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Guidance for Operation Iraqi Freedom
(OIF) 05-07 issued by the 4th Infantry
Division G2**

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 Commander, 2nd Brigade Combat Team, 4th Infantry Division (Mechanized), Forward Operating Base Kalsu, APO AE 09312
(Appointing authority)

on 1 June 2006
(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 Iskandariyah, Iraq at _____
(Place) (Time)
on 1 June 2006
(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 _____ on _____
(Time) (Date)
and completed findings and recommendations at _____ on _____
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

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

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

Please See Attached

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

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

Please See Attached

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)

(President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

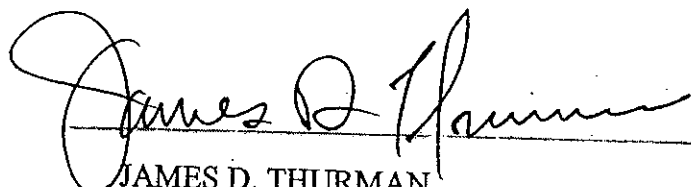
SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

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

SIR, Concur with IO's findings and recommendations. We put our Soldiers in very complicated situations (e.g., less than 25% illum, set in blacky position, targeting terrorists with hostile intent) and they are expected to follow ROE that is unclear because ROE cannot cover every situation. In general our Soldiers show exceptional discipline and good instincts. The SMI involved and chain of command did nothing wrong in this incident. The shooting of the female was an unfortunate and much regretted result of the fog of EOM operations. Independent source (A reporter riding with our JTAC element) reported hearing RPBs mentioned on the radio before the female was unfortunately engaged. 12 June 86
LWH6

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

I approve the Findings and Recommendations and remand to the Brigade Commander for further action as he deems appropriate.



JAMES D. THURMAN
Major General, USA
Commanding

DEPARTMENT OF THE ARMY
2nd Brigade Combat Team
4th Infantry Division (Mechanized)
FOB Kalsu, Iraq
APO AE 09312

AFYB-AR-DCO

4 June 2006

MEMORANDUM FOR: Commander, 2 BCT, 4th ID (M)

SUBJECT: AR 15-6 Investigation concerning deaths of three Local Nationals during Operation Vigilant Protector, 1 June 2006

1 On 1 June 2006, I was appointed as the AR 15-6 Investigating Officer (IO) to investigate the deaths of two Local National (LN) males and wounding of a third LN female which occurred during Operation Vigilant Protector. I have conducted a thorough investigation of the circumstances surrounding this incident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. Facts.

a. Operation Vigilant Protector (originally called Operation Dirty South by 1-67 AR) occurred the early morning of 1 June 2006, at approximately 0148 hours. The operation was a joint mission between TM D/1-67 Armor and the Musayyib Iraqi Police, although the IP played no part in any action which resulted in the death or wounding of a LN. The operation was a cordon and search at [REDACTED] a residential complex 508552(6)(1) consisting of approximately 7 dwellings. The mission was to raid the OBJ Houston [REDACTED] to seize [REDACTED] in order to prevent 508552(6)(1) Explosively Formed Penetrator (EFP) attacks in zone (See Exhibits A, C, P, and Q). 1-67 Ar had a total of five Draft Information Intelligence Reports (DIIR), and four SPOT reports from three different sources alleging that [REDACTED] was a member of an EFP Improvised Explosive Device (IED) Cell, and had emplaced EFPs against Coalition Forces. (Exhibits N and Q) The sniper squad's mission was to establish an outer cordon to "prevent exfil of HVTs from OBJ Huston." (Exhibit C and P) The sniper squad acted in a manner consistent with accomplishing their assigned mission by attempting to stop 2-3 Iraqi males observed running from OBJ Houston. Note: it remains unclear as to how many Iraqi males fled the objective. Two Iraqi males were observed in one engagement (engagement 1) and one Iraqi male was observed in Engagement 4. It is possible that the Iraqi male observed in engagement 4 was the same Iraqi male who went to ground during engagement 1.

b. TM D/1-67 AR received the mission to execute Operation Vigilant Protector on or about 5 May 2006. (Exhibits A and C) The mission was to be executed in conjunction with a USSOF operation against another suspected member of the EFP Cell.

The mission was delayed until on or about 30 May 2006, when the TM D/1-67 AR was told to prepare to execute Operation Vigilant Protector. The evening of 30 May, the mission was delayed again until 1 June 2006. During the entire period of time, Tm D/1-67 AR conducted two company level rehearsals, with minor changes made each time. (Exhibit C) The changes consisted of minor adjustments to location of units, and some timing issues, however the task and purpose of the snipers remained the same the entire time.

c. The trigger to execute the operation was the presence of a black, early 1990's BMW sedan, which was believed to be [REDACTED] car. On or about 312100 May 2006, 1-67 AR, using Close Air Support (CAS) Air Craft spotted what the pilot reported could have been the black BMW sedan believed to belong to [REDACTED] (Exhibits B, C, N, and Q)

d. The three individuals from the sniper squad who fired their weapons are school trained snipers and are experienced Soldiers.

SSG [REDACTED]: former US Army Sniper School Instructor, C Co/2/29th INF, Fort Benning Ga. He taught at the school for 6 years. This is his second tour as part of OIF.

SGT [REDACTED] US Army School trained sniper, received training at MTT conducted at Fort Hood September 20005. SGT [REDACTED] has one tour in Afghanistan as part of OEF and this current tour in Iraqi.

