**SUBJECT**

O6-108/EOF Death of 3 X LN

**DATE ACTION INITIATED**

1 MAR 06

<table>
<thead>
<tr>
<th>ORIGINATOR / ACTION OFFICER</th>
<th>OFFICE SYMBOL</th>
<th>TELEPHONE</th>
<th>SUSPENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL</td>
<td>AFZB-KB-JA</td>
<td>242-4342</td>
<td></td>
</tr>
</tbody>
</table>

**OFFICE**

<table>
<thead>
<tr>
<th>BRIGADE S1</th>
<th>BRIGADE S2</th>
<th>BRIGADE S3</th>
<th>BRIGADE S4</th>
<th>BRIGADE S6 (SIGO)</th>
<th>BRIGADE CHAPLAIN</th>
<th>BRIGADE SURGEON</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ROUTE**

<table>
<thead>
<tr>
<th>BRIGADE SJA</th>
<th>FALCON 6</th>
<th>HQ</th>
<th>BRIGADE COM</th>
<th>DEPUTY COMMANDER</th>
<th>BRIGADE COMMANDER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**IMACT**

<table>
<thead>
<tr>
<th>PERSONNEL</th>
<th>FUNDS</th>
<th>TIME</th>
<th>TRAINING</th>
<th>SUPPLIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>OTHER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY**

Sir, by review & signature, follows the original story board + S1B, no surprise. 

2nd BDE, 101st Airborne Division (AASLT)
AFZB-KB-CDR

MEMORANDUM THRU Staff Judge Advocate, MND-B, Camp Liberty, Iraq

FOR Commander, MND-B, Camp Liberty, Iraq

SUBJECT: Approval and ratification of AR 15-6 investigation #06-108, EOF with death of 3 local nationals findings and recommendations

1. The undersigned has reviewed thoroughly the aforementioned investigation conducted by [redacted] and approved by [redacted]. I ratify and approve the findings and recommendations enclosed.

2. Commander's Comments:

   [Redacted text]

3. POC for this memorandum is the undersigned.

   Commanding
MEMORANDUM FOR [Redacted], Headquarters and Headquarters Company, 2d Battalion, 502 Infantry Regiment, 2d Brigade Combat Team, 101st Airborne Division (Air Assault), Camp Striker APO AE 09398

SUBJECT: Appointment as 15-6 Investigating Officer, Investigation 06-108

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, into the facts and circumstances of the death of 3 x LN's during a small arms engagement by B/2-502d Infantry Regiment on or about 27 1508 FEB 06. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is completed, this will be your primary duty responsibility.

2. Your investigations and findings will include, but not be limited to the following:
   a. The exact time and place of the incident;
   b. How exactly the loss occurred, to include the events leading up to and concurrent with the incident;
   c. Whether or not the soldiers had PID of their target;
   d. The last time the soldiers were briefed on the Rules of Engagement;
   e. Any other matters you deem relevant.

3. You will use informal procedures under AR 15-6, Chapter 4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented on DA Form 3881. Witness statements should be sworn and recorded on DA Form 2823.

4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You must submit any requests for delay to me in writing. Include with your report all documentary and physical evidence you considered.

5. Before proceeding with the investigation you must contact [Redacted] at the Brigade Annex for an initial legal briefing. He will serve as your primary legal advisor and can be reached at VOIP 242-4342.
AFZB-KB-JA
SUBJECT: Appointment as 15-6 Investigating Officer

6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor.

7. If during the course of your investigation you discover systemic training deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.

IN Commanding
SECTION I - APPOINTMENT

Appointed by [Redacted], Commander, 2-502d Infantry Regiment, APO AE 09073.

on 27 February 2006

(SECTIONS 3-15, AR 15-6)

SECTION II - SESSIONS

The investigation (board) commenced at Camp Striker, Iraq, at 2000

on 27 February 2006

(The time)

and completed findings and recommendations at 1200 on 1 March 2006

1. The following persons were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

Investigating Officer

The following persons were absent: (Include brief explanation of absence.) (See paras 3-2 and 3-8a, AR 15-6.)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclusions (para 3-15, AR 15-6)

   a. The letter of appointment or a summary of oral appointment data?
   b. Copy of notice to respondent, if any? (See item 9, below)
   c. Other correspondence with respondent or counsel, if any?
   d. All other written communications to or from the appointing authority?
   e. Privacy Act Statements? (Certificate, if statement provided orally?)
   f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
   g. Information as to sessions of a formal board not included on page 1 of this report?
   h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

FOOTNOTES:
1) Replace all negative answers on attached sheet.
2) Use of the "M" columns constitutes a positive representation that the circumstances described in the attached sheet negate to this investigation or board.

