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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**



DEPARTMENT OF THE ARMY  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION  
FOB PROSPERITY, BAGHDAD, IRAQ  
APO AE 09348

REPLY TO  
ATTENTION OF:

AFYB-UA-CDR

19 March 2006

MEMORANDUM FOR Commander, Multi-National Division - Baghdad, Camp Liberty, APO  
AE 09352

SUBJECT: Recommendations – AR 15-6 Investigation Re: EOF-8-10 (1 LN KIA) – 11 Mar 06

1. I have reviewed the above described investigation and recommend approval of the findings and recommendations. The soldiers correctly applied escalation of force procedures. Of note, the individual's uncle said he heard and understood the soldiers yelling at the individual to stop or they would shoot. The soldiers were in a known AIF area of operations. They had been directed to investigate a suspicious pile of dirt. The individual was out after curfew and began running as soon as the patrol spotted him. The patrol's use of deadly force did not violate the ROE, and I recommend no adverse action be taken against the soldiers.
2. I endorse the IO's recommendations for continued training, and a condolence payment. Although this was a tragedy, the locals told us that the individual had previously engaged in extremely risky behavior around Coalition Forces, and that they had warned him to stop. I believe a quick condolence payment in this case will largely mitigate the negative IO aspects of this incident.
3. My POC for this action is [REDACTED]

ALL ITEMS ARE  
REDACTED UNDER  
5USC552(b)(6)  
UNLESS OTHERWISE  
NOTED

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

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section 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 3-15, 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.)

ALL ITEMS ARE  
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5USC552 (B) (6)  
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NOTED

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

## SECTION I - APPOINTMENT

Appointed by

[REDACTED]

JUSC 552 (6)(6)

(Appointing authority)

on 12 MAR 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 FOB Falcon, Baghdad, Iraq 09361

at

2100

(Place)

(Time)

on 12 MAR 06  
(Date)

(If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

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

2000

on

15 MAR 06

(Time)

(Date)

and completed findings and recommendations at

1300

on

17 MAR 06

(Time)

(Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO <sup>1</sup>	NA <sup>2</sup>
1. Inclosures (para 5-15, 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?	X		
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: 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.

		YES	NO	NA <sup>2</sup>
2	Exhibits (para 3-16, AR 15-6)			
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	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.				

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

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

SEE ATTACHED MEMORANDUM

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

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

SEE ATTACHED MEMORANDUM

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

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section 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 ~~disapproved~~ (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 any) as a numbered inclosure.)

I approve the findings and recommendations of the BDE CDR.

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

THOMAS C. MAFFEY  
Brigadier General, US Army  
Assistant Division Commander (Maneuver)



DEPARTMENT OF THE ARMY

8<sup>th</sup> SQUADRON, 10<sup>th</sup> (US) CAVALRY  
4<sup>th</sup> INFANTRY DIVISION  
CAMP FALCON, BAGHDAD, IRAQ  
APO AE 09361

REPLY TO  
ATTENTION OF:

AFYB-UA-UAA

18 March 2006

MEMORANDUM FOR Commander, 4BCT, 4ID (M), [REDACTED] Iraq 09348

SUBJECT: AR 15-6 Report of Investigation (Escalation of Force)

1. Purpose. The purpose of this memorandum is to provide the findings and recommendations regarding the escalation of force by A Section, 1<sup>st</sup> Platoon, A Troop, 8-10 CAV 112305MAR06 vic MB 3295 8119.

2. Summary of Incident. On 11MAR06, A/1A/8-10 CAV was conducting a patrol with three vehicles (A12, A13, and A92) along [REDACTED] and then down into [REDACTED] (EXHIBIT N). At approximately 2230, the 8-10 CAV TOC notified the Patrol Leader, [REDACTED], he needed to investigate a suspicious mound of dirt at grid [REDACTED] reported to 8-10 CAV by Cobra Mike (EXHIBIT B, N). A Red 2 [REDACTED] (patrol) arrived in the vicinity of [REDACTED] at approximately 2252 (EXHIBIT P). Once in the area, the patrol approached a "Y" leading to two dirt roads running north to south (EXHIBIT B, I, N). [REDACTED] followed by the A92 vehicle take the eastern road closest to the canal while [REDACTED] takes the western road, all traveling south (EXHIBIT I, N, L). Line of Sight was momentarily lost between [REDACTED] vehicle and the two other elements of the patrol (EXHIBIT I).

