Staff Judge Advocate, 4th ID and MND-B, Camp Liberty, Iraq  
FOR Assistant Division Commander (Maneuver), 4th ID and MND-B, Camp Liberty, Iraq  
SUBJECT: Approval and ratification of AR 15-6 investigation #06-084, C/1-502  
Escalation of Force, 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. As a result of this incident, the undersigned ordered in FRAGO 129 (DAILY FRAGO) to 2/101 OPORD 05-138 (COUNTER-INSURGENCY OPERATIONS FOR OPERATION IRAQI FREEDOM ROTATION 05-07) dtd 202000CJAN2006 that all maneuver battalions inspect all fixed TCPs (IA, joint, and US) within their respective battlespace to ensure that they are IAW the MND-B TCP SOP. Specifically, the battalions looked at supplementing TCPs with adequate marking materials (cones, signage, etc.) and more robust search areas better segregated from avenues of approach. All battalions have completed inspections and are fixing deficiencies.

3. POC for this memorandum is the undersigned.

[REDACTED]  
Commanding

4. Confidence payment was made  
in amount of \$2000.00 to family member. ✓  
5. All personnel serving honorably!

ALL ITEMS ARE  
REDACTED UNDER  
5 USC 552(B)(6)  
UNLESS OTHERWISE  
NOTED

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

(Appointing authority)

on 20 Jan 06  
(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 21 Jan 06

(Place)

at

(Time)

on FOB Lutifiyah

(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

(Time)

on

(Date)

and completed findings and recommendations at

(Time)

on

(Date)

### SECTION III - CHECKLIST FOR PROCEEDINGS

#### A. COMPLETE IN ALL CASES

	YES	NO <sup>1/</sup>	NA <sup>2/</sup>
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?			
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:

<sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> 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.

a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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)?			
<b>FOOTNOTES:</b> 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.				

At approximately 201305JAN06, while conducting a Joint TCP with IAs at the IA Commercely Checkpoint (vic MB [REDACTED]), elements from HQs PLT, C/1-502 IN engaged a vehicle attempting to run through the TCP resulting in the death of an Iraqi local national, Ahmed Ali Hussein al-Janabi. After taking sworn statements US personnel at the sight and reviewing evidence from the scene, this investigation holds that the US personnel acted in accordance with the ROE and conducted proper EOF given the situation. Furthermore, the US personnel that used the lethal force used the minimum amount of force required to protect US and Iraqi Soldiers on the ground while minimizing collateral damage. The course of events leading up to the incident is as follows.

At 1100 hours, [REDACTED] gave a mission briefing to the HQs detachment going out to reinforce IA Commercely Checkpoint at the intersection of ASR Jackson and Route Temple. The brief included the current ROE and escalation of force criteria for the TCP. The EOF briefing included the Shout, Show, Warning Shot, Disable, and Lethal steps for engaging a threatening vehicle. The 9 man element moved dismounted from FOB Lutifiyah to the IA CP. This was the first time that a C/1-502 IN element reinforced this IA CP. In the past, MITT1 conducted the CP checks at the location. C/1-502 IN's task was to assist IA Soldiers in the conduct of inspections, and to insure the general quality of the conduct of the CP.

The element arrived at the TCP at approximately 1120, and [REDACTED] assigned the US personnel different positions at the TCP. [REDACTED] and [REDACTED] assisted the IAs at the western end of the TCP while [REDACTED] and [REDACTED] assisted with searches on the eastern end where most of the traffic was entering the TCP. [REDACTED] positioned [REDACTED] (Medic) and [REDACTED] on the roof of a nearby building. [REDACTED] was placed on the roof because it offered some degree of protection and [REDACTED] was placed on the roof because of his marksmanship and decision making ability. The US soldiers on the eastern end kept vehicles backed off approximately 100 meters before waving them forward to the search area. Throughout the course of the TCP, three vehicles attempted to force their way forward, but stopped after they were motioned to stop or received warning shots in front of the vehicle.