DA FORM 1574, MAR 83
SECTION IV - FINDINGS (para 3-10, AR 15-6)

The investigating officer/boards, having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM

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

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

SEE ATTACHED MEMORANDUM
SECTION VI - AUTHENTICATION

This report of proceedings is complete and accurate. If the report is not complete, check the section below to sign here or in Section VII below. Indicate the reason in the space where the signature should appear.

Recorder:

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-13, Alt 13-6)

The findings and recommendations of (the investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority requests a record of the procedural actions or board for further proceedings or corrective action, attach a summarization.)

Ensure this scenario is included in future bin level REF
Training is to arm each unit the enemy will use shelters
as a "shelter" in the future.

Commanding Officer:

IN

Commanding Officer
MEMORANDUM FOR RECORD

SUBJECT: 15-6 Investigating Officer Report: CF killing of Local Nationals on 27 FEB 2006 (AO Strike Force)

1. Summary of events: On 27 February 2006, 2/B/2-502 ("Renegade 2") was tasked to conduct route security on [deleted] (AO Strike Force) in order to secure BN LOC's and Patrol Base [deleted] (PBGS). The Company Commander [deleted] issued the order to the 2/B platoon sergeant [deleted] on 27 FEB. The security mission on this route is one that 2/B conducts every three days for a 55-hour period. Prior to assuming RTE security [deleted] received a Battle Handover brief from the unit he was relieving and then briefed his TL's on his tactical plan. Although he did not specifically cover the Rules of Engagement, the B/2-502 commander gave his entire company an updated ROE class on 23 FEB 06. Moreover, [deleted] had issued in-depth patrol briefs including ROE in the past for the same mission. Prior to every mission, he alluded to these briefs. Furthermore, all gunners involved were qualified on their assigned weapon system at the time of the incident.

At approximately 1430 hours on 27 February 2006, 2/B was in position to conduct its mission at the intersection of routes [deleted] and [deleted] (MB 25610 63810). SSG Hobbs arrayed his M1114 vehicles in positions where they could maximize observation with overlapping sectors of fire. Renegade vehicle number 2-3A, lead by [deleted], was positioned on the intersection of [deleted] and [deleted]. Renegade 2-3, commanded by [deleted] was 500 meters West of the Intersection on [deleted]. The remaining two vehicles were positioned North of the intersection on [deleted]. The intersection of [deleted] and [deleted] (approximately 50-100 meters South of and perpendicular to [deleted]) has historically been an area of intense AIF activity. On seven past occasions, 2-502 elements operating in the immediate area have taken enemy fire. Additionally, B/2-502 had found caches in the area containing AIF propaganda and insurgent TTPs about using civilians as cover when attacking U.S. forces.

