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persons present and desent, and explanation of absences, if any.) The following persons, immobile research	indenta, counsel) were	
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Exhibits (part 3-16, Ak 15-6)	- 		****
d Are all items offered twinches or not received; o considered as evidance individually translated or lettered as		YES	ÑΔ, VΨ.
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b. It am aster of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		+~	
Has the testimony/statement of each witness been recorded verbatim or been reduced is written form and attached as		<u>X</u>	
· · · · · · · · · · · · · · · · · · ·		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	
2. Are sescriptions of diagrams sociaded by locations visited by the investigating officer or based (norg 3-6b, 48 15-5)	The second secon	Τχ	
is each written stipulation attached as an exhibit and is each oral salvation within radius of a walking of		+4	
explication technique 13 & Astability 15Cold.			\times
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 utrached as an exhibit (pura 3-16d, AR 15-6)?	and the state of t	+	×
Was a quorum present when the board voted on fludings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	the contract of the state of the contract of the state of		
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)	7-1 · · · · · · · · · · · · · · · · · ·		X
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Was a quorum present at every session of the board 'para 5-26, AR 15-63?	. AR 15-617	įį.	
6 Was each absence of any member properly excused para 5-2a, AR 15-68?	en e	<u> </u>	
7 Were members, wimesses, reporter, and interpreter sworm, if required spara 3-1. AR 15-69?	out & Make it and two company is a composition	<u>.</u>	ا مورد درسیشت شام می
8 If any members who voice on findings or recommendations were not reserve advantable board and an indicate the board and the bo	or the control of the second o	<u>i i</u>	i
does the niclosure describe how they familiarized themselves with this evidence (para 5-2d, 4R 15-6)?			,
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)	or the area of a market and a market and the second of the	50005000	
9 Notice to respondents (page 5-5, AR 15-6):	Procedure of the second of the		
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(2) the nature to be investigated, including specific allegations against the respondent if any?	the behanded have a second to the second to	1	
(3) the respondent's rights with regard to counsel!	· · · · · · · · · · · · · · · · · · ·	ļ <u>i</u>	
(4) the name and address of each writtess expected to be called by the recorder?	and the state of t	ļ <u>;</u>	
(5) the respondent's rights to be present, present evidence, and call witnesses?	NAME OF THE PARTY		
d. Was the respondent provided a copy of all unclassified documents in the case file?	· · · · · · · · · · · · · · · · · · ·		- 400
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examin	- 3		
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	ie (nem)	March Military	
a. Was no properly notified (para 3.5, AR 15.6)?	-		escape i e
b. Was resort of proceedings and evidence received in his absence made available for examination by him and his counsel.		<u> </u>	
11 Counse! (para 5-6, AR 15-6);	ipara 5-4c, AR 15-6 ₁ ?		
a Was each respondent represented by counsel?			
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h Was respondent's counsel present at all open sessions of the board telating to that respondent?	property to the owner of the state of the st		
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12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (parc 5-7, AR 15-6):	The state of the s		
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5. Did each member successfully challenged coase to participate in the more editor?			
13 Was the respondent given an exportancy to (para 5-8a, AR 15-6):	The same district the same artists and approximate the same approximate the same and the same an		
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent	to 1 force to discuss of property and the subdisciplinate consequence which it is		
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d Call witnesses and otherwise introduce evidence?	The second secon	landeranja ne reser	
e. Testify as a witness?	rance commenced and analysis against against the design of the second of		
f. Make or have his counsel make a final manuscus or argument. (para 54), AR 15-61?			
4 If requested, did the recorder assist the respondent in obtaining evidence in necessary of the Government and in		·	
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5 Are all of the respondent's requests and objections which west desped indicated in the serviced property	and the first of the second		
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SECTION VIII - ACTION BY APPOINTING	GAUTHORITY (para 2.3) AR 15-61
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DEPARTMENT OF THE ARMY