At approximately 1305, a white four door hatch back coming off of Route [REDACTED] from the north drove onto the dirt and around two vehicles waiting to be searched. [REDACTED] saw the vehicle and motioned for it to stop. Due to the vehicles speed (25-30 MPH), [REDACTED] quickly fired a warning shot. The vehicle did not respond, so [REDACTED] fired another warning shot as did [REDACTED]. Approximately 3-4 warning shots were fired by [REDACTED] and [REDACTED] before [REDACTED] fired at the front of the vehicle. When all of this failed to slow the vehicle, [REDACTED] fired four rounds into the vehicle, hitting the driver. The vehicle stopped and the driver fell out of the vehicle. The vehicle stopped approximately 35 meters from where US and IA troops were searching vehicles. The US forces cautiously approached the vehicle with IAs. There was a 10 year old boy in the passenger seat who was not injured, and the driver was found dead beside the car. Custody of the boy was turned over to his uncle and the IAs took the body to the morgue at the Mahmudiyah Hospital.

Given the fact that cars were obviously parked waiting to be searched and the steps the US forces took to stop the vehicle, it is reasonable to assume that the driver knew the search area was there and how he should proceed. Also, the man is from the immediate area and would have known about the permanent TCP that was there for months. The fact that US Soldiers were clearly visible on the road searching vehicles also supports that the TCP was distinguishable from before the line of cars at the wait line. Also, given that the driver failed to slow down all the way up to the point lethal force was used, there exists the reasonable possibility that the man had hostile intent. At a minimum, it is likely the man was trying to bypass the TCP, posing physical danger to Soldiers conducting vehicle searches. Concerning the implementation of the EOF, the soldiers on the ground completed or attempted every step except for "Shout". [REDACTED] attempted the "Show" portion of the EOF. [REDACTED] and [REDACTED] fired multiple warning shots. [REDACTED] said he attempted to shoot at the front of the vehicle, but photographic evidence shows that he probably missed. Finally, [REDACTED] fired with lethal force from the smallest caliber weapon at the scene (M4), and used the minimal amount of force required to stop the vehicle.

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

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

The IA CP needs to have a sign in place marking where the search line begins. The line should clearly state that the driver is to stop and wait to be called forward. Though this sign was not in place at the time, the marking and conduct of the IA CP up to this point has been sufficient enough to prevent a similar incident from occurring in the past.

A set of spikes strips might have slowed the vehicle down, but warning shots and shots at the vehicle did not slow the driver, so the effectiveness of these tools is questionable in this specific situation. Regardless, all IA CPs should be either equipped with spike strips or have concertina wire constructed in the interior to help control the flow of traffic.

In the interest of the the safety of soldiers working the TCP, the search area on [REDACTED] should be moved west approximately 150-200 meters or the search area moved to ASR [REDACTED] where a wait line can be established with more stand off. If the intent of the TCP is to interdict AIF traffic entering the sector along Route [REDACTED] then the search area should remain on Route [REDACTED] but be pushed further from Route [REDACTED]. Had the vehicle been a VBIED in this incident, the US and IA soldiers on the ground would have been in the kill radius of even a small artillery shell based blast. More stand off needs to be created IOT give soldiers more time to react and, if necessary, disable the vehicle further away from exposed dismounts.

5 USC 552 (b)(1)

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

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

- Will execute routine, formal EOF reinforcement training at the platoon level to augment EOF briefings conducted prior to each mission
- Will draw EOF scenarios from previous EOF investigations to develop on-going EOF reinforcement training
- TCP's will ensure search and halt areas are tied to terrain, providing adequate line of sight for both drivers and Soldiers in order to protect both