At approximately 1505-1508 hours, [deleted] vehicle (Renegade [deleted]) received one round of RPG fire and a high volume of SAF from approximately 200 meters Southwest of [deleted]. [deleted] was unable to positively identify the shooter. However, he was able to see that the fire was coming from behind and around a house 100-200 meters to his Southwest (See Exhibit A). He reported the contact to [deleted] (Renegade 2-3) who immediately maneuvered his M114 East on [deleted] to support [deleted] vehicle received 1 RPG before [deleted] arrived on scene, another as [deleted] was.
en route, and a third once arrived. The enemy small arms fire was constant. Maneuvered his vehicle to the left of a position where he could suppress the enemy fire. The exact moment that the two vehicles returned fire is unclear. However, it is clear that both identified the direction and distance to the enemy and ordered their gunners to engage on that area to suppress enemy fire. Dismounted his vehicle and returned fire with his M4. Shortly after returning fire, gunner—identified a dark colored van (See Exhibit B) parked where enemy fire was coming from. The van was parked on the South side of a house on near. Based on the position of the vehicle, and his elevation as the gunner, was the only soldier who could see the vehicle at that time (See Exhibit C). believed that the enemy fire was either coming from the van or immediately behind the van. Regardless, he concluded that the van was being used by the AIF as either a firing platform or cover. informed that he believed the van was the origin of the enemy SA. ordered to fire on the van and kill the enemy; obeyed this order. At roughly the same time, the van began driving East on at a high speed. Once it began moving, both gunners and both TC’s had visual contact with the van. (gunner) also opened fire on the van. According to interviews and statements, either or ordered to fire. After firing on the van for approximately 2-10 seconds, the vehicle in question stopped and both gunners ceased fire. A few seconds later; however, the van continued to move, this time at a higher speed. The gunners, again ordered by reinitiated fire on the van for another 2-10 seconds and disabled it at (See Exhibit D). In total, the gunners fired roughly 50-100 rounds of 7.62 mm and 100-150 rounds of 5.56 mm (link) ammunition. At this point, the patrol shifted its focus toward evaluating the enemy situation and assessing battle damage.

moved his vehicle 100 meters South to which separated his element from the van. He dismounted his soldiers but the absence of a foot-bridge prevented further movement toward the disabled van. Though they could see the van through the canal vegetation, visibility was not sufficient to conduct a battle damage assessment. Consequently, notified his higher headquarters and requested aviation support to assist in the BDA. Attack Aviation arrived on scene at approximately 1520 hours and reported that a crowd of local nationals was gathering around the vehicle. LONGBOW attempted to disperse the crowd by firing an illumination flare. The D/2-502 commander was located at PBGS and dispatched an element, including the Battalion Commander and CSM, to move to the disabled vehicle and conduct BDA. Upon arriving, the foot patrol confirmed that one local national adult male and two children occupied the vehicle. All three had been killed in the exchange of fire. Moreover, there were no weapons or ammunition in the van. However, D/2-502 did find a RPG round at the same location of the van when the patrol began taking fire. Following the BDA and procurement of the RPG round, 2/B/2-502 remained in its original position to complete its route security mission.
a) Chronology of events
- 17 1430 FEB 2006: 2/B/2-502 in position (vic. intersection of RTEs [redacted] and [redacted]) to conduct RTE security mission.
- 1508 hrs: Renegade 2-3A receives SAF and RPG fire from 100-200 meters to the Southwest and return fire.
- 1509 hrs: [redacted] van as AIF
- 1509 hrs: [redacted] orders gunners to fire on van
- 1510 hrs: Blue van is disabled
- 1520 hrs: Aviation is on sight to attempt BDA, fire illum flares to disperse crowd of LN's.
- 1530 hrs: CMDR/D/2-502 dispatches patrol to conduct BDA
- 1700 hrs: BDA complete; 1 LN adult male and 2 LN children killed
- 17300hrs: RPG round found at original position of the blue van [redacted]

b) Chronology of investigation
- 27 1000 FEB 2007: [redacted] assigned as Investigating officer for this incident
- 1030 hrs: Investigating Officer conducts initial brief with BCT Legal office
- 1100 hrs: Investigating Officer Reviews SIR and Storyboard
- 1900 hrs: Investigating Officer interviews [redacted] (Exhibit E)
- 1920 hrs: Investigating Officer interviews [redacted] (Exhibit F)
- 1945 hrs: Investigating Officer interviews [redacted] (Exhibit G)
- 2110 hrs: Investigating Officer interviews [redacted] (Exhibit H)
- 28 1400 FEB 06: Initial draft of investigation synthesis taken to BCT Legal Office for review.
- 1600 hrs: Final Investigation packet submitted to BCT Legal office

