

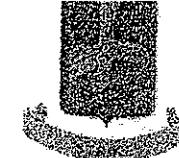
**Any Classified Document Downgraded in  
this packet is done so under the  
Memorandum for Record, dated 28  
February 2007, Subject: Declassification  
Guidance for Operation Iraqi Freedom  
(OIF) 05-07 issued by the 4th Infantry  
Division G2**





REPLY TO  
ATTENTION OF

1. AIR ASSAULT DIVISION (AIR ASSAULT)  
CAMP STRIKER, IRAQ 09398



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. Waid and approved by Lieutenant Colonel  
Robert D. Haycock. I ratify and approve the findings and recommendations enclosed.
2. Commander's Comments:  
No issues.  
Local conditions (S)

3. POC for this memorandum is the undersigned.

SUSC552(b)(4)

Commanding



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

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

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.
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.



5 USC 552 (b)(6)

Commanding

**SECTION I - APPOINTMENT**

Commander 3rd Battalion, Royal Regiment of Scotland

5 USC 552(b)(6)

Blacksburg, VA, USA. The population of the community does not exceed 10,000-15,000.

## SECTION II - SESSIONS

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27 February 2006. The investigation will be next day on 28 February 2006. I will be in touch with the Mr. in his office before and after the investigation of the above. The following persons, who were investigating, were available were present at the investigation, including, Mr. Joseph B. Waid, and Mr. Joseph B. Waid (TIP) Joseph B. Waid, Investigating Officer.

The following person (persons) and/or entity/entities were identified as being responsible for the following illegal activity, but their names and/or entity names were not provided.

and simplified symbols, and on the right, the corresponding symbols in the original text. The first column contains the original text, the second column contains the simplified symbols, the third column contains the corresponding symbols in the original text, and the fourth column contains the date of the original text.

SECTION III. CHECKLIST FOR PROCEEDINGS

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A FORM 1574, MAR 83

新嘉坡華人總會總理司徒明等



SECTION V - RECOMMENDATIONS

See attached memorandum

THE REPORT OF THE COMMITTEE OF INQUIRY INTO THE ACCIDENT AT THE NUCLEAR POWER PLANT AT TURSINA, TURKS AND CAICOS IS HEREBY AUTHENTICATED.

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

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SECTION VII - MINORITY REPORT

To the extent indicated in brackets, the undersigned does not concur in the findings and recommendations of the board. In the statement, identify by number each finding and/or recommendation in which the foregoing statement of difference appears. State the reason for disagreement. Additional substantiation findings and/or recommendations may be included in the statement.

2368

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SECTION VIII - ACTION BY APPOINTING AUTHORITY

the findings and recommendations of the *Proceedings of the Royal Society of Medicine* following our presentation. It is proposed to submit a further paper to the *Journal of Clinical Pathology* in the near future.

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



## ANSWER

Major General, USA

### **Commanding**

COMMANDS



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

HHC COMPANY 2<sup>ND</sup> BATTALION, 502D INFANTRY REGIMENT

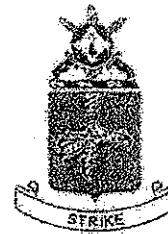
101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)

FORT CAMPBELL, KENTUCKY 42223-5913

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UNLESS OTHERWISE NOTED



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]

[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. SUSC 352(6)(1)

[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. SUSC 352(6)(1)

[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] reinitiated fire on the van for another 2-10 seconds and disabled it at [REDACTED]. SUSC 352(6)(1)

(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 SUSC 352(6)(1) 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. [REDACTED] to 5 USC 552 (b)(1))  
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
- 1730hrs: 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.

5 USC 552 (b)(1)

- 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:

**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

EXHIBIT A. Photograph

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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 FOR Stryker

9. STATEMENT (Continued)

ALL ITEMS ARE REDACTED  
UNDER 5 USC (B)(6)  
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.