3^{PD} BRIGADE 1ST ARMORED DIVISION CAMP IRAO

MERCHIC ATTEMPSONS

AFZN-BB-CO

09 OCT 2005

MEMORANDUM FOR Commander 3rd Brigade, 1st Armored Division, APO, AE 09342

SUBJECT: Findings 15-6 use of deadly force 2-70th AO

- 1. On 30 September members of A Co 1-41 INF (TF 2-70) used the proper escalation of force measures resulting in the death of a local national. The squad was conducting a mounted patrol when at approximately 1900 hours, in dusk conditions allowing visual recognition up to 300 meters; the squad encountered a suspicious vehicle. One M2 Bradley stopped approximately 200 meters behind the sedan and the second vehicle stopped approximately 50 meters in front of the suspect vehicle.
- 2. The following dismounts were involved in the escalation of force: SSG SGT PVT PVT and and their interpreter The patrols escalation of force detailed in Exhibits D. E. F. G. H. and I corroborate the following: There was enough ambient light to see without night vision enhancement beyond 300 meters.
- 3. The escalation of force include in the following order: voice commands, sure-fire flashes, 3 warning shots away from the vehicle, several vehicle disabling shots, and finally PVT (a), fearing for his life, and hearing SSG (a) command to "take the eccupants down" shot into the vehicle. All Soldiers then raced for cover behind the M2 each one expecting the vehicle to be a VBIED and explode. The vehicle was within 25 meters and continuing forward toward the dismounted Soldiers when they engaged with deadly force.
- 4. The Soldiers did have positive ID against a legitimate target demonstrating hostile intent, therefore deadly force was authorized.
- 5. A Co 1-41 and Battation S-3 (Major proported that the echnique of "locking down" a vehicle from front and rear to establish overwhelming fire superiority has been a standard operating procedure for several months without incident prior to this event.
- 6. The actions taken by the local nationals resulted in the shooting. There were no mitigating circumstances which Alpha Company 1-41 INF should change which would have altered the outcome.