2. Findings
a) Based on the BN SIR, interviews, sworn statements, and imagery, I do not believe that U.S. Soldiers involved in this situation violated the rules of engagement or escalation of force regulations. In the midst of an intense and fast-paced firefight, U.S. soldiers positively identified an enemy combatant vehicle to the best of their ability.
b) Two M1114s from B/2-502 received enemy RPG and SAF at 1500-1510 hours on 27 FEB 2006 vic.
c) Renegade 2-3 and 2-3A, the two vehicles in question, initially returned fire in accordance with the Rules of Engagement and individual/team react to contact battle drills.
d) At the outbreak of the firefight, there was a dark van parked at the origin of the enemy fire.
e) Given the situation, positively identified the dark van as either an enemy firing platform or enemy cover to the best of his ability.
f) Under the orders of (M249 Gunner) and (M240 B Gunner) opened fire on the van only after positively identified it as enemy.
g) After engaged by U.S. forces, the van moved East at a high velocity, stopping once, until it was finally disabled.
g) All soldiers involved received a detailed and current ROE class from the company commander five days before the incident.
l) Based on the time of day and position of friendly vehicles, sunlight did not obstruct friendly vision of the enemy.
j) The area where the incident took place is a particularly volatile one where caches and anti U.S. propaganda had been found in the past. Certain pieces of AliF propaganda included insurgent TTPs such as using civilians as cover for attacks on CF.
k) Elements from B/2-502 involved in the incident responded with the necessary amount of force to deal with the situation.
l) After the firefight, D/2-502 found an RPG round at the disabled van's original position.

3. I recommend no punitive or judicial action in this case. In the future; however, this situation should be used as a case-study to help teach Strike soldiers of the importance ROE and the willingness of insurgents to use civilians to their advantage. I also recommend CERP condolence payments to the family of the deceased if appropriate.

4. The POC for this memorandum is the undersigned at 242-4957.

[Signature]
FA
Assistant BN FSO
15-6 Investigation Exhibit List

#06-108 EOF Death of 3 Local Nationals

| EXHIBIT A. | Photograph |
| EXHIBIT B. | Photograph |
| EXHIBIT C. | Photograph |
| EXHIBIT D. | Photograph |
| EXHIBIT E. | MND-B SIR FORMAT |
| EXHIBIT F. | Interview Form |
| EXHIBIT G. | Sworn Statement |
| EXHIBIT H. | Interview Form |
| EXHIBIT I. | Sworn Statement |
| EXHIBIT J. | Interview Form |
| EXHIBIT K. | Sworn Statement |
| EXHIBIT L. | Interview Form |
| EXHIBIT M. | Sworn Statement |
Exhibit A
EXHIBIT B: Vehicle in Question
Camera oriented to the South. Photo taken after vehicle was disabled.
Exhibit E
MND-B SIR FORMAT

From: 2-502 IN
Thru: 2/101 BCT
To: 4th ID / Division Operation Center
Subject: LN Fatal Shooting on RTE Earnhardt

1. Category:

2. Type of incident: LN Fatal Shooting

3. DTG:
   A. DTG of Incident: 27 1508 FEB 06
   B. DTG Unit was notified of Incident: 27 1508 FEB 06
   C. DTG received by DOC:

4. Location: Intersection of [redacted] and [redacted]

5. Personnel involved:
   A. Subject:
      1. Name: [redacted]
      2. Rank or grade: [redacted]
      3. Social Security Number: [redacted]
      4. Race: Cauc.
      5. Sex: M
      6. Age: 23
      7. Position: SL
      8. Security clearance: None
      9. Unit and station of assignment: 3/2/B/2-502 IN
      10. Duty status: Active
      11. Marital Status: Single
   
   B. Additional personnel involved:
      1. Name: [redacted]
      2. Rank or grade: [redacted]
      3. Social Security Number: [redacted]
      4. Race: Cauc.
      5. Sex: M
      6. Age: 23
      7. Position: TL
      8. Security clearance: None
      9. Unit and station of assignment: 3/2/B/2-502 IN
      10. Duty status: Active
      11. Marital Status: Single

1. Name: [redacted]
2. Rank or grade: [redacted]
3. Social Security Number: [redacted]
4. Race: Cauc.
5. Sex: M
6. Age: 21
7. Position: M240 Gunner (qualified on M249)
8. Security clearance: None
9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single