(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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Type or print name of Person Administering Oath)  
Art 136 h(4) (VCM)  
(Authority To Administer Oaths)

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 (SUSC 552(6)(1)) 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] was stationary at the intersection of RTE [REDACTED] and RTE [REDACTED]. Renegade 2-3's vehicle was roving, 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 roving north of RTE [REDACTED] and south of RTE [REDACTED]. The vehicles had ASIP FM commo and could talk both to Renegade at Camp Striker as well as the Swamp, which was run by D CO. (SUSC 552(6)(1))

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 Taram (257 627) and attack are forces across the Yusifiyah Canal. They are supported by an anti-coalition Sheik who lives in this area. We found a cache at [REDACTED] three weeks ago, 300m from the SAF/RPG location, consisting of IED making material and propaganda. One of the propaganda items found was an AIF pamphlet describing techniques for using the population as a shield. (SUSC 552(6)(1))

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 (SUSC 552(6)(1)) 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]. (SUSC 552(6)(1))

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:  
04. [REDACTED] and [REDACTED] deployed with 2/101 and returned FEB
- D. Is Soldier on Rear "D"? No  
[REDACTED] deployed with 1<sup>st</sup> AD and returned JUL 04.

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>
-----------------	-------------	-------------	---------------------

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. 1<sup>st</sup> saw Van after last 1<sup>st</sup> volley - Driver + TC also 2-3 minutes. 3<sup>rd</sup> 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 several direction behind house.

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR? It's a company 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 2D?

1) 2 RPG 2-3 min

2) Van - Fired at concrete, not house

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

No - only saw direction distance. Only saw van when it started driving off.

5. WHERE WAS THE SUN?

Midday → high → No obstruction

6. WHO GAVE THE ORDER TO FIRE?

did for 1<sup>st</sup> wave

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

NA → Didn't remember Van stopping/returning

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

No patrol brief

ROE brief w/ Renegade 6 w/i last few days

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## **Exhibit G**

## SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

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

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Fob Strike	2. DATE (YYYYMMDD) 20060228	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4/Active	
8. ORGANIZATION/UNIT/BRANCH B Co 2-502	9.		

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

On Monday the 27<sup>th</sup> of February, My Squad 23 and weapons Squad 24 assumed [REDACTED] Patrol around 1330. [REDACTED] 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 Southwest 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 [REDACTED] 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 any movement and observed none.

Nothing Follows

10-EXHIBIT

11. 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 BE BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.01

