



DEPARTMENT OF THE ARMY

(b)(1)
(b)(2)

(b)(2)High, (b)(1)1.4a, (b)(3), (b)(6)

FORWARD OPERATION BASE SPEICHER, IRAQ 09393

S: 4 January 2007

(b)(2)High

1 January 2007

MEMORANDUM FOR MAJ [REDACTED] (b)(3), (b)(6) Headquarters, [REDACTED] a, (b)(2)High, (b)(3) (b)(1)1.4a, (b)(2)High, (b)(3), (b)(6) Forward Operation Base Speicher, Iraq (b)(1)
09393 (b)(2)

SUBJECT: Appointment as Informal AR 15-6 Investigating Officer

1. You are hereby appointed as Investigating Officer pursuant to Army Regulation 15-6 to conduct an informal investigation into the circumstances surrounding the death and injury of local nationals on [REDACTED] (b)(2)High. As initial guidance, you are to investigate the following:

a. During [REDACTED] (b)(1)1.4a, (b)(2)High Mortar Platoon registration at 310900C December 2006, the mortar round struck the house of [REDACTED] (b)(2)High the resulting explosion causing the death of his son [REDACTED] (b)(6) and lacerating the scalp of [REDACTED] (b)(6) (b)(6) Medics treated and released the injured daughter to her uncle. The family representative is [REDACTED] (b)(6)

b. What are the facts and circumstances surrounding the mortar registration and subsequent impact on the house?

c. Who was involved with the mortar registration? For each person identified as having a role, whether direct or indirect, detail the extent of their involvement.

d. What were the proximate and ultimate causes of the mortar rounds impacting the house?

e. Include any other facts or findings that you deem appropriate or that you feel the command should be aware of to avoid similar situations in the future.

2. You will make findings and recommendation(s) based upon your investigation. You will obtain sworn statements from witnesses using DA Form 2823; however, if a witness refuses to make a sworn statement, an unsworn statement will suffice. In the event that you come to suspect that someone you are interviewing, or intend to interview, may have committed a

(b)(1)1.4a, (b)(3), (b)(6), (b)(2)High

(b)(1), (b)(2)

CENTCOM 020551

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1), (b)(2)

(b)(2)High

SUBJECT: Appointment as Informal AR 15-6 Investigating Officer

criminal offense punishable under the Uniform Code of Military Justice (UCMJ), you will advise that person of his or her rights under Article 31, UCMJ, prior to questioning or obtaining a statement from that witness. Complete DA Form 3881 before interviewing.

3. Submit your Findings and Recommendations to me on a DA Form 1574 NLT 4 January 2007. Requests for additional time must be in writing and routed through the Brigade Judge Advocate to me for approval.

4. You will contact MAJ (b)(3), (b)(6) for a preliminary legal briefing (b)(1) before you begin your investigation.

(b)(3), (b)(6)

(b)(1)

LTC, IN
Commanding

2
(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1), (b)(2)

CENTCOM 020552

23846



(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1), (b)(2)

DEPARTMENT OF THE ARMY

(b)(2)High, (b)(1)1.4a, (b)(3), (b)(6)

FORWARD OPERATION BASE SPEICHER, IRAQ 09393

(b)(2)High

4 January 2007

MEMORANDUM FOR Commander, (b)(2)High FOB Speicher, Iraq 09393 (b)(1), (b)(2)

SUBJECT: Request for extension to suspense for AR 15-6 Investigation

1. The investigating officer (IO), MAJ (b)(3), (b)(6) requests an extension of two days for the suspense of the AR 15-6 investigation. The adjusted suspense will be 6 January 2007. (b)(6)
2. The initial completed AR 15-6 report was submitted to the appointing authority, LTC (b)(3), (b)(6) on 4 January 2007. LTC (b)(3), (b)(6) provided additional guidance, requiring two more (b)(6) days for the IO to complete the investigation and associated report.
3. The point of contact is the undersigned at (b)(3), (b)(6) (b)(6)

(b)(3)(b)(6)
(b)(3), (b)(6)

(b)(6)

MAJ, EN
Investigating Officer

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1), (b)(2)

CENTCOM 020553

Pages 4 through 7 redacted for the following reasons:

(b)(1)1.4(a), (b)(2)High, (b)(3), (b)(6)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

PRINCIPAL 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

Camp Speicher, Iraq

2. DATE (YYYYMMDD)

2007/01/16 (b)(6)

3. TIME

1915

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

(b)(3), (b)(6)

(b)(6)

6. SSN

(b)(3), (b)(6)

(b)(6)

7. GRADE/STATUS

O2/Active

8. POSITION OR ADDRESS

Task Force [REDACTED]

(b)(1), (b)(2)

9.