1. Name:
2. Rank or grade:
3. Social Security Number:
4. Race: Cauc.
5. Sex: M
6. Age: 25
7. Position: TL (former M240 gunner, qualified on M240)
8. Security clearance:
9. Unit and station of assignment: 3/2/B/2-502 IN
10. Duty status: Active
11. Marital Status: Single

C. Summary of incident:

On 27 FEB 06, Renegade 2-3 (________) was securing _______ with four M1114s and twelve personnel, three per vehicle. He had been in position since 1430 that day. Renegade 2-3A’s vehicle, commanded by ________, with an M249 manned by ________ s stationary at the intersection of ________ and ________. Renegade 2-3’s vehicle was roving, but at the time of the incident was located approx 500m west of ________. Two more vehicles are north on ________. One was stationary at the intersection of ________ and ________ and one was roving north of ________ and south of ________. The vehicles had ASIP FM comms and could talk both to Renegade at Camp Striker as well as the Swamp, which was run by D CO.

T: Secure _______.
P: IOT maintain a secure LOC to PBGS.

B/2-502 units at the intersection of ________ and ________ have received SAF and RPG fire from the south, across ________ seven times in the past. They have been unable to PID in the past. Based on reports from LNs in the area over the last month, the LNs infiltrate by foot from the ________ and attack are forces across ________. They are supported by an anti-coalition Zobal sheik who lives in this area. We found a cache at ________ three weeks ago, 300m from the SAF/RPG location, consisting of IED making material and propaganda. One of the propaganda items found was an AIF pamphlet describing techniques for using the population as a shield.

At 1505, Renegade 2-3A’s M1114, received one RPG round plus a high volume of SAF from an estimated four personnel approx 200m southwest on ________. He was unable to PID the attackers’ location through the tall reeds. He reported to ________, who was currently located 600m west on ________. He moved his M1114 to 2-3A’s location to support. Upon 2-3’s arrival, at 1508, both vehicles received two more RPG rounds plus a significant volume of SAF from an estimated four personnel from the southwest (the same approximate location as they last received fire). They PID’d the origin of fire at grid ________, from a blue van moving west to east on ________. He made the decision to engage the van. His gunner, ________, engaged with the M240, and 2-3A’s gunner, ________, engaged with the M249. The van stopped upon engagement and both gunners ceased fire. After a few seconds, the vehicle began moving again at a high rate of speed. Both gunners re-engaged until it stopped again at ________. The gunners used a total of 50 rounds from the M240 and 150 rounds from the M249 to stop the vehicle. Renegade 2-3 moved 100 meters south to the canal dismounted with two personnel so that he could observe the van through a break in the reeds. He saw that the van was stopped but could not confirm BDA, and there are no crossing points on the canal. He notified higher in order to get attack aviation and Dog 6 to confirm BDA. Longbow arrived on scene at 1520 and spotted a crowd moving towards the vehicle and attempted to disperse the crowd with a flare. Dog 6, currently running PB Swamp, sent an element to include Falcon 6 and Falcon 3 to confirm BDA. Upon arrival at the scene, they found that the BDA was one adult male KIA and 2 children KIA. A crowd had gathered around the vehicle. There were no signs of AIF and no weapons or ammunition in the van. Dog 6 found a RPG round at ________, the location of the van when the element first received RPG and SAF. Following confirmation, the Dog 6 element returned to the Swamp and Renegade 2-3’s element remained on ________. 
All four soldiers had received an ROE class from Renegade 6 on 22 February 06. All soldiers were qualified on their weapon systems.

6. Other Information:

A. Racial: None
B. Alcohol Involvement: None
C. Last Deployment to OIF/OEF: [Redacted] deployed with 2/101 and returned FEB 04. [Redacted] deployed with 1st AD and returned JUL 04.
D. Is Soldier on Rear "D"? No

7. Remarks:

I believe that the soldiers acted within the ROE. They believed that they PID'd the shooting as coming from the van. There is no way to determine if the AIF used the van as cover, either firing from the van and stripping the evidence, or firing from behind the van. All soldiers recently received ROE training and have displayed sound judgment in the past.

