

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

06-108/EOF Death of 3X LN

DATE ACTION INITIATED

1 MAR 4 06

ORIGINATOR / ACTION  
OFFICER  
LEGAL

OFFICE SYMBOL

AFZB-KB-JA

TELEPHONE

242-4342

SUSPENSE

OFFICE

ROUTING

COMMENTS

INITIALS

DATE

BRIGADE S1

BRIGADE S2

BRIGADE S3

BRIGADE S4

BRIGADE S6 (SICO)

BRIGADE CHAPLAIN

BRIGADE SURGEON

BRIGADE SJA

BRIGADE SJA

BRIGADE CSM

BRIGADE XO

DEPUTY COMMANDER

BRIGADE COMMANDER

IMPACT

PERSONNEL

OTHER

FUNDS

TIME

TRAINING

SUPPLIES

SUMMARY

See for review & signature.  
Follows the original story board & EOP: no change seen.

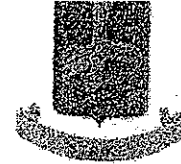
2<sup>nd</sup> BDE, 101<sup>st</sup> Airborne Division (AASLT)

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UNLESS OTHERWISE NOTED



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 First Lieutenant Joseph B. Weid and approved by Lieutenant Colonel  
Robert D. Haycock. I ratify and approve the findings and recommendations enclosed.

2. Commander's Comments:

*No issue*  
*USMC confirm conclusions (A.D.)*

3. POC for this memorandum is the undersigned.

Commanding

5 USC 552 (b) (6)



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

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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, 101<sup>st</sup> 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 [REDACTED]

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.

  
Commanding

5 USC 552 (b)(6)

## SECTION I - APPOINTMENT

5 USC 552 (b)(6)

Национальный институт статистики и демографии Республики Беларусь. Минск, 2013. 128 с.

## SECTION II - SESSIONS

1997

[illegible]

The following persons are hereby recognized as having been  
present at the meeting held on [ ] day of [ ] month of [ ] year.

11 TCFP Joseph B. Waid, Investigating Officer

The following proposition describes the structure of the set of all solutions of the problem  $(P)$  in the case of a linearly separable set of data.

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

Figure 1

*Journal of Management Inquiry* 16(4)

• Prüfung : schriftlich, mündlich, Klausur, Interview, ...

1 Aug. 1966

## SECTION III. CHECKLIST FOR PROCEEDINGS

1. THE UNITED STATES OF AMERICA

100-443887-1

1. The Government of the United States of America, hereinafter referred to as the "Government," and the Government of the Republic of the Philippines, hereinafter referred to as the "Philippines," have agreed to the following terms and conditions:

Director of Administration and Finance, U.S. Coast Guard

1. The first of these is the fact that the

Technical drawing of a mechanical assembly, likely a pump or engine component. The drawing includes a side view and a cross-sectional view, with dimensions and tolerances specified.

Key components and dimensions labeled:

- Dimensions:** 100, 150, 200, 250, 300, 350, 400, 450, 500, 550, 600, 650, 700, 750, 800, 850, 900, 950, 1000, 1050, 1100, 1150, 1200, 1250, 1300, 1350, 1400, 1450, 1500, 1550, 1600, 1650, 1700, 1750, 1800, 1850, 1900, 1950, 2000, 2050, 2100, 2150, 2200, 2250, 2300, 2350, 2400, 2450, 2500, 2550, 2600, 2650, 2700, 2750, 2800, 2850, 2900, 2950, 3000, 3050, 3100, 3150, 3200, 3250, 3300, 3350, 3400, 3450, 3500, 3550, 3600, 3650, 3700, 3750, 3800, 3850, 3900, 3950, 4000, 4050, 4100, 4150, 4200, 4250, 4300, 4350, 4400, 4450, 4500, 4550, 4600, 4650, 4700, 4750, 4800, 4850, 4900, 4950, 5000, 5050, 5100, 5150, 5200, 5250, 5300, 5350, 5400, 5450, 5500, 5550, 5600, 5650, 5700, 5750, 5800, 5850, 5900, 5950, 6000, 6050, 6100, 6150, 6200, 6250, 6300, 6350, 6400, 6450, 6500, 6550, 6600, 6650, 6700, 6750, 6800, 6850, 6900, 6950, 7000, 7050, 7100, 7150, 7200, 7250, 7300, 7350, 7400, 7450, 7500, 7550, 7600, 7650, 7700, 7750, 7800, 7850, 7900, 7950, 8000, 8050, 8100, 8150, 8200, 8250, 8300, 8350, 8400, 8450, 8500, 8550, 8600, 8650, 8700, 8750, 8800, 8850, 8900, 8950, 9000, 9050, 9100, 9150, 9200, 9250, 9300, 9350, 9400, 9450, 9500, 9550, 9600, 9650, 9700, 9750, 9800, 9850, 9900, 9950, 10000.
- Labels:** A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. *Chlorophyll a* (Chl *a*) is the primary photosynthetic pigment in most plants and algae. It is a green pigment that absorbs light energy in the blue and red regions of the visible spectrum.