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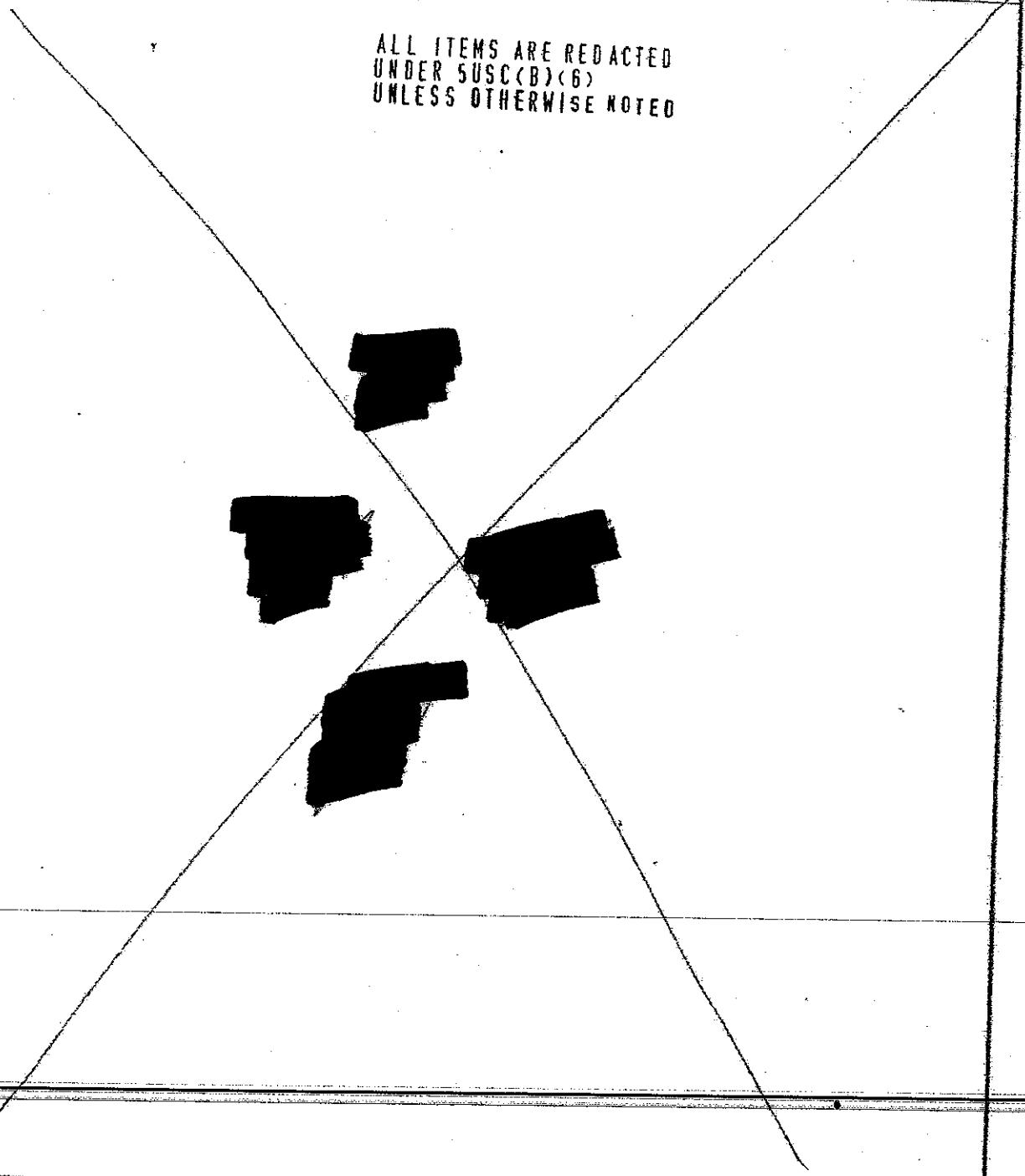
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED]

TAKEN AT FB Stryker DATED 27 Feb 06

9. STATEMENT (Continued)

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UNLESS OTHERWISE NOTED



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2, DA FORM 2823, DEC 1998 [REDACTED]

PAGE 2 OF 3 PAGES

USAPA V1.01

STATEMENT OF [REDACTED]

TAKEN AT 28 Feb 06

DATED FOR Stryker

9. STATEMENT (Continued)

ALL ITEMS ARE REDACTED  
UNDER 5 USC(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 [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]  
Person Administering Oath

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ANT 136 b(4) VCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

USAFA V1.01

## **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. Only saw Van speed up. [REDACTED] told him to shoot the van from other M113. 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 2D?

1) Few seconds 2) 1/2 Seconds

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

When AIF fire stopped, you 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

[REDACTED] told him to fire on Van

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

RPG + Small Arms Sustained. → couldn't notice any breaks

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

couple days ago (CPT 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 02 28	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 1AD	
8. ORGANIZATION OR ADDRESS B 2024	[REDACTED]		
9. [REDACTED]	[REDACTED]		

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

On the 27th of our Squad along with [REDACTED] assumed motorized patrols at 1430. I was the gunner on [REDACTED] located on the corner of [REDACTED] and [REDACTED]. I was overwatching to our South and rear. [REDACTED] vehicle was 500 meters west of us [REDACTED]. 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 humvee. But continued scanning and looking for the shooter. At this time we took 2 more RPGs along with Small Arms fire from 100m [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 was behind us and aiding with security.