8. Commander reporting: [Redacted] B/2-502 IN

9. Point of contact: 242-7509


11. Released by:

12. Unit Notifications:

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Time</th>
<th>Instructions</th>
</tr>
</thead>
</table>

**FOD / DOC NCO ONLY:**

Current FOD & DOC NCOIC:

**FOD / DOC NCO Actions:**

**FOD Notifications:**

A. Telephone

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Time</th>
<th>Instructions</th>
</tr>
</thead>
</table>

B. Email

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Time</th>
<th>Instructions</th>
</tr>
</thead>
</table>
Exhibit F
1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS close to chronological order as you can remember:

While getting shot at, calls 2-3, gets there, gets RPG, 1st saw van after last 3d RPG hits, van pops out from behind build. Shot van immediately when came out (2-3 sec) stopped & that was it. Just saw the van in passing. Van goes speeding by.

No order to shoot van, return fire just continued.

Fire came from general direction behind house.

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR? It's a common mission. Had been out only one hour. Had been briefed extensively before but only on tactical plan this time.

3. HOW LONG WAS THE 1st VOLLEY OF FIRE? THE 2D?

1) 2 RPG 2-3 min didn't PID Van - fired at one, not house.

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

No, only saw direction/ distance. Only saw Van when it started driving off.

5. WHERE WAS THE SUN?

Milday -> high -> No obstruction.

6. WHO GAVE THE ORDER TO FIRE?

I did. 1st was 2nd in vehicle.

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

NA = Didn't remember Van stopping/restoring.

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

ROE brief w/ renegade 6 w/ i last few days.
On Monday the 27th of February, My Squad 23 and Weapons Squad 24 assumed patrol around 1330. My vehicle 23A with my team assumed an intersection. Around 1500 we took two rounds of RPG followed by small arms fire from approx. 1000 south west of my position. We returned fire with 244 and M1. A fire fight followed for approx. 2-3 min. By this time, My Squad leader 23 and his truck had pushed to my location. As soon as they reached my position, we took the third RPG. At the same time, the third RPG exploded a Forest Green van was in the same traveling East or area the third RPG was fired. The van was traveling at a high rate of speed. We engaged the van until it stopped. At this time, all fire had ceased, and we were pushed up to try and get eyes on any movement and observed none.
Exhibit H
1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

There didn't return fire until he saw van speed up. Only saw van speed up. Only got him to shoot the van from other N114. Van came from right where fire was coming from. Didn't see van in original position but did see it drive out of general area. Before it was told to fire on the van, he believed it was AIF. Would have fired anyway.

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR?


3. HOW LONG WAS THE 1ST VOLLEY OF FIRE? THE 2D?

Few seconds 2/3 seconds

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

When AIF fire stopped you took off to east. Didn't see van until it started moving.

5. WHERE WAS THE SUN?

Not an issue

6. WHO GAVE THE ORDER TO FIRE?

Told him to fire on van

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

RPG + small arms sustained. Couldn't notice any breaks

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

Couple days ago ( ). ROE didn't come out in convoy brief but had been briefed before.
On the 27th Feb 06 our squad along with upper squad assumed motorhead patrols at 1430. I was the gunner on vehicle located on the corner of [redacted] and [redacted]. I was covering to our south and [redacted]. At approximately 1500 a RPG round landed 100m in front of me to the south of our vehicle. I immediately took cover inside of the humvee. At this time we took 2 more RPGs along with small arms fire from 100m South/Southeast of my location. At this time [redacted] had moved the vehicle forward to obtain a better view of [redacted]. Also at this time I noticed the gun was behind us and aiding with security. After the small arms stopped [redacted] spotted a vehicle moving on a high rate of speed away from us. We had received fire from [redacted] and I engaged to kill the person in the blue van. The van did not stop but moved faster away. At this time we were told to engage the van to disbelieve it. We shot again and the van stopped. As soon as the van stopped we ceased fire and searched the area across the canal for any more possible enemy. After a long time of no contact a team was sent to secure and observe the area for any more people that were on the way. The Blue van and surrounding area. I continued to secure the South and after the Blue area left we resumed normal patrols.
Exhibit J
1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

Hears take RPG, he returns fire, tells him they're taking fire. He moves to where he gets there, truck is no longer firing. Another RPG hits, says pointing where fire is coming from. Told him he's taking fire from van. Gives order to fire on van (10-15 seconds) calls cease fire when van stops. Van starts moving out again - then you pull off to the side. They move forward but could not conduct BDA. Longbow couldn't see anyone in van. Longbow ID's a crowd of 30 fox, 90 fox, 90 fox, 90 fox, 17 co was up & PID's there. D 1/6 finds RPG round where you started from.