7. POINT OF CONTACT: MAJ at VOIP, at VOIP, or email SIPR

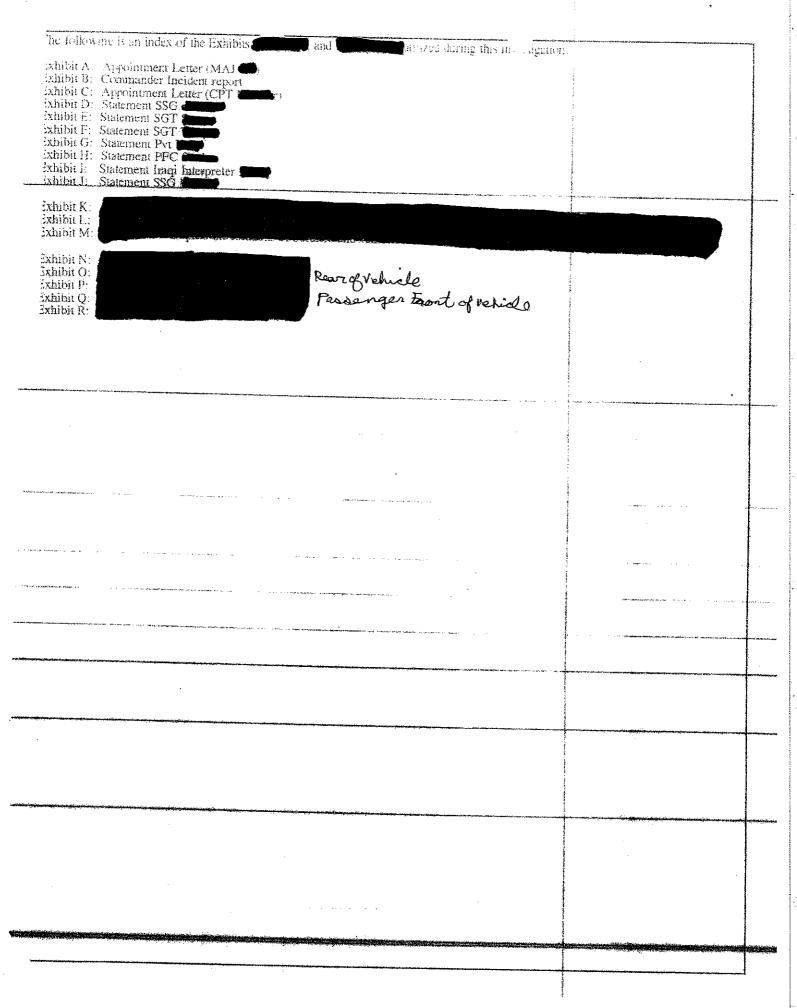




DEPARTMENT OF THE ARMY 3^{RE} BRIGADE, 1ST ARMORED DIVISION

REPORTS ATTENDOORS

AFZN-BB-CO 11 OCT 2005 MEMORANDUM FOR Commander 3rd Brigade. 1st Armored Division: APO, AE 09342 SUBJECT: Recommendations for investigation of use of deadly force 2-70th AO 1. On 30 September members of A Co 1-41 INF (TF 2-70) used the proper escalation of force measures resulting in the death of a local national. The squad was conducting a mounted patrol when at approximately 1900 hours, if dusk conditions allowing visual recognition up to 300 meters; the squad encountered a suspicious vehicle. One M2 Bradley stopped approximately 200 meters behind the sedan and the second vehicle stopped approximately 50 meters in front of the suspect vehicle. 2. The following recommendations are made: a. The current SOP of locking down suspect vehicles on the side of the road uses the principles of surprise, speed, and overwhelming combat power. This maximizes Soldiers safety and ensures any enemy force remains passive and on the defensive reaction mode b. 2-70th has created an SOP that allows US Soldiers to dictate when and where a petential enemy contact will occur. This enhances US security and I recommend no changes to the current SOP. c. I recommend no action be taken against the leadership of Alpha Company, or any of the members of the B section, 4st Squad. 3. POINT OF CONTACT: MAJ at VOIP or email SIPR army smil mil MAJ. SF 3/1 BCT S-5 .





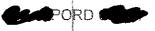
DEPARTMENT OF THE ARMY HEADQUARTERS 3RD BRIGADE, 1ST ARMORED DIVISION CAMP RAQ 09378

AFZN-BB-CO

1 October 2005

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	MEMORANDUM FOR MAJ Headquarters and Headquarters Company, 3rd Brigade, 1st Armored Division, Camp Plan 19378
	SUBJECT; Appointment as Investigating Officer
	1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the use of deadly force by 2nd Platoon, A Company, 1st Battalion, 41st Infantry Regiment that allegedly caused the death of a local national. 2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal
ent som against the first group of the against sec	procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
and the second of the second o	3. In your investigation you need to answer the following questions:
of the Steam workshapen as	a. What was the sequence of events that led up to the incident?
	b. Did the soldiers involved properly escalate the use of force?
1990 h (1981	c. Did the patrol have Positive Identification (were they reasonably certain that they were taking action against a legitimate military target) before engaging?
	d. Was deadly force authorized?
	e. Was the use of deadly force (warning shots, disabling shots, etc.) appropriate for the situation?
and the second s	f. Were there any Law of War violations?
	g. Are there any operational lessons that should be captured and disseminated?
	h. Were there any other contributing factors that, if changed, could have altered the outcome?
- Anteresta Mandidani pilan	

AFZN-BB-CO SUBJECT: Appointment as Investigat	ing Officer	
4. You may obtain assistance from 1st AD. CPT will serve as you you should contact him at the Brigation.	If ledge courses I because as a second	4!
Submit your findings and recomn review no later than 9 October 2005	nendations on DA Form 1574 5.	4 to CPT for legal
	COL, AR Commanding	
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COMMANDER'S INCIDENT REPORT