1. explanation by the investigating officer or described any time for delay, difficulty, priorities, or other problems.

between the two groups of a foreigner, and it is, indeed, one of the aspects

at other quality paper mills. The company's management has been successful in maintaining its market share and profitability despite the challenges posed by the global economic downturn.

115. 11/11/19

19

100

**• • •**

1

- [illegible]

ATTACHED MEMORANDUM

SECTION V - RECOMMENDATIONS

ATTACHED MEMORANDUM



THIS REPORT OF PROCEEDINGS IS CONFIDENTIAL AND NOT BE RELEASED TO THE PUBLIC OR TO THE PRESS OR TO OTHERS WITHOUT THE WRITTEN CONSENT OF THE SECRETARY OF DEFENSE.

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(Secretary)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT *pages 1-2, 12-13-61*

To the extent indicated in the report

The undersigned does not concur in the findings and recommendations of the board in the following, namely: by number each finding and/or recommendation in which the undersigned dissents or objects. State the reasons for disagreement. Additional substantive findings and/or recommendations may be included in the following:

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY *pages 3-4, 14-15-61*

The findings and recommendations of the board are hereby approved, disapproved, or modified with following exceptions:

Erson. This cigarette is included in future on level ROK training as I am confident the enemy will use cinbars "as a shield" in the future.

*James D. Thurman*  
JAMES D. THURMAN  
Major General, USA  
Commanding

COM MANDINCO



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HHC COMPANY 2<sup>nd</sup> BATTALION, 502D INFANTRY REGIMENT  
101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
FORT CAMPBELL, KENTUCKY 42223-5913  
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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 ( ) was tasked to conduct route security on RTE ( ) (AO Strike Force) in order to secure BN LOC's and Patrol Base Gator Swamp (PBGs). The Company Commander ( ) issued the order to the 2/B platoon sergeant ( ) 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, ( ) 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, ( ) 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 ( ) and ( ). ( ) arrayed his M1114 vehicles in positions where they could maximize observation with overlapping sectors of fire. Renegade vehicle number 2-3A, lead by ( ) was positioned on the intersection of RTEs ( ) and ( ). Renegade 2-3, commanded by ( ) was 500 meters West of the intersection on RTE ( ). The remaining two vehicles were positioned North of the intersection on RTE ( ). The intersection of ( ) and ( ) (approximately 50-100 meters South of and perpendicular to ( )) 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, ( ) vehicle (Renegade 2-3A) received one round of RPG fire and a high volume of SAF from approximately 200 meters Southwest of RTE ( ). ( ) 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 ( ) (Renegade 2-3) who immediately maneuvered his M114 East on RTE ( ) to support ( ). ( ) vehicle received 1 RPG before ( ) arrived on scene, another as ( ) was

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] 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 RTE [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 RTE [REDACTED] at a high speed. Once it began moving, both [REDACTED] gunners and both TC's had visual contact with the van. [REDACTED] gunner) also opened fire on the van. According to interviews and statements, either S [REDACTED] or S [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] (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 the Northern bank of the Yusufiyah Canal, 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 5 USC 552 (b)(1)) 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] PID's dark 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] 5 USC 552 (b)(1)

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

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.

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UNDER 5 USC (B) (6)  
UNLESS OTHERWISE NOTED

- 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] (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 [REDACTED]

[REDACTED]  
[REDACTED]  
Assistant BN FSO

**Document was Removed under  
Exemption 5 USC 552(b)(1) or (2) because  
it is either Classified Secret or Top Secret  
and non-degradable to Unclassified**

15-6 Investigation Exhibit List

#06-108 EOF Death of 3 Local Nationals

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UNLESS OTHERWISE NOTED

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

STATEMENT OF [REDACTED]

TAKEN AT

28 Feb 06

DATED

FOB Stryker

9. STATEMENT (Continued)

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UNLESS OTHERWISE NOTED

[REDACTED]

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



9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single

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

1. Name: [REDACTED]
2. Rank or grade: SGT
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 RTE [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 RTE [REDACTED] and RTE [REDACTED]. Renegade 2-3's vehicle was moving, but at the time of the incident was located approx 500m west on RTE Fatboy. Two more vehicles are north on RTE [REDACTED]. One was stationary at the intersection of RTE [REDACTED] and RTE [REDACTED] and one was moving north of RTE [REDACTED] and south of RTE [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 RTE [REDACTED]  
P: IOT maintain a secure LOC to PBGS.

B/2-502 units at the intersection of RTE [REDACTED] and RTE [REDACTED] have received SAF and RPG fire from the south, across RTE [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 Al Tarad (257 627) and attack are forces across the Yusifiyah Canal. They are supported by an anti-coalition Sheikh 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 RTE [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 RTE [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 RTE [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 RTE [REDACTED].

All four soldiers had received a 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 1<sup>st</sup> AD and returned JUL 04.
- D. Is Soldier on Rear "D"? No

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: [REDACTED]

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>
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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>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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## 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 1<sup>ST</sup> VOLLEY OF FIRE? THE 2<sup>ND</sup>?

1) 2 RPG 2-3 min didn't PID van - fired at correct house, not

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?