At 2305 [REDACTED] (AR 2) reported receiving small arms contact from the east vic [REDACTED] directed in the area of his vehicle (EXHIBIT L, N, P). Small arms fire and about three personnel are seen on the edge of M895 running back east into buildings (EXHIBIT N).

[REDACTED] (DRVR) and [REDACTED] (GNR), and [REDACTED] (MEDIC) on A13 vehicle came to a road that turned back east and took it to link back up with the other members of the patrol when the crew observed a man approximately 100 meters away (EXHIBIT B, D, G, H). Upon seeing the A13 vehicle the individual ducked back behind the corner of a concrete wall (EXHIBIT B, D, G, H). The A13 vehicle proceeded slowly to the corner of the wall. Upon reaching the corner of the wall [REDACTED] shined the spot light on the individual whereby the individual began running back in the direction the vehicle had just gone and opposite the direction the vehicle was facing (EXHIBIT B, D, G, H). The gunner [REDACTED] held the spot light on the individual and started yelling for him to "egg off" or stop (EXHIBIT G, H) and "stop or we will shoot" in Arabic (EXHIBIT B). At this time [REDACTED] saw the individual carrying something in his hand that appeared to be white or light in color, round, thin and about a foot long (EXHIBITS B, C, D, E, F, G). He appeared to be tucking it under his arm as if trying to hide it (EXHIBIT H). [REDACTED] and [REDACTED] dismounted the HMMWV and began yelling for the individual to "stop" and "stop or we will shoot" several times (EXHIBITS B, D, G, H). The individual continued to run at a full sprint (EXHIBIT B). At this time [REDACTED] fired approximately 8 demonstration/warning shot off the ground and at the wall next to the individual (EXHIBIT B, H). [REDACTED] fired a couple of demonstration shots at the wall (EXHIBIT D). [REDACTED] fired 2-3 rounds before realizing it was too dangerous and continued to hold the spot light on the individual (EXHIBIT G). The individual continued to run, he was approximately 75 meters away from the A13 crew and approximately 25 meters from rounding a corner in the wall (EXHIBIT B, D, L). At this time [REDACTED] gave the order to take the individual down (EXHIBIT B, H). [REDACTED] and [REDACTED] fired approximately 2 disabling shots each at the individual at which time he went down and did not move (EXHIBIT B, C, D, E, H). At 2307 [REDACTED] (AR2) reported to the 8-10 CAV TOC that they "saw a man running away with what appeared to be a mortar tube in his hand, he threw something at the patrol, they fired warning shots, he threw something else at them, they fired on him and he went down" (EXHIBIT P). This was reported by [REDACTED] who was relaying to Squadron TOC from [REDACTED]. However, [REDACTED] clarified this report saying he didn't recall saying the individual had thrown something at the vehicle, but was trying to say the individual running by the vehicle had something in his hand and might have dropped it. He was also in the middle of reporting the small arms fire directed toward his vehicle and the two reports probable got mixed together (EXHIBIT Q).

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██████████ also stated that there was a lot of trash in the area so it was impossible to determine what the individual might have been carrying. However, they did not find anything that posed a threat to them after searching the area (EXHIBIT Q). ██████████ stated that he did not know what it was or what happened to it (EXHIBIT B). ██████████ stated that upon search they found nothing (EXHIBIT H).

██████████ then ordered the crew to check 5-25's. As the crew was clearing 5-25's, ██████████ noticed the primer on the bottom of what he thought was a mortar round located where the individual had been standing before he had begun running (EXHIBIT H). ██████████ confirmed the artillery round where the individual had been standing and ordered his crew to push forward (EXHIBIT B, H, M, P). ██████████ called in a report to ██████████ informing him of the details. A cordon was established using cones and signs (EXHIBIT B, M, J).

██████████ and the PSD arrived at the location at 2330 and confirmed that the suspected object was not a live UXO (EXHIBIT I, P). ██████████ stated that it looked like an artillery round (EXHIBIT G) and ██████████ stated ██████████ found what appeared to an artillery shell casing (EXHIBIT D). ██████████ along with Red 3 ██████████ confirmed the object to be dunage, an old artillery round (EXHIBIT J, P). The body was examined and confirmed dead from a bullet wound that struck the back of the head and exited the upper right forehead (EXHIBIT H, I, J). ██████████ stated he walked the ground where the rounds were fired to the body and found nothing suspicious (EXHIBIT J).