LINE 1: Unit reporting: 2-70 AR

LINE 2: Incident: Escalation of force

LINE 3: Date/fime group (DTG) incident occurred: 301920SEP05

LINE 4: Location of incident: MB

LINE 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
	SSG	2/A/1-41		M	β5 T	Hispanic
	PVT	2/A/1-41		M	19	African American
one of the second secon	─-SGT	2///441	Main i de la companya	1 M	26	Gaucasian
	SGT	2/A/1-41		M	23	Caucasian
	LN	Driver	N/A	M	UKN	Iraqi

LINE 6: SUMMARY: 2/A/1-41IN, TF 2-70AR, while conducting hasty TCPs, conducted escalation of force against a local national car (white Toyota Corona) vicinity The vehicle matched the list. As the dismounts approached, the vehicle began backing away from the dismounted Soldiers, and then began driving towards the dismounts. The interpreter yelled at the driver to stop and get out of the car. The vehicle continued toward the dismounts. When the vehicle was approximately 30m away from the dismounts, SGT (dismounted) fired 1 x warning shot (M4). The vehicle continued toward the dismounts fired 2 x disabling shots (M4) into the grill from his Bradley as the vehicle and SGT closed to within 25m. The vehicle continued and at approximately 20m away PVT. Fired 1. x shot (M4) into the vehicle's passenger compartment, killing the passenger. The driver then pushed the passenger out of the car, turned the car around, and started moving south. The second Bradley then blocked the vehicle from retreating. The vehicle and driver were searched with no contraband found. The driver stated he is a taxi driver and did not know the passenger. A follow up CIR will be submitted upon completion of a commander inquiry. The Brigade Commander has directed an AR15-6 has been initiated.

LINE 7: Injuries or damage to government and/or civilian property: (1) local hational killed

LINE 8: Commander reporting:

COL. AR Commanding

DEPARTMENT OF THE ARMY

HEADQUARTERS, 2ND BATTALION, 75TH ARMOR 18T ARMORED DAYSION FOR RAC 19733

REPORTS ATTENDED OF

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	AFZN-BB-DP	S: 6 OCT 2005
		10 OCT 2005
	MEMORANDUM FOR Commander, Headquarters and Headquarters Battalion, 70th Armor, ATTN: CPT (Commander), Camp (Company) Iraq SUBJECT: Appointment of Investigating Officer	Gempany, 2nd 09378
AMMANATURE AND	You are hereby appointed an Investigating Officer pursuant to AR paragraph 6-103, to investigate the circumstances surrounding the OCT 05	15-6 and AR 380- prisoner abuse on
	2. In your investigation, all witness statements will be sworn and Priv Statements taken. From the evidence, you will make specific findings circumstances behind the incident and the potential for criminal or ad liability. You will also make recommendations for corrective action to acts or incidents and for administrative and/or disciplinary action, if an	into the ministrative
** *** Aprillage seems on the first	3. You may obtain advice and assistance from the Administrative Law of the Staff Judge Advocate. Administrative support will be provided the Brigade Legal Office located at	v Division, Office by CPT of
	4. Prior to interviewing any service member whom you suspect may buckly you must provide an Article 31 rights warning. The Article 31 should be done using DA Form 3881. Please consult with your legal information.	And the Same of the Contract o
	5. Coordinate and report to the Task Force XO upon receipt of this or briefing and follow on scheduling with the Task Force Commander.	der for an initial
	6. Submit your findings and recommendations, with continuation she and exhibits to the S1 Office upon completion. Point of contact for the CPT at at	ets, enclosures, s memorandum is
		<u></u>
	LTC, AR Commanding	