NA did for 1st wave 2 [REDACTED] on vehicle

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1<sup>ST</sup>/2<sup>ND</sup> 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

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

## Exhibit G

# SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

AUTHORITY:

PRINCIPAL

ROUTINE USES:

DISCLOSURE:

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

To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

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

E4/Active

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 Route [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.

503C552(SX1)

503C552(SX1)

Nothing Follows

10- EXHIBIT

SIGNATURE 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.

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USAPA V1.04

ALL ITEMS ARE REDACTED UNDER 503C(B)(6) UNLESS OTHERWISE NOTED

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

STATEMENT OF [REDACTED] TAKEN AT F.B. Stryker DATED 27 Feb 06

9. STATEMENT (Continued)

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

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

STATEMENT OF [REDACTED]

TAKEN AT

28 Feb 06

DATED

FOB Stryker

9. STATEMENT (Continued)

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

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.

ORGANIZATION OR ADDRESS

[REDACTED]  
(Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES



## 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, he believed it was AIF. Would have fired anyway.

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 1<sup>ST</sup> VOLLEY OF FIRE? THE 2<sup>ND</sup>?

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? told him

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1<sup>ST</sup>/2<sup>ND</sup> 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 (CP, R)  
ROE didn't come out in convoy brief but had been briefed before.

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

## 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 Oct 28

### 3. TIME

1400

### 4. FILE NUMBER

### 5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED]

### 6. SSN

[REDACTED]

### 7. GRADE/STATUS

E-4 / AD

### 8. ORGANIZATION OR ADDRESS

B 2501

### 9.

[REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 27th of Oct 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 overlooking to our South and east. [REDACTED] vehicle was 500 meters west of us. At approximately 1500, a RPG round landed 10m 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 [REDACTED] 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 which 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 where we had received fire from [REDACTED] and I [REDACTED] engaged to kill the person in the blue van. The van did not stop but moved faster away. At this time [REDACTED] was 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 secured the area across the canal for any more possible threats. After a long time of no contact [REDACTED] [REDACTED] a team to secure and observe the van for the day element that was on its way from [REDACTED] [REDACTED] saying to assess the Blue Van and surrounding area. I continued to secure the South and after the day element left we resumed normal motorhead patrols.

505052(2C1)

505052(2C1)

### 10. EXHIBIT

### 11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT"

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.

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ALL ITEMS ARE REDACTED  
UNDER 505052(B)(6)  
UNLESS OTHERWISE NOTED

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

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

9. STATEMENT (Continued)

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2, DA FORM 2823, DEC 1998

PAGE 2 OF 3 PAGES

USAPA V1.01

ALL ITEMS ARE REDACTED  
UNDER 50 USC (B) (6)  
UNLESS OTHERWISE NOTED

STATEMENT OF [REDACTED] TAKEN AT 1900 DATED 20x on 2x

9. STATEMENT (Continued)

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 FBI New York

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

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

## Exhibit J

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

Hears [REDACTED] takes RPG, he 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 (10-15 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 30-40. 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 1<sup>ST</sup> VOLLEY OF FIRE? THE 2D?

NA - Every 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 ~~it~~ where it could obstruct vision

6. WHO GAVE THE ORDER TO FIRE?

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

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

1) (10-15) sec 2) (10-15) 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 Recon 6 → Gives tactical brief  
Plan to his TC's.  
Company received ROE brief 2-3 days prior from CO

ALL ITEMS ARE REDACTED  
UNDER 5USC(8)(6)  
UNLESS OTHERWISE NOTED



## Exhibit K

# SWORN STATEMENT

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

## AUTHORITY:

## PRINCIPAL:

## ROUTINE USES:

## DISCLOSURE:

## PRIVACY ACT STATEMENT

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

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

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

Disclosure of your social security number is voluntary.

## 1. LOCATION

FOR 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

EG / AD

## 8. ORGANIZATION OR ADDRESS

B 2-502

## 9.

[REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 27 Feb 06 my Squad was tasked to take over RTE [REDACTED] security. My Squad was all set in place at 1430. At 1500 J-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 soon west on RTE [REDACTED] I called [REDACTED] on FM for [REDACTED] sit rep on what was happening. I moved my truck to his location and call the swamp which was manned by B 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.

50X352(2X1)

50X352(2X1)

[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 2419 gunned by [REDACTED]. I called a second fire and [REDACTED] or [REDACTED]

## 10. EXHIBIT

## 11. INITIAL [REDACTED] MAKING STATEMENT

Did not see any other [REDACTED]

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT"

TAKEN AT [REDACTED]

DATED [REDACTED]

PAGE 1 OF 3 PAGES

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.01

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

STATEMENT OF [REDACTED] TAKEN AT 1900 DATED [REDACTED] 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 [REDACTED] time I had [REDACTED] and [REDACTED] engage the van. Intill the van stopped. I called to Swamp to let them know what had happen. called in float 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 was 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 moment. 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 westward RTF [REDACTED] to check the van. I4 was Dog 1-7 and Dog 6 - Falcon 6 - and Falcon 3

SUSC502(S)(U)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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