(b)(3), (b)(6)

(b)(6)

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Where were you located during the motor registration on 31 Dec 06? (b)(3), (b)(6)

A: I was talking to my PLT SGT just inside the doorway [REDACTED] (b)(3)(b)(6) [REDACTED] [REDACTED] outside. (b)(3), (b)(6)

Q: Were you involved with the target selection for the registration? (b)(3), (b)(6) (b)(6)

A: No, (b)(3), (b)(6) (b)(6)

(b)(1)

(b)(2)High

(b)(1)1.4a

Q: Were there any (b)(2)High (b)(1)1.4a changes in contact at the time of the registration? (b)(3), (b)(6)

A: There was no TIC during the time of registration. (b)(3), (b)(6) (b)(6)

Q: Did you oversee the registration process? If not, who did and why? (b)(3), (b)(6) (b)(6)

A: No, SSG [REDACTED] (b)(3), (b)(6) oversaw the registration as the FDC because that is his gun line during a live fire by doctrine (M7-9C). (b)(3), (b)(6) (b)(6)

Q: Did you participate with the registration that was conducted on 30 Dec 06? (b)(3), (b)(6) (b)(6)

A: I served as the ammo bearer on 30 Dec 06 (b)(3), (b)(6) (b)(6)

Q: Did you receive or hear of any guidance with respect to target selection for the registration? (b)(3), (b)(6) (b)(6)

A: No, we had not received any registration guidance up to the incident.

Q: Were you near (within eyesight) the mortar system when the check fire order was given?

IF so, what did you observe and what actions did you take? (b)(3), (b)(6) (b)(6)

10. EXHIBIT

2

11. INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

(b)(6)

PAGE 1 OF

2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

16 JAN 07

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE

(b)(3), (b)(6)

(b)(3), (b)(6)

IN MAKING THE STATEMENT, AND PAGE NUMBER

(b)(6)

STATEMENT OF

(b)(3), (b)(6)

(b)(6) TAKEN AT Camp Speicher DATED 16 1943 JAN 07

9. STATEMENT (Continued)

A: I was within (b)(2)High of the gun when the check fire was given. I witnessed the chief & check computer comparing the same data that the FSO confirmed over the radio (Grid 61en). I witnessed the gun crew taking immediate check fire procedures (backed off the gun) and my FDC and I checked the gun data and lay of the gun shortly thereafter, all data matched and all check fire procedures were done by doctrine. (b)(3), (b)(6) (b)(6)

Nothing Follows

(b)(3), (b)(6)

(b)(6)

I,

(b)(3), (b)(6)

(b)(6)

AFFIDAVIT

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. (b)(6)

(b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2007
at Camp

(b)(3), (b)(6)

(b)(6)

ORGANIZATION OR ADDRESS

MAJ (b)(3), (b)(6)
(Typed Name) (b)(6)

ORGANIZATION OR ADDRESS

AR 15-6 Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

(b)(6)

PAGE 2 OF 2 PAGES

Pages 10 through 12 redacted for the following reasons:

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

PRINCIPAL 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 <i>Corp Spusher</i>	2. DATE (YYYYMMDD) <i>2007 01 13</i>	3. TIME <i>0600</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(3)</i>	7. GRADE/STATUS <i>(b)(3) E-5 /Sgt</i>	
8. OR <i>1-73 CAV</i>			

9. I, *(b)(3), (b)(6)* *(b)(6)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Who claimed *the 105mm Mortar System* that was involved with the incident on 31 December 2006?

A: *SAC* *(b)(3), (b)(6)* *(b)(6)*

Q: Who verified it?