SGT [REDACTED] USMC trained Sniper. He served two years as a sniper in the USMC. He served one year in the Philippines as part of OEF, and this current tour in Iraqi.

e. In the early morning hours of 1 June 2006, Tm D initiated their operation. The sequence of events is as follows:

- 311400 May. Tm D conducts their final Rehearsals.
- O/A 312030 May. SCT/HHC/1-67 inserts Sniper Squad, and Scout Platoon goes into a hide position. (Exhibit H)
- 010015 June. Sniper Squad (Viper) reports that they are in their Objective Rally Point (ORP) and request Tm D to move the Operation time earlier due to dogs barking in the area.
- 010139 June. SCT PLT reports the outer cordon is set. Tm D turns off of RTE Cleveland and the Sniper teams depart from the ORP to their sniper Observation Posts.

Note: Exact times are not available due to the nature and pace of the operation. The time for the following activities took place approximately between 0139 to 0400 01 June 2006.

- Sniper Team 2 (SGT [REDACTED] and SPC [REDACTED] arrives into position.

• Engagement 1. Two Iraqi males running from Building 6 resulting in one Iraqi male WIA and one Iraqi male escaping.

Sniper Team 3 begins to cross a large dry canal, as Sniper Squad Leader, SSG [REDACTED], climbs out of the canal. SSG [REDACTED] can see what he believes is the target house and a large group of people on the roof. SSG [REDACTED] sees two men jump off of the top of a roof of a building on OBJ Houston and start running between his team (TM 3) and TM 2. (Exhibits H, I, J, and K) SSG [REDACTED] fires a warning shot with tracer round from his M4 with ACOG and PVS-14 mounted in tandem. (Exhibits H, I, J, and K) One runner dives to the ground; the second runner continues to run. SPC [REDACTED] Sniper Team 2, sees a male running between his team and Team 3, but does not shoot because Team 3 was behind the male running. (Exhibit K) SSG [REDACTED] fires a second shot into the waist level of the male still running and sees the male fall down (Engagement 1). (Exhibits H, I, J, and K) Note: the sniper team use the terms "shooting to wound" and "shooting to disable" as synonymous terms meaning the same thing. Team 3 loses sight of the first male who went to ground, as does Team 2.

• Engagement 2. One Iraqi male running climbing fence vicinity Sniper Team 1 resulting in one Iraqi male KIA.

Sniper Team 1 Team Leader, SGT [REDACTED] crosses the dry canal and runs into a barbed wire fence. Unable to move forward, he pushes to the east and moves to within 15 meters of Team 3. SGT [REDACTED] and tells his sniper, PFC [REDACTED] to move forward of the canal and take up a firing position. PFC [REDACTED] starts to move but is unable to move forward. PFC [REDACTED] saw a male running between Sniper Teams 2 and 3 (Engagement 1). PFC [REDACTED] halts on the near side of the canal embankment and starts scanning. SGT [REDACTED] sees an Iraqi male climbing over a chain link fence vicinity of where he had directed PFC [REDACTED] to move. The man is approximately 15-20 meters from SGT [REDACTED] SGT [REDACTED] makes the decision to use deadly force because he feared that the man would quickly stumble onto PFC [REDACTED] SGT [REDACTED] fires one shot from his M14 with Leopold Scope and PVS-14 combination, hitting the Iraqi male in the chest as he was coming down the fence. (Exhibits H, I, J, and K) The Iraqi male falls to the ground and is motionless. After SGT [REDACTED] fires his shot at the Iraqi male climbing the fence, SGT [REDACTED] Sniper Team 2, observe a different Iraqi male sitting by a tree wearing what appears to be a white Dishdasha. SGT [REDACTED] believes this is the person SSG [REDACTED] shot. SGT [REDACTED] does not shoot because the Iraqi male does not appear to be a threat to the sniper teams. (Exhibit L)

• Assault Force Arrives on OBJ Houston.

2/A/1-67 AR, led by LT [REDACTED] pulls up onto OBJ Houston. LT [REDACTED] does not hear any report of Iraqis moving off the objective nor anything about an RPG. When his vehicle halts, he dismounts and joins his dismounted infantry squads. They begin clearing the houses. One Squad clears Building 7 then building 6. The other squad clears buildings 1 and 3 simultaneously, then clears buildings 2, 4, and 5. CPT [REDACTED] hears several initial reports of the snipers engaging runners, and remains focused on the actions on OBJ Houston. (Exhibits C and F)

• Engagement 3. Suspected RPG Gunner on roof of building resulting in 1 Iraqi female KIA.

Sniper Team 1 Team Leader, SGT [REDACTED] knows the M2s have pulled up to the target house by virtue of seeing the M2 headlights showing through the cracks, hearing the ramps come down, and hearing the US Soldiers. SGT [REDACTED] hears the first flashbang grenade going off as the Soldiers enter the first house. SGT [REDACTED] was aware that flashbang would be used. SGT [REDACTED] then hears what he believes is a radio report about an RPG on the Scout Platoon net. (Exhibits H, J, and K) SGT [REDACTED] begins scanning the roof tops of the buildings. He sees three Iraqis standing there motionless. He can see these three Iraqis from their waist up. He asks SSG [REDACTED] if he has permission to fire if he sees a target. SSG [REDACTED] replies that he can fire if he has a legitimate target, and that there are no US Soldiers (IR Chemlights marked the Soldiers) or civilians near the target. (Exhibits J and K) SGT [REDACTED] sees a head and chest appear on the rooftop of building 5, separate from the other three observed Iraqis. He sees the person lift an object up to their shoulder and turn in the direction of an M2. The person's movements looked "like an AT-4 being prepared to fire, and the person rotated the object up onto their shoulder" oriented towards the most eastern M2. SGT [REDACTED] suspects this person is trying to fire an RPG at the eastern most M2. (Exhibits H, J, and K) SGT [REDACTED] fires one shot with his M14 and sees the person drop.