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR?

3. HOW LONG WAS THE 1ST VOLLEY OF FIRE? THE 2D?

NA - Every fire S/A was Contact W/ 3 RPG ROS

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

Van was stationary when took 1st volley of RPG, fire but didn't see it.

5. WHERE WAS THE SUN?

No where where it could distract vision

6. WHO GAVE THE ORDER TO FIRE?

[Redacted]

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

10-15 sec

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

Patrol Brief: Co in brief from Renegade 6 = gives tactical brief plan to his TC's. Company received ROE brief 2-3 days prior to.
Exhibit K
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 2901; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL
Routine Uses: To provide commanders and law enforcement officials with means by which information may be accurately identified.
DISCLOSURE:
Disclosure of your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

1. LOCATION: 10th strike
2. DATE (YYYYMMDD): 20060228
3. TIME: 1900
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: B-2602
9. ___________________________ WANTS TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 27 Feb 06 my squad was tasked to take over security. My squad was all set in place at 1430. At 1600 2-3A [redacted] rescued fire from the south west from about 200m away on the north side of the canal. The fire consisted of 1 RPA followed by small arms fire. My truck was soon west on 2-3A. I called [redacted] on FM for a sit rep on what was happening.

I moved my truck to his locate and call the swamp which was manned by D-2602 to get them to know what was going on. Once I arrived at [redacted] location my truck was fired on by 2 more RPA also followed by small arms fire. My gunner [redacted] ID the location from the RPA being fired and small arms there was a blue colored van.

[redacted] ID rounds coming from and around the van. I told [redacted] to return fire on the van with a 240B and had [redacted] have his gunner fire also which was a 240M gunned by [redacted]. I called a cease fire and [redacted] did not see any one moving.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT

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)

After I called a sit rep to the swamp the van drove off at a high rate of speed. At that time I had [redacted] and [redacted] inside the van. I told the van to stop. I called to swamp to let them know what had happened, called in that my squad had no casualties and to see if they had called for Attack Aviation (Longbow 5-1). I moved my vehicles to get in a better position to keep eyes on the van and the location were it was stop. I then had [redacted] take a 3 man team to an opening in the road to see if the canal to possibly ID any one that was in the van for movement. At this time Longbow came on station and I also had them move on the van to possibly ID anyone inside. Then had them check the area around the van due to the fact we were on the north side of the canal and the van was on south. Longbow spotted a crowd forming in a court yard south of the van that escalated to around 30 people and 5 vehicles. I called the swamp to let them know and they informed me that they were pushing a element to check the van. It was Dog 17 and Dog 6 - Falcon 6 - and Falcon 3.
9. STATEMENT (Continued)

Were with them once they arrived at the van. They
ID 1 adult male and 2 male children. all three KIA. Among
This time I still had with Dis morts to the north
of the van for security and and managing
the crew still why I was on the FR monitoring the radio
while the day 1/7 element was looking around the area they
found the exploded IPA lying 800m south east of
truck on the side of the road, after cine they was all
said and do
Fired 150 rnds of link 556 from
his 240. and
Fired 50 link 2.62 from his
240B.

AFFIDAVIT

I, _, have read or have had read to me this statement
which begins on page 1 and ends on page 3 I fully understand the contents of the entire statement made
by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page
containing the statement. I have made this statement freely without hope of benefit or reward, without
threat of punishment, and without coercion, unlawful influence of unlawful inducement.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 28 day of Feb 2006
at
(Signature of Person Administering Oath)

(Typed Name Of Person Administering Oath)

(Authority To Administer Oaths)
1. EXPLAIN WHAT HAPPENED IN YOUR OWN WORDS AS CLOSE TO CHRONOLOGICAL ORDER AS YOU CAN REMEMBER?

See statement - pretty clear
Saw the van stationary from his position.
Believed fire was coming from van.