After the Small Arms stopped [REDACTED] spotted a vehicle moving on a high rate of speed away from when 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. 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 closed fire and scanned the area across the canal for any more possible targets. After a long time of no contact [REDACTED] demanded a team to secure and observe the van for the day element that was on it used from [REDACTED] trying to cross the Blue Water and Suruary area. I continued to secure the South and after the day element left we resumed normal motorized patrols.

SUSC552(6)(C)

SUSC552(6)(C)

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAFA WT.01

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

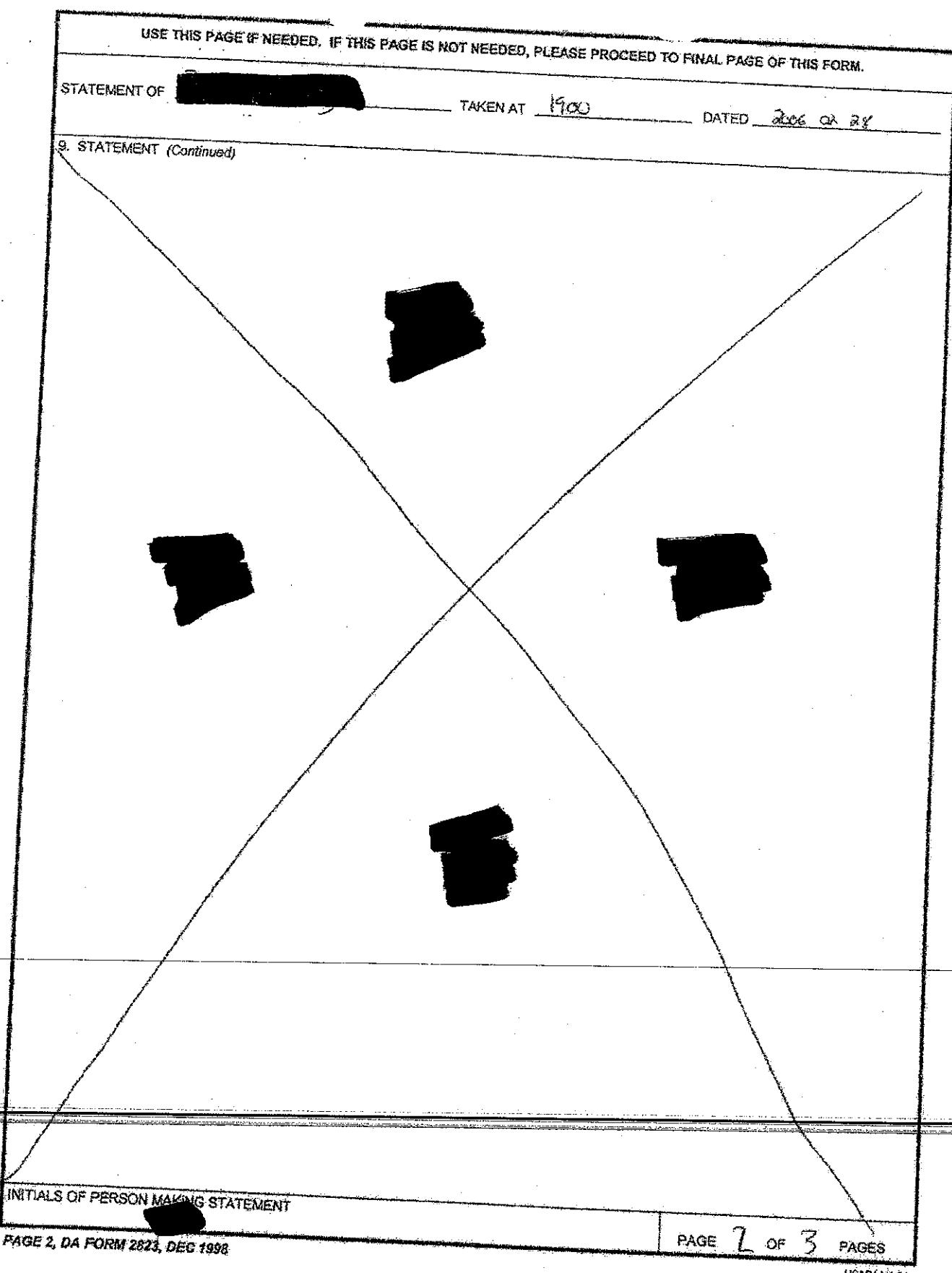
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED]