• Engagement 4. One Iraqi male observed low-crawling between Sniper Team 2 and Sniper Team 3, resulting in 1 Iraqi male escaping.

Sniper Team 2 Team Leader, SGT [REDACTED] heard the two shots from engagements 2 and 3, and observes an Iraqi male low-crawling between his team (Team 2) and Team 3 (SSG [REDACTED] and PFC [REDACTED]). SGT [REDACTED] fires a warning shot towards the Iraqi male. The male got up and began running to the southeast of OBJ Houston. SGT [REDACTED] fires a second shot to disable, but misses. (Exhibits H and K)

• Consolidation/mission completion.

On OBJ Houston, CPT [REDACTED] and his clearing platoon led by LT [REDACTED] have cleared the objective. They have identified a female KIA on the roof of building from engagement 3. The Assault Force finds two AK-47 assault rifles and one magazine of ammunition. The infantry platoon helps Sniper Team 2 search for the Iraqi male who escaped. Infantry platoon, supported by tank platoon, separate the women and children from the males. Iraqi source is brought forward, who identifies two males suspected of working with [REDACTED]. The two Iraqi males are detained, the rest of the Iraqis are sent back to their homes. The Aid and Litter team recovers the wounded Iraqi male shot from engagement 1, who is taken to the CASH via Air MEDEVAC. TM D, exfiltrates from OBJ Houston and returns to FOB Iskandariya.

3. Findings:

a. The leaders of 1-67 Ar, particularly the D Company Commander, the Sniper Squad Leader, SSG [REDACTED] and the two Sniper Team Leaders, SGT [REDACTED] and SGT [REDACTED] demonstrated detailed planning, preparation, and execution of the cordon and search operation. The commander conducted multiple rehearsals including 2

company-level rehearsals covering not only the mission execution sequences, but also the ROE. The company level rehearsals included the platoon leaders, SSG [REDACTED] SGT [REDACTED] and SGT [REDACTED]. The sniper squad also conducted multiple rehearsals and talk-throughs concerning the mission and ROE. I found a high level of consistency when interviewing all of the members of the sniper squad in terms of their knowledge of the ROE, and their understanding of how the ROE should be applied for this particular mission. Only one Soldier that I interviewed, out of six Soldiers from the sniper squad, did not have the same level of understanding for applying the ROE to this specific mission. The one Soldier who had a different understanding was SPC [REDACTED] who believed he should shoot to kill first. The three Soldiers who fired their weapons, all understood the intent of the ROE and did their best to implement the ROE without jeopardizing their snipers or the Soldiers on OBJ Houston. The three sniper squad NCOs exercised a logical thought process to dealing with each firing engagement, and were aware of the ROE implications. The NCOs acted in a manner consistent with the accomplishment their mission of preventing suspects from escaping the objective, while trying to apply the escalation of force measures.

b. The operation was a legitimate operation to detain a suspected IED Cell leader and IED Maker; [REDACTED] and his associated at the target location. (exhibits N and Q) MND-B units have the authority to conduct Cordon and Searches if they have a reasonable belief that the target contains enemy forces, individuals assisting enemy forces, weapons, ammunition, important information, or any materials, equipment or contraband that may be used by enemy forces during hostilities (Appendix 3 to MND-B OPOD 05-07, para.3. f.). The intelligence, five DIIRs and four SPOT reports identifying [REDACTED] as an IED maker, was sufficient to provide the battalion commander and company commander a reasonable belief that suspected terrorist and his associates were at the location. (Exhibit N and Q)

c. Engagement 1, use of a warning shot and disabling shot by SSG [REDACTED] to stop two individuals from fleeing the target house during limited visibility. MND-B Information Paper Dated 14 March 2006; Subject: Limitations on use of force to stop a fleeing individual from a detaining MND-B unit. Scenario #3, applies to this situation. The unit, specifically the Commander, 1-67 Ar and the D Co Commander determined hostile intent of the military-aged males based on all available facts and evidence derived from the intelligence reports. (Exhibits A and C) The situation for going to the target house was the belief that the High Value Target, [REDACTED] with possibly 5-6 other armed individuals working with the [REDACTED] were at the residence as determined by their trigger criteria of a black BMW Sedan being seen at the residential complex. (Exhibits B, C, and N) The leaders of 1-67 AR believed that [REDACTED] and possibly the other members of his IED cell, had hostile intent to do harm to Coalition Forces based on reports of him having committed multiple IED attacks against Coalition Forces, and that [REDACTED] and the other members of his cell posed a threat of harming coalition forces was imminent. Note, "Imminent does not necessarily mean immediate or instantaneous" (CJCS 3121.01B, Encl. A, para. 3.g). It is reasonable for the Commander, 1-67 Ar and his subordinate leaders conducting this operation to assume that military-age males fleeing the target house prior to any coalition