██████████ along with the Interpreter ██████████ spoke with local nationals at the site. One local national identified the body saying his name was ██████████ (unknown last name). The local national said the individual was retarded and is always acting suspicious and out after curfew, even though he was told to stay inside by the neighborhood. The local national speaking with ██████████ said his uncle lived in the house in front of the body. The uncle called on a cell phone and told them he heard the Americans warning the individual to "stop or we shoot" at least three times and then the shooting. The uncle also told the ██████████ that awhile ago the individual found an explosive device, took it home, somehow it detonated and accidentally killed two of his brothers (EXHIBIT K, J).

At 12 0214MAR06, IP arrive on the scene to recover the body of the Local National (EXHIBIT M).

On 12MAR06 ██████████ along with a B Section patrol went back to the site and contacted the individuals brother. The brother reaffirmed the mental status of his deceased brother. He was given a 4<sup>th</sup> ID Contact Card (EXHIBIT I).

**3. Findings of the Investigation.** The actions of the local national combined with recent IED/AIF activity in the vicinity of ██████████ led ██████████, and ██████████ to believe the local ~~5USC552(C)(1)~~ national was exhibiting hostile intent with the potential for committing hostile act (EXHIBIT C, D, F, M, O).

██████████ perceived the local national actions as hostile given that he was at the grid coordinate of a possible IED, the local national was out after curfew and was trying to evade coalition forces. ██████████

██████████ believed the local national was in a "hot area, after curfew, to plant or observe coalition person(nel) for the intent of hurting or killing troops, directly or indirectly" (EXHIBIT C). ██████████ stated that the "person appeared to be evading us from what appeared to look as placing an IED or being the trigger man for the possible IED we were call" (EXHIBIT E). ██████████ also stated the individual "could easily take cover and proceed to do any kind of engage(ment) toward us" (EXHIBIT D).

Based on the perceived hostile intent of the individual, ██████████ and his crew used proper EOF. ██████████ and ██████████ all shouted at the individual to stop in Arabic multiple times.

██████████ crew did not have the ability to restrain, block access or detain the individual. Warning shots were fired by the crew members and they continued to shout at the individual to stop or they would shoot. Then disabling shots fired to remove the threat (EXHIBIT B, C, D, E, F, G, H).

**4. Recommendations.** Recommend all soldiers in 8-10 CAV continue to conduct refresher training utilizing scenario based training on current ROE and EOF. Recommend 8-10 CAV leadership continue to reinforce ROE and EOF criteria in patrol briefs and rehearsals prior to departure into sector. Recommend Apache Troop remain in contact with the brother of the deceased and aggressively action and monitor the status of condolence payment.

AFYB-UA-UAA

SUBJECT: AR 15-6 Report of Investigation (Escalation of Force)

5. The point of contact for this memorandum is [REDACTED] or [REDACTED]

[REDACTED]

EXHIBITS

- A. Appointment Orders for Investigating Officer
- B. DA Form 2823 (Sworn Statement) for [REDACTED]
- C. DA Form 2823 (Sworn Statement) for [REDACTED]
- D. DA Form 2823 (Sworn Statement) for [REDACTED]
- E. DA Form 2823 (Sworn Statement) for [REDACTED]
- F. DA Form 2823 (Sworn Statement) for [REDACTED]
- G. DA Form 2823 (Sworn Statement) for [REDACTED]
- H. DA Form 2823 (Sworn Statement) for [REDACTED]
- I. DA Form 2823 (Sworn Statement) for [REDACTED]
- J. DA Form 2823 (Sworn Statement) for [REDACTED]
- K. DA Form 2823 (Sworn Statement) for [REDACTED] (interpreter)
- L. 1/A/8-10 CAV Storyboard on 11MAR06
- M. 8-10 CAV SIR 11MAR06
- N. A/1/A/8-10 CAV Patrol Debrief
- O. 8-10 CAV S2 log of SIGACT in Apache AO 12FEB06-12MAR06
- P. 8-10 CAV Staff Duty Log for 112200MAR06-120600MAR06
- Q. MFR of VOIP call from [REDACTED] 18MAR06
- R. Photos: deceased local national (X4) wall with bullet hole (1X)

ALL ITEMS ARE  
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50 USC 552 (b) (6)  
UNLESS OTHERWISE  
NOTED



DEPARTMENT OF THE ARMY

8<sup>th</sup> SQUADRON, 10<sup>th</sup> (US) CAVALRY  
4th INFANTRY DIVISION  
CAMP FALCON, BAGHDAD, IRAQ  
APO AE 09361