ALL ITEMS ARE  
REDACTED UNDER  
5 USC 552(B)(6)  
UNLESS OTHERWISE  
NOTED

C/1-502 IN

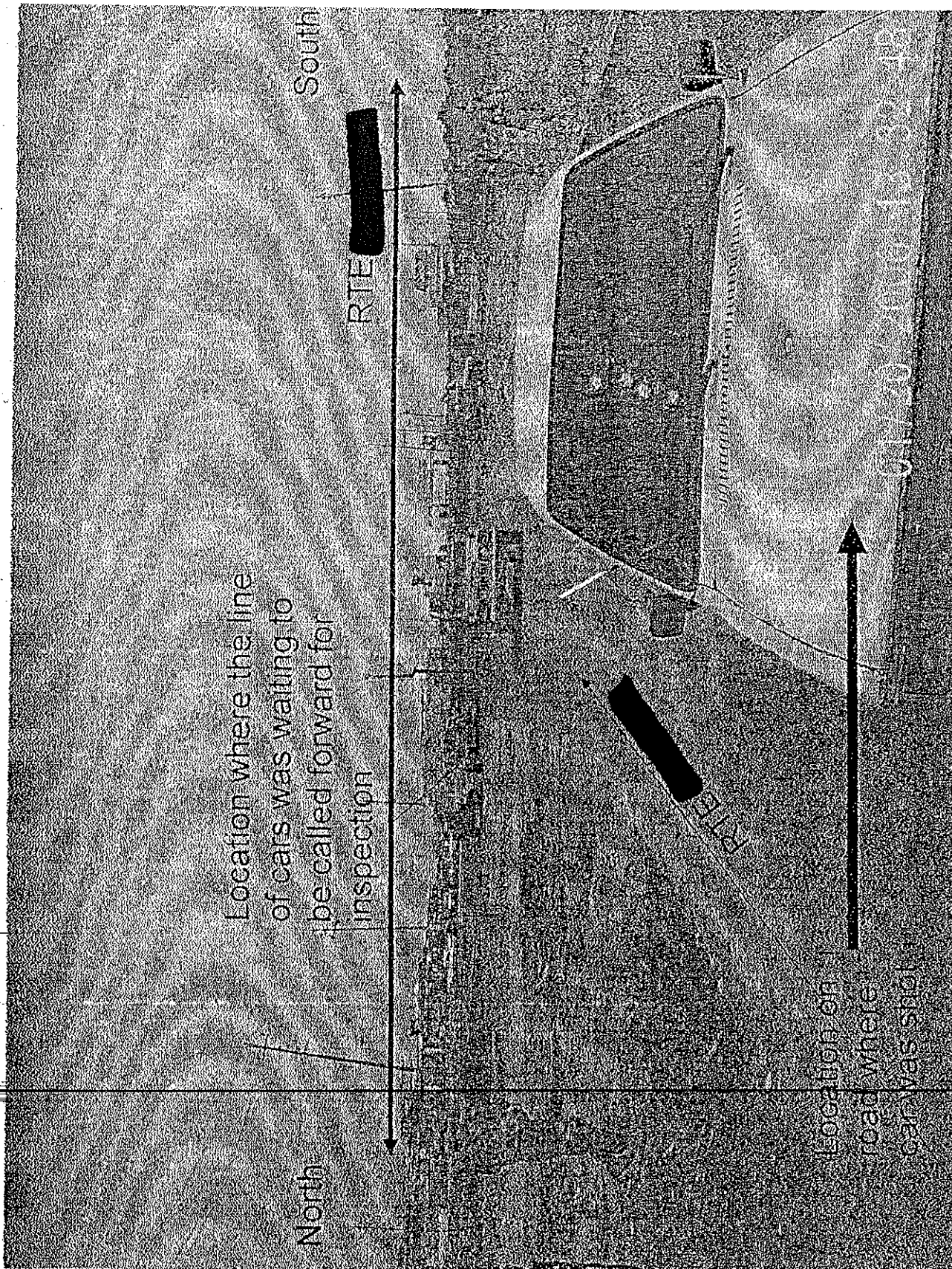
20JAN06

Escalation of Force Incident

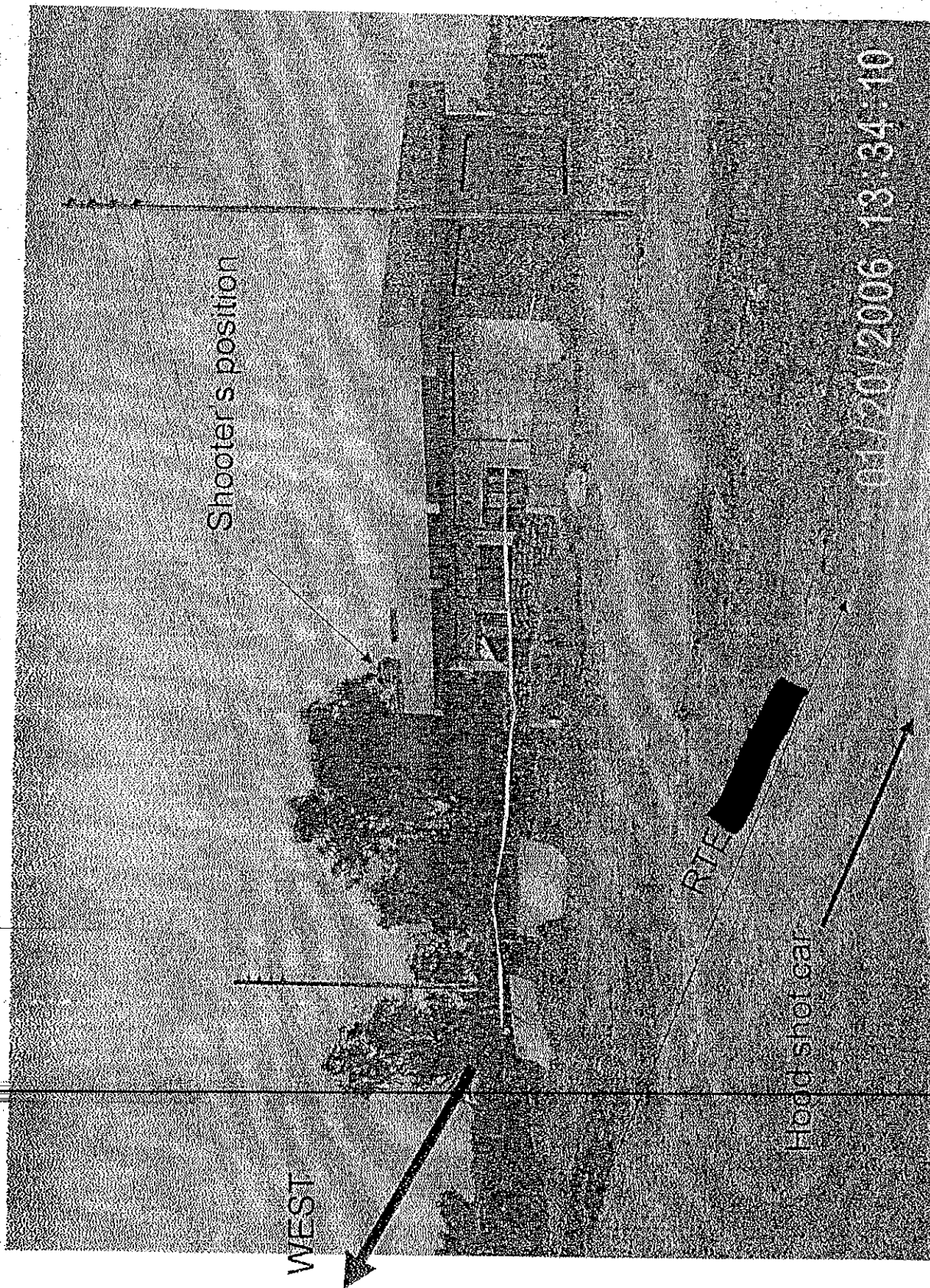


# Facts

- Mission to reinforce IA Commercially Checkpoint VIC [REDACTED] for 2 hours in day and 2 hours at night
- Purpose to teach and coach IA in proper vehicle search and to enforce vehicle checks were taking place
- Nine U.S. Soldiers reinforced IA CP
- Time U.S. presence at checkpoint before incident was 1hr and 40 minutes
- Incident occurred approximately 201305JAN06
- [REDACTED] was NCOIC, (11C, OIF1 experience)
- [REDACTED] Soldier who fired shots: OIF2 experience, 11C.
- Occupants of car: Ahmed Ali Hussien al-Janabi (KIA)
  - 10 year old also in car (uninjured), turned over to an uncle.
- Dead body taken by IA to Muhumidiyah hospital
- Medicine found in car atenolol made by Novaten
- [REDACTED] did not see 10 year old in the car
- Driver was killed almost instantly
- [REDACTED] was selected for overwatch position based on OIF2 experience, marksmanship skills and level headed qualities



504552 (B) (1)



S 05L552(B)(1)