Scenario is digging a hole late at night in known IED thr area (hostile running away @ night from a c is not the same

force gunfire pose an imminent threat to the Coalition Forces. Since it is reasonable for the leaders to believe the fleeing individuals posed an imminent threat, they should use escalation of force measures, to include warning shots, and if necessary, deadly force to prevent the individuals from fleeing the target house complex (Appendix 3 to MND-B OPOD 05-07, para 3. g.1.). SSG [REDACTED] acted appropriately and within the intent of the ROE and MND-B Command Guidance by firing a warning shot first, then escalating to a disabling shot. SSG [REDACTED] did not use a warning shout, the first step of Escalation of Force. SSG [REDACTED] teams operate in small two-man teams which rely on concealment to protect them from the enemy threat. If the teams had shouted, they would have unnecessarily sacrificed this force protection measure by giving away their position. The fact that Sniper Team 1 was only approximately 15 meters away does not lessen the need for the snipers to maintain concealment as a force protection measure.

were they carrying weapons?

conceal

d. Engagement 2, use of deadly force to protect another Soldier against a suspected assailant. SGT [REDACTED] acted appropriately firing a killing shot at an assailant 20 meters away without first using escalation of force measures. SGT [REDACTED] perceived the Iraqi male jumping over the fence as a threat to his Soldier, PFC [REDACTED]. The Iraqi male as approximately 20 meters from SGT [REDACTED] when SGT [REDACTED] first became aware of the Iraqi. SGT [REDACTED] believed the Iraqi male was going to stumble onto PFC [REDACTED] once he completed crossing the fence. SGT [REDACTED] had enough time to announce to PFC [REDACTED] that a "runner" was jumping over the fence before he shot. (Exhibit K). PFC [REDACTED] had not yet told SGT [REDACTED] that he, PFC [REDACTED], had not moved to where SGT [REDACTED] had directed him to move and it was too dark for SGT [REDACTED] to see PFC [REDACTED] without looking through his PVS-14 mounted to his Leopold Scope on his M14. (Exhibit K) SGT [REDACTED] had every reason to believe that PFC [REDACTED] had moved or was moving to the same location where the Iraqi male was jumping the fence. It is also reasonable to believe that harm would have come to PFC [REDACTED] if the Iraqi male had stumbled onto PFC [REDACTED]. Therefore, SGT [REDACTED] use of deadly force to protect PFC [REDACTED] was appropriate.

e. Engagement 3, use of deadly force to prevent a suspected RPG gunner from firing on an M2. SGT [REDACTED] acted appropriately in firing a killing shot to prevent what he believed was an Iraqi preparing to fire an RPG round at a parked M2. Prior to the operation, SSG [REDACTED] briefed his team that it was possible that there would be RPGs on the Objective. This was based on intelligence that SSG [REDACTED] had seen stating that one of the possible suspects had shot RPGs before at Americans. (Exhibit N) OBJ Houston was backlit by the lights from the M2s parked on the far side of the buildings. The snipers were able to see personnel on the roofs, but they were not able to distinguish who the persons were. (Exhibit H) The snipers had to use their observation of the movements of the persons on the roof to deduce the actions the Iraqis were taking. All but one observed Iraqi remained generally in one place and made no moves which the snipers felt indicated a threat the assault force. After firing at the Iraqi male jumping over the fence, SGT [REDACTED] claims he heard someone over the Scout Platoon radio net talk about an RPG. No one else heard any mention of an RPG over the radio, on either the Scout net or the company net. It is possible that SGT [REDACTED] may have not heard

correctly a radio transmission, and mis-interpreted it as someone talking about an RPG. After hearing what SGT [REDACTED] believed was a report of an RPG, SGT [REDACTED] clearly saw someone going through the motions similar to how he had been trained to emplace an AT-4 into firing mode and then turn towards the M2s. (Exhibit J) Although the procedures for getting an RPG into firing mode differ from an AT-4, it is reasonable to believe that he mentally associated the actions as a hostile threat to a M2, and took action to stop the threat. SGT [REDACTED] during my interview, claimed that the person he believed to be holding an RPG acted significantly different than the other persons standing up on the roof. He stated that he could clearly see the other people from the waist up, but that this person appeared to be lower, crouching, and popped up. SGT [REDACTED] did not act rashly since he maintained the presence of mind to clear his ability to fire with SSG [REDACTED] (Exhibits J and K) It is extremely tragic that the person that SGT [REDACTED] believed to be handling an RPG turned out to be a female holding a child on her shoulder. However, given that there had already been two shooting engagements, he believed that he had heard a report of an RPG, and that the assault was beginning, SGT [REDACTED] reasonably believed he saw a hostile act taking place and acted properly to prevent it.

f. Engagement 4, use of a warning shot and attempted disabling shot to prevent an Iraqi male from escaping the cordon. SGT [REDACTED] acted appropriately in using the same escalation of force measures that SSG [REDACTED] employed in engagement 1 to prevent a suspect from escaping the cordon. Since the suspect was successful in escaping, it is not possible to determine the status of the person.

hostile act?

4. Recommendations:

a. That SSG [REDACTED], SGT [REDACTED], and SGT [REDACTED] be exonerated of any suspicion of improper actions taken in conjunction with Operation Vigilant Protector on 1 June 2006.

b. The ROE needs to be clarified as it pertains to preventing suspects from fleeing a target location during a cordon and search operation. Many of the leaders that I interviewed remain concerned as to their authority to use force to detain suspects fleeing from a cordon as explained in Appendix 3 to MND-B OPORD 05-07, 3. f. Common sense dictates that on a legitimate military operation to kill or capture insurgents, deadly force may be used to detain suspects fleeing a cordoned area. However, Appendix 3 is not clear, particularly in paragraph 3. f. CORDON AND SEARCH. I recommend the subparagraph be rewritten to clarify the authority commanders have to detain suspects fleeing a Cordon and Search Operation. I also recommend that the delineation of when a suspected insurgent loses his combatant status be clearly defined for the units conducting counter-insurgency operations. Often insurgents will not carry weapons on them, and yet they are still conducting insurgent activity; planning operations, storing caches, arranging to purchase explosives, weapons, or munitions which constitute an imminent threat to Coalition Forces. If under contact with Coalition Forces, and the insurgent throws his weapon down and starts running away from the Coalition Forces, has he given up his combatant status? These are the dilemmas that the commanders are trying to explain to their Soldiers and they have no clear answer.