SWORN STATEMENT For use or this form, see AR 190-45; the proponent agency is ColoSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN) PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filling and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME FILE NUMBER 2005 0950 2330 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN 7. GRADE/STATUS 8. ORGANIZATION OR ADDRESS A Co 1-41 INF GTF 2-70 AR ON 30 SEPTEMBER 05 at 1900 hours phyself, Deans Section and 157 squad stilled on our evening TOP'S WITH AZS LEADING SOUTH IN COST TO WOT . TO SOUTH WERE TO STANT OUR MISSION. AT STOPPED DUR FIRST VEHICLE, A WHITE 4 DOOR TONETA SEDAN. A 23 STOPPED FARTHER DOWN ON ADMIT LOP METERS AND I STOFFED MY TRACK ABOUT 50 METERS TO THE FOURT (NEETH) IF THE VEHICLE. MY DISMONNES FROM 1 ST SGRAD INCLUDES of the man, but the same of 567 THE INTERPRETER WINTHE DISMOUNTS OFF TO THE LEFT AND RIGHT SIDES OF THE ROAD. was scropping for the prompants of the vertices to bet out of the vehicle becam to back up, set FIRED A WHILING SHET INTO A DIRT BIRM. THE VEHILLE THEN THESE FORWARD TOWARD THE ASMOUNTS AND SOT MY GUNNER SHOT THE NEXT 2 Shots INTO THE GREEK OF THE VEHICLE. THE VEHICLE CONTINUED TO MEN & FOLINGED, BY THE THE GEHICLE WAS NOW about 25 meters from the Disnounts. Feature for the LIVES of my MEN I TOLD THEM TO THE THE OCCUPANTS DOWN. POT THE THE SHOT AND KILLED THE PASSANGER. THE DRIVER REACHED OVER THE PASSENGER AND OPEN HED DOOK AND THROW HEN OUT OF THE VEHICLE. THE DEWEL CINTINUED TO MIVE TOWARD THE DISMOUNTS. I TOLD THEM TO BET BACK BEHIND THE BRADZEY THIS COULD BE A VIDED. I ALSO BACKED MY FEHILLE OF OUT OF THE WAY THE Dewere MANE A U-TURN IN THE STREET CHANGING HIS DIRECTION SOUTHWAND. I SOW BOTH HIS HANDS THEN COME OUT OF THE VEHICLE, I DISMENTED my beading to funed the out and ento the CHAIND. I SEARCHED THE DETAINEE For weapons, HE HAD NOTHING ON AIM EXCEPT FOR A PIEN OF CIGARITTO, A few DIMAR AND My TORM OF DISMOUNTS WITH THE RAW WER TO ME NOTHING WAS FOUND IN THE VEHICLE THAT WAS INCOMMENTING . USING DIDY I ASKED HIM TO SEMMEN THE CAR. WHY DIDN'T HE STEP AND GET OUT. HE SAYS THAT HIS BLOTHER, THE PASSENGER TOLD HAN NOT TO STOP, THE AMERICANS WOULDN'T STOP THEM. O.K. I SAY BE WHAT IS YOUR PRETHERS NAME. HE THINK, NOTHING. I face - ASIDE, CALLS WILL SON SANTERSON THEM IN NO TO THIS POINT, ADJUGET ME TO TORCE A STATEMENT FROM THE DETATIVEE ABOUT WHAT HE WAS DEING. AND I ASK AIM AGAIN WHAT IS YOUR BROTHERS NAME? HE REplies," I DON'T KNOW I AM A TAX! DELVER AND I DON'T KNOW HIM. " AT THIS POINT WE REALIZE THAT HE WOULD CONTINUE TO HE ABOUT HIS INVOLVENCED. AND SE WE TO BEEN THE BOOK AS DECEMBER THE DECEMBER THE COST BANK TO THE THE GUEST WE looked Over THE DETAINED FOR ANY WELLINDS, BECAUSE HE HAV A CARGE Blood STAIN ON HIS DRESS WE LOADED HIM IN MY TRACK WITH SAT DOOL BRAID SECTION AND I CONTINUED MOVEMENT TO THE THE WITH THE DETAMBE'S ALSO ADVISED OUS TO LINE UP THEY TO HAND OFF THE BODY AT THE THE MY ARS TRACK HAD MAINTAINERS PASSESS, BY THIS TIME Appetition joins as at the The Where They fork THE BOOK AND MET UP WITH NAME WIS DEFINED ONLY THROUGHOUSE PROSSERIES NOT NAMED OUT TO PAST WHAT INITIALS OF PERSON MAKING STATEMEN PAGE **PAGES**