REPLY TO  
ATTENTION OF:

AFYB-UA-UAA

18 March 2006

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 TABLE OF EXHIBITS

1. The purpose of this memorandum is to provide a INDEX OF EXHIBITS regarding the escalation of force which occurred on 11 MAR 06 involving [REDACTED]

2. The following exhibits are provided for the AR 15-6 Investigation:

EXHIBIT A	Appointment Orders for Investigating Officer
EXHIBIT B	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT C	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT D	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT E	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT F	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT G	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT H	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT I	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT J	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT K	DA Form 2823 (Sworn Statement) for [REDACTED]
EXHIBIT L	1/A/8-10 CAV Storyboard n 11 MAR 06
EXHIBIT M	8-10 CAV SIR 11 MAR 06
EXHIBIT N	A/1/A/8-10 CAV Patrol Debrief
EXHIBIT O	8-10 CAV S2 SIGACT log of Apache Troop AP 12FEB06-12MAR06
EXHIBIT P	8-10 CAV Staff Duty Log for 11 2200MAR06-12:0600MAR06
EXHIBIT Q	MFR of VOIP call from [REDACTED] 18MAR06
EXHIBIT R	Photos: deceased local national (X4)-wall with bullet hole (1X)

3. The point of contact for this memorandum is [REDACTED]

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DEPARTMENT OF THE ARMY

8<sup>th</sup> SQUADRON, 10<sup>th</sup> (US) CAVALRY  
4th INFANTRY DIVISION  
CAMP FALCON, BAGHDAD, IRAQ  
APO AE 09361

REPLY TO  
ATTENTION OF:

AFYB-UA-UAA-SCO

12 March 2006

MEMORANDUM FOR [REDACTED]

SUBJECT: Appointment as Investigating Officer

1. [REDACTED] HHT/8-10 CAV is hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into a FOF fatality of a local national which occurred on 11 MAR 06 involving [REDACTED].
2. Prior to beginning your investigation, you will consult with [REDACTED] from the Brigade Operational Legal Team. They can be reached at [REDACTED].
3. In your investigation, all witness statements will be sworn and written on DA Form 2823. If you come to suspect any individual has committed a crime, you will advise that individual of his or her rights under Article 31 of the UCMJ or the Fifth Amendment, as appropriate, using DA Form 3881.
4. Submit your findings and recommendations to me on DA Form 1574 within 72 hours of receipt of this appointment order.

Distribution:

- 1- Squadron CDR
- 2- Squadron ADJ
- 3- Individual concerned

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NOTED

# SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is PMG.

ALL ITEMS ARE  
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5 USC 552 (B) (6)

UNLESS OTHERWISE  
NOTED

## PRIVACY ACT STATEMENT

### AUTHORITY:

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

### PRINCIPAL PURPOSE:

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 UNION III

### 2. DATE (YYYYMMDD)

20060313

### 3. TIME

1115

### 4. FILE NUMBER

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

### 6. SSN

### 7. GRADE/STATUS

E-5 / TC

### 8. ORGANIZATION OR ADDRESS

ATRP 8/10CAU 4BCT 41D

### 9.

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

WHILE ON PATROL ON THE EVENING OF 11 MAR 06 APX 11<sup>00</sup> 2230 WE RECEIVED A MESSAGE FROM RR/XRAY TO CHECK A GRID AREA FOR SUSPICIOUS DIRT PILE. WE PROCEEDED TO AREA FROM THE NORTH. AS WE GOT CLOSE TO DESIGNATED GRID, WE CAME TO A 'Y' IN THE ROAD. A13 (MYSELF) PROCEEDED RIGHT AND THE A12 AND A92 <sup>PO</sup> WENT LEFT. WE WERE TRAVELING PARALLEL AND SOUTH. WE ZIG ZAGGED THROUGH JERSEY BARRIER, GETTING CLOSER TO DESIGNATED AREA. WE CAME TO A ROAD THAT WENT EAST AND TOOK IT SO TO BE CLOSER TO GRID AND LINK BACK UP WITH OTHER MEMBERS OF PATROL. UPON TURNING EAST. WE OBSERVED A MAN APX 100 METERS AWAY. JUMP BACK BEHIND THE CORNER OF A WALL THAT RAN ALONG OUR SOUTH SIDE. WE PROCEEDED FORWARD WITH CAUTION. UPON REACHING THE CORNER A MAN JUMPED OUT AND STARTED RUNNING WEST, BACK THE WAY WE CAME. HE HAD SOMETHING IN HIS HAND. I DO NOT KNOW WHAT IT WAS OR WHAT HAPPENED TO IT.