*how does one
ascertain the diff
between combatants
non-combatants?*

*not hard: no
surrender, shoot
even if throws
down weapon to run*

c. Sustain the detailed planning and rehearsals prior to execution of a cordon and search operation. TM D/1-67 Ar conducted very detailed planning and rehearsals prior to execution of the operation. Their actions prior to and during the operation are commendable.

[REDACTED]
LTC, IN
Deputy Brigade Commander

Exhibits:

- A - LTC [REDACTED], Battalion Commander Sworn Statement
- B - CPT [REDACTED], AS3 Sworn Statement
- C - CPT [REDACTED], D Co Commander Sworn Statement
- D - 1LT [REDACTED], Tank Platoon Leader Sworn Statement
- E - 2LT [REDACTED], Tank Platoon Leader Sworn Statement
- F - 2LT [REDACTED], Infantry Platoon Leader Sworn Statement
- G - 1LT [REDACTED], Scout Platoon Leader Sworn Statement
- H - SSG [REDACTED], Sniper Squad Leader (Sniper TM 3) Sworn Statement
- I - PFC [REDACTED], Sniper, Team 3 Sworn Statement
- J - SGT [REDACTED], Sniper Team 1 Leader Sworn Statement
- K - PFC [REDACTED], Sniper, Team 1 Sworn Statement
- L - SGT [REDACTED], Sniper Team 2 Leader Sworn Statement
- M - SPC [REDACTED], Sniper, Team 2 Sworn Statement
- N - Intelligence Summaries Classification / Secret/
- O - Information Paper on limitations on use of force by CPT [REDACTED] AFYB-JA/242-4570
- P - Storyboard: 010200 June06, 1-67 AR, OPERATION VIGILANT PROTECTOR
- Q - 2LT Gras, BICC, acting Battalion S2, Sworn Statement
- R- TM D/1-67 AR OPORD
- S-Storyboard: 010148JUN06, D 1-67 AR, OPERATION VIGILANT PROTECTOR
- T-Five W Report

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UNLESS OTHERWISE
NOTED



DEPARTMENT OF THE ARMY
2D BRIGADE COMBAT TEAM,
4TH INFANTRY DIVISION (MECHANIZED)
FOB KALSU, IRAQ
APO AE 09312-0501

AFYB-AR-CDR

1 June 2006

MEMORANDUM FOR LTC [REDACTED], Headquarters, 2d Brigade Combat Team, 4th Infantry Division (M), FOB Kalsu, Iraq

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to AR 15-6, to conduct an informal investigation pursuant to AR 15-6 to investigate the circumstances surrounding the deaths of two local national males and one local national female that occurred during Operation Vigilant Protector, which was conducted on 1 June 2006.
2. All witness statements will be sworn and recorded on a DA Form 2823 if possible, and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of their rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of their rights.
3. Legal advice and assistance must be obtained from MAJ [REDACTED] at FOB Kalsu before you take any action on this matter. Consult with your legal advisor located at the 2BCT Legal Office, prior to your investigation. You will familiarize yourself with the provisions of AR 15-6 and the Guide for Formal Investigations.
4. Your report, together with all evidence marked as exhibits, will be submitted to me on a DA Form 1574 within 72 hours. Submit any requests for delay to me either orally or in writing. You will obtain a written legal review prior to submitting the completed investigation.

[REDACTED]
COL, AR
Commanding

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5 USC 552 (B) (6)
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SWORN STATEMENT

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

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 Iskandaryiah, Iraq	2. DATE (YYYYMMDD) 2006/06/03	3. TIME 2053	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-5/AD	
8. ORGANIZATION OR ADDRESS HQ 1st Battalion, 67th Armor, 2nd BCT 4ID, FOB Iskandaryiah,			

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

As part of Operation Iraqi Fist, 1-67 AR planned an operation to kill or capture a known EFP target named [REDACTED]. We had intelligence data that included the possibility of 6 to 8 military age males in a house complex that could hold a large number of people and the possibility that these members would fight. Due to the value of the target, his association with EFP attacks that had resulted in CF KIA and his apparent willingness to use lethal force himself, we decided that the element would go in as a cordon and search rather than cordon and knock and initial entry would be hard rather than soft until the demeanor of those in the target structures could be determined. I ordered during the planning process that, to streamline C2 in the objective area to attach scouts and snipers to D Company with the task to block the southern side of the objective with the purpose of containing all personnel in the objective area and to prevent runners from getting outside the cordon and escaping into the palm groves south of the objective. I expected the snipers to over watch the objective and take necessary actions to protect our forces as they conducted the entry and search of the structures on the objective. Within the task of Block, I expected the snipers and scouts to go through a series of escalation of force measures, as appropriate to the situation and within the Rules of Engagement. I did not expect them to do anything that would have put themselves or their fellow Soldiers at risk, although I understood how difficult those decisions would be in the low illumination inside a palm grove with the normal friction associated with complex operations. If possible I wanted the scouts and snipers to use non-kinetic means to get personnel to succumb on the objective, failing that to fire a warning shot, or shots, and if the personnel did not stop and could not be physically stopped or apprehended, to shoot to disable, if possible. But to prevent the escape of a known terrorist who had killed American soldiers, I believed lethal force could be used based upon the future threat to American forces that a runner presented who, we believed based on the intelligence, may have had access to EFP weapons, technology, techniques, and expertise.