A: *Myself, Sgt* *(b)(3), (b)(6)* *(b)(6)*

Q: At what time did the bore *(b)(3), (b)(6)* place?

A: The afternoon, early, before wheels up *(b)(3), (b)(6)* *(b)(3), (b)(6)* ensured the system was properly boresighted, using the distant aiming point method. *(b)(3), (b)(6)*

Q: After initial borescope, is there a requirement to complete again prior to conducting live fire (including registration)?

A: The sight should be calibrated each time the mortar is mounted in a new location, since the movement might disturb the setting of the elevation and deflection scales. As quoted from FM 3-22.90 Chapter 2 par 27.

Nothing follows *(b)(3), (b)(6)* *(b)(6)*

10. EXHIBIT <i>4</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <i>2</i> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF <i>Sgt</i> <i>(b)(3), (b)(6)</i>		TAKEN AT <i>135 Ave 7</i> DATED <i>135 Ave 7</i>
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIAL <i>(b)(3), (b)(6)</i> SON MAKING THE STATEMENT, AND PAGE NUMBER <i>(b)(3), (b)(6)</i> MUST BE INDICATED.		

STATEMENT OF SGT (b)(3), (b)(6) (b)(6) TAKEN AT Cap Spreader DATED 13 JAN 07

9. STATEMENT (Continued)

(b)(3), (b)(6)

Nothing follows

4)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

(b)(3), (b)(6)

Making Statement)

(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13th day of January, 2007
at Cap Spreader, Iraq

ORGANIZATION OR ADDRESS

(S) (b)(6) (b)(6)

ORGANIZATION OR ADDRESS

(T) (b)(6) (b)(6)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

(b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION (b)(2)High (IRAQ)	(b)(2)High	DATE 1 Jan 07	TIME 1600	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3)	(b)(2)High	SOCIAL SECURITY NUMBER (b)(3), (b)(6)	(b)(2)High	GRADE/STATUS E-7/SFC (P)
ORGANIZATION OR ADDRESS (b)(2)High Iraq, FOB Speicher, Tent City 14 (b)(2)High, (b)(2)High				

I (b)(3), (b)(6) (b)(2)High, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 31 December 2006 while conducting (b)(2)High around 0900hrs, the (b)(2)High (b)(2)High PLT conducted a registration mission to support the (b)(2)High, (b)(1)1.4a, (b)(3), (b)(6) At or around 0900hrs I was in the process of waking up, just coming off 4hr of rest in the past 24+hrs when my Section Sergeant SSG (b)(3), (b)(6) fired the first round of the registration mission. Approximately 20-25sec after the round was fired, I heard (b)(2)High I stopped what I was doing and put all my gear on and came out of the building that we were occupying to see what had happened.

The initial report was that our (b)(2)High round may have hit a structure to our (b)(2)High I immediately (b)(2)High

Nonresponsive, (b)(2)High (b)(2)High

While I was taking pictures of the gun system and conducting the previous checks, LTC (b)(3), (b)(6) (b)(2)High had taken out a patrol to see where the (b)(2)High MTR RD landed. Some members of that patrol had returned to get something from (b)(2)High among them was 2LT (b)(3), (b)(6) He told me the (b)(2)High to the actual point of impact. SSG (b)(3), (b)(6) then looked at the (b)(2)High that was given in the (b)(2)High from the FSO and the (b)(2)High of the point of impact. We found that the (b)(2)High (b)(2)High

(b)(2)High (b)(2)High

Nonresponsive, (b)(2)High

(b)(2)High, Nonresponsive

We adjusted (b)(2)High under controlled conditions, actual round to (b)(2)High every thing that we could on our end that we could control. All prior registration mission, I was consulted on where we should register. The first mission I was on the roof of a house and was with the FSO selecting a grid and while the mission was fired. On this mission day one, we had selected a position off (b)(2)High This was used for both us and one of the (b)(2)High MTR section to register on. On this day I had not been consulted on a registration grid. END of STATEMENT

EXHIBIT 5	INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) (b)(2)High	PAGE 1 OF 9 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>		

Pages 16 through 23 redacted for the following reasons:

(b)(2)High,
(b)(2)High, (b)(6)
(b)(2)High, (b)(6), (b)(3)