TAKEN AT 1900

DATED 2006 OR 88

9. STATEMENT (Continued)



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

USAPA V.01

PAGE 2, DA FORM 2823, DEC 1998

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

STATEMENT OF [REDACTED]

TAKEN AT 1400

DATED 2006 or 28

9. STATEMENT (Continued)

[REDACTED]

**AFFIDAVIT**

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I 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 INOUCIMENT.

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

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

[REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2823, DEC 1998

USA/PV/V.6

ALL ITEMS ARE REDACTED  
UNDER 5 USC(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] take 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) 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 20-30. Dog 6 Falcon 6. Dog 1/2 go mes 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 S/A was constant w/ 3 RPG, RDS

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

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

5. WHERE WAS THE SUN?

No where [REDACTED] where it could distract vision

6. WHO GAVE THE ORDER TO FIRE?

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?

Plan to his TC's from Renegade 6 - Gives tactical brief  
Company received ROE brief 2-3 days p mission  
CO

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

## **Exhibit K**

## SWORN STATEMENT

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

## 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.

## PRIVACY ACT STATEMENT

## 1. LOCATION

RPG Striker

2. DATE (YYYYMMDD)

2006 02 28

3. TIME

1900

4. FILE NUMBER

## 5. LASTNAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

## 8. ORGANIZATION/UNIT/ADDRESS

B 2-502

E6 / AD

9.

10.

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SUSC52(8)(1)

On 27 Feb 06 my Squad was tasked to take over RTE [REDACTED] security. My Squad was all set in place at 1430. At 1600 3-3A [REDACTED] reserved fire from the south west [REDACTED] from about 200m away on the south side of the canal. The fire consisted of 1 RPG followed by small arms fire. My truck was 500m west on RTE [REDACTED] I called [REDACTED] on FM for [REDACTED] sit rep on what was happening. I moved my truck to his locate and call the swamp which was manned by D 2-502 to let them know what was going on. Once I arrived at [REDACTED] location my truck was fired on by 2 more RPG also followed by small arms fire my gunner [REDACTED] ID the location from the RPG being fired and small arms there was a blue coated van.

SUSC57(6)(1)

[REDACTED] ID rounds coming from and around the van. I told [REDACTED] to return fire on the van with a 2408 and had [REDACTED] have his gunner fire also which was a 2409 gunned by [REDACTED]. I called a cease fire and [REDACTED]

DID [REDACTED] SEE ANY ONE HAVING

## 10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.01

ALL ITEMS ARE REDACTED  
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UNLESS OTHERWISE NOTED

STATEMENT OF [REDACTED]

TAKEN AT 1500

DATED [REDACTED]

2001 02 20

9. STATEMENT (Continued)

After I called a sit rep to the swamp the van drove off at a high rate of speed. at that time I had [REDACTED] and [REDACTED] engage the van until the van stopped. I called to swamp to let them know what had happen, answer is that my squad had no casualties and to see IF they had called for Attack Aviation (Longbow 5-1). I moved my Vhooches to get in a better position to keep eyes on the van and the location were it has stop. I then had [REDACTED] take a 3 man team to an opening in the trees 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 manouver 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 eastbound RTF [REDACTED] to check the van. I4 was Dog 4-7 and Dog 6 - Falcon 6 - was Falcon 3

SUSC(B)(6)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2, DA FORM 2822, DEC 1998

PAGE 2 OF 3 PAGES

USAFM V1.01

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