10 Questions: What did the company commander back brief you on? Were the other unit leaders (PLs and Sniper Team LDR present? Did the Co CDR's brief include his understanding of the ROE and use of force procedures? Did you agree with his understanding? Based on the briefbacks, and previous mission experience of the units, do you feel they understood the ROE?

When the schedule of events for Iraqi Fist was published by Brigade we had an additional week to prepare for the operation. CPT [REDACTED] had back briefed me on two occasions, after the first back brief, I was more concerned with CPT [REDACTED] plan for the task of getting the infantry into the structures at multiple entry points than I was about the ROE for the snipers. I was comfortable with the Scout Platoon Leader's and the senior sniper's understanding of the ROE to have the Company Commander specifically back brief the ROE, but he did back brief task and purpose of those elements including, I believe, use of warning shots as part of the EOF. Additionally my main concern was the issues of the snipers firing in the direction of friendly forces and of positive target identification with troops possibly in contact. On the second back brief, which was more informal than the first, CPT [REDACTED] focused on the entry and clearance of the structures. I believe that the units involved had the necessary understanding of the ROE.

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10. EXHIBIT A	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

STATEMENT OF [REDACTED] TAKEN AT 2053 DATED 3 JUN 06

9. STATEMENT (Continued)

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5 USC 552 (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 _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND INITIALS OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [REDACTED]

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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).
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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 Iskandariyah, Bahil Province, Iraq	2. DATE (YYYYMMDD) 2006/02/06	3. TIME 2100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-3/CPT	
8. ORGANIZATION OR ADDRESS HHC/I-67AR, 2BCT, 4ID(M)			

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

While serving as the battalion S3 for I-67 AR I was involved in the mission prep and execution in regards to Operation Dirty South/Operation Vigilant Protector. On the night of 31 May 06 to the morning of 01 June 06 my involvement was as the senior man in the Battalion TOC, until the TOC was informed of an AIF female KIA on Objective Houston. Following LTC [REDACTED] notification he moved from his quarters to the TOC and remained in the TOC as the senior man until he departed upon mission completion and extraction confirmed.

I did not have a full understanding of the event of the night of 31 May 06 - 01 June 06 until the Battalion's debrief with SSG [REDACTED] and CPT [REDACTED] was concluded on or about 011000JUN06. Being apart of the execution and following the mission debrief, I recall the events of the night in question as follows:

On or about 312100May06 CAS checked on station in support of Operation Dirty South/Operation Vigilant Protector. Our go/no-go criteria was confirmation of an early 90's BMW, stated by HUMINT sources to be [REDACTED] car, being at the target house. An additional vehicle of interest was a white motorcycle also mentioned as one of his primary means of transportation. With the thick vegetation surrounding the target house the likely hood of sighting the motorcycle from the air was minimal. At about 2130 CAS confirmed the presents of the BMW sedan at the house, meeting our decision point to go forward with the raid. After the call to go forward Lone Wolf, Battalion Scouts, and Viper, Battalion Snipers, SPed to insert three sniper teams to the south and east of the target house, to insure Objective Houston was sealed off. CAS reported no unusual movement at the target house, but maintained observation thru out the operation. Prior to SP of the assault element, the reports from the air said the target house was quiet, people were sleeping on the roof (which is common this time of year, for the heat), and the BMW was still present. D/I-67AR SPed on or about 010100JUN06.

While moving to the target house JTAC, Horseman 23, maintained constant communication with the CAS along with the commander of D/I-67AR, CPT [REDACTED]. Horseman 23, Air Force SGT [REDACTED] was located with D/I-67AR thru out the mission, providing constant updates to CPT [REDACTED]. While the assault elements moved south down [REDACTED], Viper reported thru Lone Wolf that three teams were set south of the objective and had eyes on the house. Once the assault element turned off of [REDACTED] and moved to the target house Viper, along with CAS, observed two military aged males on the objective jump from the roof of a two story house, and attempt to flee from the area. From sniper team two's location, to the southeast corner of the objective, the two males ran directly in front of them. SSG [REDACTED] the sniper squad leader as well as the shooter for team two during the mission, fired a warning shot in the direction of the two men. One of the men stopped and went to ground, while the second continued to flee. SSG [REDACTED] then fired a second shot in order to disable the threat, striking the man, wounding him. In my opinion his actions may have saved the life of some of the men on the objective. I have come to this conclusion due to prior raids where runners have been able to evade US forces only to emplace IEDs along the routes of egress.

Following the first engagement from sniper team 2, sniper team 1, lead by SGT [REDACTED] to the west of team 2, was confronted with a man scaling a fence 15 feet to there front left. Sensing a threat from a man charging over a fence towards the location of gunfire, SGT [REDACTED] engaged the man, killing him. Following team 1's engagement a call over Lone Wolf's radio net reports possible RPG fire. During the debrief it is clarified that the explosion heard by Lone Wolf was a Flash Bang grenade, being used prior to the assault element entering the house, as briefed in the company OPORD. After the radio report received by SSG [REDACTED] stating RPG, he then identified what appeared to be a man on the roof. The individual looked over the lip of the roof several times prior to standing up. Once the individual stood up facing the ramp side of a M2A3 on the northeast corner of Objective Houston, and raising what appeared to be an RPG to a firing position. Perceiving a threat to M2A3 SSG [REDACTED] fired killing the target. Upon clearing the house, and reaching the roof top, the assault element discovered the target on the roof had been a woman, who was now KIA. She had raised her child to her shoulder, which in the darkness had been mistaken for a RPG.