### 10. EXHIBIT

B

### 11. INITIALS OF PERSON MAKING STATEMENT

### PAGE 1 OF

3

### PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

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

STATEMENT OF

TAKEN AT

DATED 2006 03 13

9. STATEMENT (Continued)

My GUNNER, [REDACTED], BEGAN YELLING "STOP, OR WE WILL SHOOT" IN ARABIC. AT THIS TIME I HAD DISMOUNTED THE VEHICLE, AND ALSO PROCEEDED TO YELL, FOR THE MAN TO STOP, BUT HE WAS AT A FULL SPRINT. I STARTED FIRING DEMONSTRATION/WARNING SHOTS APX 8. OFF THE GROUND AND [REDACTED] THE WALL NEXT TO HIM. HE JUST CONTINUED TO RUN. HE WAS APPROXIMATELY 20-25 METERS FROM ROUNDING A CORNER AND 75 METERS FROM US. AT THIS TIME I GAVE THE ORDER TO TAKE DOWN THE MAN. HE WAS HIT AND WENT DOWN AND DID NOT MOVE. I INSTANTLY GAVE THE ORDER TO CHECK S-25 BECAUSE OF THE AREA WE WERE IN AND THAT'S HOW WE TRAIN. AT THIS TIME WE DISCOVERED AN ARTILLERY ROUND WERE THE MAN HAD BEEN STANDING. I ORDERED MY MEN TO GET THE HELL OUT OF THERE. THEY PUSHED FORWARD AND I RAN TO CATCH UP. REFORMED S-25. AT THIS TIME WE SAW ANOTHER MAN IN A SMALL BUILDING. WE ORDERED HIM TO HALT, HE DID. WE PROCEEDED TO CLEAR HIS BUILDING. HE TOLD US HE MAKES SURE THE GENERATOR STAYS WORKING. WE TOLD HIM TO STAY IN THE BUILDING AND HE DID. WE CALLED UP THE REPORT TO A12, AND INFORMED OF ALL DETAILS AND SET A KORDON.

INITIALS OF PERSON MAKING STATEMENT

ALL ITEMS ARE 2 OF 3 PAGES  
 REDACTED UNDER  
 50 USC 552 (B) (6)  
 UNLESS OTHERWISE  
 NOTED

USAPV 01

STATEMENT OF

TAKEN AT

DATED 2006 03 13

## 9. STATEMENT (Continued)

WE THEN SET UP CONES AND SIGNS FOR STAND-OFF.  
THE MAN SHOT STILL HAD NOT MOVED. AT THIS TIME MY VEHICLE  
LOST ALL POWER AND COMM'S, SHORTLY AFTER [REDACTED] AND  
MYSELF MOVED TO OTHER VEHICLE TO COMMUNICATE FURTHER.  
AT THIS TIME WE LINKED UP WITH RR6 AND RR7.

Q: Did the artillery round have any determination in your decision  
to use ROF? No, BUT IT WAS A FACTOR OF NOT ALLOWING  
THE MEDIC BACK INTO THE AREA

Q: Could this artillery shell have been what he was carrying?

NO IT IS TOO LARGE AND NOT AS MANAGEABLE AS  
WHAT HE HAD IN HIS HAND

NOTHING FOLLOWS [REDACTED]

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE  
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS  
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, this 13 day of March, 2006  
at FORT WORTH, TX

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

# SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9897 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** 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 FDR WILSON III	2. DATE (YYYYMMDD) 2004 03 13	3. TIME 1415	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5 / TC	
8. ORGANIZATION OR ADDRESS A TRP 8/10 CAP 4 BCT 4 ID			

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

Q: Did you see something in the local nationals hand? YES

Q: If so, what did the object look like and what did you think it was? I DON'T KNOW WHAT IT WAS, I SAW IT BRIEFLY, IT WAS LIGHT IN COLOR, HE TAKED IT IN HIS ARM AND RAN. IT WAS A ABOUT A FOOT LONG AND CASILY HELD IN HIS HAND

Q: Did he have the object in his hands when he came out from behind the corner? YES HE HAD IT IN HIS HAND, WHEN HE STARTED TO RUN

Q: If so, what was he doing with the object? CARRYING IT

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ALL ITEMS ARE  
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UNLESS OTHERWISE  
NOTED