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

9. STATEMENT (Continued)

Following the engagement of the woman on the roof SGT [REDACTED] a member of sniper team 2 spotted a man off to his east, attempting to move off the objective using cover and concealment. Once again fearing the man would be able to interdict the egress route, SGT [REDACTED] attempted to engage the threat. After firing two shots the man was out of sight. Later a detailed search of the area found that the first man shot by SSG [REDACTED] was WIA and the man that went to ground and later was engaged by SGT [REDACTED] had fled the objective, in addition the man shot by SGT [REDACTED] was found KIA. Along with the KIA woman on the roof, this totaled the casualties on Objective Houston.

I feel some back ground information of the mission Intel along with some back ground history of the sniper teams is necessary.

First the Intel back ground. Following the 12 April 2006 EFP attack on [REDACTED] killing SPC [REDACTED] and PFC [REDACTED], the battalion increased its focus on the IED/EFP Cells operating in the area. Battalion S2 along with THF were able to provide targeting data on [REDACTED] and his EFP Cell. The first HUMINT reports stated the target would most likely provide initial resistance and attempt to flee the objective area. Subsequent reports stated up to six armed men could be expected at the target house. In addition later ISR confirmed as many as 17 personnel lived on the objective. Thru out Objective Houston's targeting process, the threat assessment remained the same. With this in mind the Battalion along with D/1-67's leadership made the decision to execute a Cordon and Raid as apposed to a Cordon and Knock. After clearing the objective the number of personnel on at the target location was closer to 32.

Next some back ground information reference the Battalion Snipers. We, 1-67AR, have integrated our Battalion Snipers regularly into all levels of operations. While deployed for OIF 05-07 they have provided ISR, close target reconnaissance, as well as threat reduction. To the best of my knowledge conducting over 50 missions the snipers have only engaged 5 targets prior to the 01 June 06 raid. All of the shots prior have never had raised any questions as to their righteousness. There have been several instances where the snipers could have taken a shot within the ROE, but restrained. All of the shooters involved are school trained at either the Sniper School at Fort Benning or the MTT at Fort Hood prior to deployment. SSG [REDACTED] was in fact an instructor at the Sniper School for several years; in addition this is his third tour during the War on Terror. He has completed one prior mission to both OIF and OEF. The mission given to the Snipers for Operation Dirty South/Operation Vigilant Protector was to block in order to prevent AIF egress from the objective area. They achieved their mission insuring no AIF were able to egress from the objective and later attack Coalition Forces.

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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 2. 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 _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Iskandariyah, Iraq	2. DATE (YYYYMMDD) 2006/06/03	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-3/AD	
8. ORGANIZATION OR ADDRESS D/1-67 AR			

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

I don't specifically remember when we first received the mission for Operation Dirty South, but it was in some time in the first week of May 2006. I issued a WARNO to the company the next morning after I received the mission. I told them what we would initially be doing and why. I didn't have a full picture until about two days later when battalion got the full mission, but I knew where the objective was, so we started going through the Troop Leading Procedures that same day. We initially had a little over one week to prepare for the mission which were to conduct in conjunction with the ODA Operation Iraqi Fist/Bulldog I. Were supposed to conduct it 150100MAY06 and then it got pushed to 010100JUN06. Before the mission was postponed, I developed the initial plan that we eventually executed and conducted most of the TLPs to include a recon to the turn onto the route I named RTE [REDACTED] vic [REDACTED]. For the actual RTE [REDACTED] and OBJ HOUSTON, we had previously driven along that route for a combined operation with the Musayyib IPs, and we used imagery from the Shadow UAV to conduct as complete a recon as we could, without giving away our intentions. This is an area we hadn't been to since it is just outside our company and de facto battalion AO. By the time the mission was postponed, I issued a full OPOrd to the company and attachments, conducted backbriefs, did both a terrain model rehearsal with the everyone SSG and above plus attachments and also conducted a whiteboard rehearsal. Both rehearsals included overall movements and specific actions in and around the compound. We had a scaled terrain model of both the area around OBJ HOUSTON and the compound. We also used UAV photos for the whiteboard rehearsal. Each subordinate element briefed and walked through his part of the plan. During each rehearsal, I briefed the ROE and Escalation of Force. Because we didn't have photos of targets at the time, I stressed that we had to go through the full EOF. I think the mission was postponed 15 May 2006. I believe I was in the process of conducting PCIs when I received notification. By that point, we had done nearly everything except radio checks and SP. During the 16 or 17 May BUB or targetting meeting, the S3 told me we were going on 1 JUN 06.

On or about 27 May 06, LTC [REDACTED] told me to be prepared to execute within six hours based on the trigger of having both previously spotted vehicles at the house; there was an additional intel report from THT 351 stating that the target, [REDACTED] doesn't stay at his residence at night and he's only there during the day. On 29 May, USAF SSG [REDACTED] told me CAS had ID'd one of the cars on OBJ HOUSTON and that we may go that night. I confirmed with CPT [REDACTED] and LTC [REDACTED] and told them we'd be ready in two hours. I then informed the company and told them to get to REDCON 1 within two hours. Once movement started, I conducted another rehearsal with the company minus the Scouts and Snipers because due to the short notice, we wouldn't have them on the mission. I briefed the modified plan in which I had 1st Platoon provide a chase vehicle since we wouldn't have anyone south of HOUSTON except for the tank section from 2nd PLT. LT [REDACTED] and SSG [REDACTED] confirmed this in the confirmation brief and during the rehearsal. We conducted confirmation briefs and a key leader rehearsal with the PLs, PSGs, and other attachments. Within one hour, the company was REDCON 1.5 and we reported up to DEALER MIKE. DEALER 6 told us to stand down because the CAS pilot couldn't confirm the presence of the vehicles. DEALER 6 then said we would go regardless on 1 JUN 06.

At 311400MAY06, we conducted a terrain model rehearsal with all attachments. I briefed the same plan as 29 May but with the Scouts and Snipers included doing their original mission, and SSG [REDACTED] informed me we also had an Apache section in support too. I had the Apache section screen along the RTE [REDACTED] canal to support the Scouts in the outer cordon to the north. I retained the chase vehicle because I felt that was a hole in my initial plan. I originally said that the chase element would be dismounted, but SSG [REDACTED] recommended that they be mounted. I agreed and that's what we rehearsed. All elements walked and talked through their piece of

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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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 CPT [REDACTED] TAKEN AT 031000JUN06 DATED [REDACTED]

9. STATEMENT (Continued)

mission. We conducted final radio checks at 010001JUN06 and staged vehicles at the front gate. I walked the line of vehicles and spot checked soldiers and said a few quick words to the groups of soldiers. DEALER MIKE informed us that Snipers wanted us to SP early because they were afraid of being compromised due to dogs giving away their position. We SP'd about 30 minutes early. We then conducted the mission in the manner written in the AAR (Attached).

Chronology

Receipt of Initial Mission - On or about 4 or 5 May 06.

Issue of WARNO - Morning of 5 or 6 May 06 following the 0730 CUB.

Recon RTE CLEVELAND - 120900MAY06. Timed route and ID'd turn onto RTE [REDACTED] S05C552(6)

Issue of full OPORD - 121400MAY06. All sub-elements were present.

Rehearsal - 141600MAY06. Reduced force rehearsal using terrain model and scaled mock-up of compound. All sub-elements were present and walked through and briefed their role.

CO PCI/PCC - 151000MAY06. Notified of postponement during PCIs.

Mission WARNO - 281830MAY06. Conducted a whiteboard rehearsal including UAV imagery with PLs, PSGs, and attachments minus Scouts and Snipers. GO criteria not met.

Rehearsal - 311400MAY06. Reduced force rehearsal again using scaled terrain model and mock-up of compound.

During each rehearsal, all subordinate elements briefed their actions and I briefed the ROE and EOF.

Radio Checks - 010000JUN06.

Staged vehicles - 010015JUN06.

SP FOB - 010030JUN06.

Picked up Musayyib IPs - 010050JUN06

On OBJ HOUSTON - 0101130JUN06

Actions on OBJ HOUSTON complete - 010430JUN06

Recover stuck A23 BFV - 010545JUN06

RP FOB - 010630JUN06

Escalation of Force - During each rehearsal and order brief, I briefed that because we don't know what the target looks like, we had to go through the full EOF before firing a warning shot. During the last rehearsal, I told the group we would have a chase vehicle from 1st PLT. To tie in with the ROE, I told everyone prior to engaging, to positively ID their target as a threat and not a friendly and to verify using NODs to prevent fratricide; all soldiers on the ground and IPs had IR chemlights visible on their helmets and most dismounted soldiers had ACUs with the IR tabs exposed.

Task and Purpose of subordinate elements-

SCTs/Snipers: For task/purpose, I treated the snipers like a part of the SCT PLT. I gave them the same task/purpose as the SCTs: T: Establish outer cordon of OBJ HOUSTON P: IOT prevent ENY exfil. While the SCT PLT didn't have direct control of the snipers once the main body was on the OBJ, their T/P didn't change.

2/A (ME): T: Establish inner cordon of OBJ HOUSTON P: IOT allow T: raid OBJ HOUSTON to seize [REDACTED] P: IOT prevent EFP attacks in zone. T: O/O conduct search of target area P: IOT recovery evidence of EFP making T: O/O return to FOB

1/D (SE): T: Follow and Support 2/A P: IOT allow 2/A to maintain tempo of raid T: EFT to chase "squirters" T: O/O conduct search of target area P: IOT recovery evidence of EFP making T: O/O return to FOB

2/D (SE): T: Block RTE CLEVELAND P: IOT prevent disruption by Karbala IP checkpoint T: Isolate S. portion of OBJ HOUSTON P: IOT prevent ENY exfil of OBJ HOUSTON

HQ/D: T: Est. FWD C2 P: IOT SPT seizure T: Est. LZ XRAY P: IOT support MEDEVAC

CAS: T: Screen vic [REDACTED] to ID "squirters" P: IOT prevent ENY exfil

ATK AVN: T: Screen along northern portion of canal vic [REDACTED] P: IOT support SCTs S05C552(6)

I briefed everyone to expect 17 people on OBJ HOUSTON with six of them being armed military-age men. I told everyone the MICOA was that these men would not fight because of proximity to their families. However, I also told them that these were some bad guys. I also briefed that the MICOA was that these men would fight regardless of the women and children. I told 2/A not to take any chances and to use flashbangs when entering the OBJ.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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PAGE 2 OF 3 PAGES