2. WAS THERE A PLAN FOR THE MISSION? WHAT? WHEN DID IT COME OUT? WAS IT CLEAR?

It's a frequent mission 55 hrs on 55 off. No brief this time beyond standard tactical.

3. HOW LONG WAS THE 1st VOLLEY OF FIRE? THE 2d?

3A was already engaged when they got there. They took 2 RGF rounds.

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

Van was sitting where rounds were coming from. Looked like it was coming from behind wall. He saw it the entire time. Believed he had PID.

5. WHERE WAS THE SUN?

High didn't interfere with vision.

6. WHO GAVE THE ORDER TO FIRE?

He told [Redacted] about van; [Redacted] orders him to fire.

7. HOW LONG DID YOU HAVE TO FIRE FOR THE VAN TO STOP THE 1st/2d TIME?

(2-3) sec 2) 1/4 seconds

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

ROE Brief: [Redacted] gives ROE brief around 21st or 22nd.
Convo Brief: Standard tactical.
## SWORN STATEMENT

For use of this form, see AR 190-43; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:**
Title 10 USC Section 301; Title 5 USC Section 2905; E.O. 9397 dated November 22, 1943 (SSN).

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

**DISCLOSURE:**
Disclosure of your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

### 1. LOCATION
FOB Striker

### 2. DATE (YYYYMMDD)
20060228

### 3. TIME
1900

### 4. FILE NUMBER

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

### 6. SSN

### 7. GRADE/STATUS

### 8. ORGANIZATION OR ADDRESS

### 9. WANTED TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 27FEB06 at 1400 my squad, 3rd squad 2nd platoon, took over security operations on [redacted] and [redacted]. Around 1500 [redacted] and myself were located 500 m west of [redacted] truck on [redacted] when we heard an explosion in the direction of [redacted] truck. A couple of seconds later, [redacted] called over the net that he was receiving RPG fire and small arms fire. At that time [redacted] gave the go ahead for our truck to move to [redacted] location. Upon arriving at [redacted] location, we moved our truck into a position to set up support by fire. A few seconds went by when we received 2 more rounds of RPG fire. After the rounds were fired, I was able to locate the origin of fire on [redacted] 100 m southwest of our position. At the spot where I saw the fire there was a dark color van that I thought it was coming from. I notified [redacted] and told him that I thought that [redacted] the fire was coming from the dark colored van located on [redacted].

### 10. EXHIBIT

### 11. INITIALS OF PERSON MAKING STATEMENT

### PAGE 1 OF 3 PAGES

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

**THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED:**

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE
9. STATEMENT (Continued)

I had a M240B. After a few seconds of firing, and I ceased fire. The Van tried to speed away heading east on [REDACTED] Earnhardt. [REDACTED], and myself were told to reengage the Van. I was unable to reengage at first due to my field of fire was blocked by [REDACTED] truck. My driver pulled up away from [REDACTED] truck to clear my field of fire, where I then reengaged the Van until it stopped on [REDACTED]. When the Van stopped, I ceased fire. At that time our element was no longer taking any type of fire. [REDACTED] told [REDACTED] to move his truck down towards [REDACTED] to get a better view to see if anyone was in the Van or if anyone moved ran. [REDACTED] moved his truck into position but was unable to see due to the high reeds along the canal between [REDACTED] and [REDACTED] intersection. [REDACTED] then informed [REDACTED] that there was a cut in the reeds on [REDACTED] East just parallel to where the Van had stopped. [REDACTED] gave the okay to [REDACTED] to move with a small element to the cut in the reeds. [REDACTED] called back on Icom and said he could not see anyone in the van, but the windows on the drivers and passengers doors were shattered and that it looked like it had wrecked on [REDACTED] where it had stopped.
9. STATEMENT (Continued) Told myself to stay in place and to keep any body from approaching the Van until Dog 6 could move an element to the Van's location. When I saw the van after more rounds of fire came in it was clear that the rounds were coming from the Van or within a few feet of the Van as if the AIF were using the Van as cover. When we were receiving fire it was clear to me the the Van was part of the fight.

AFFIDAVIT

I, (Signature of Person Making Statement), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREE FROM THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INTER

WITNESSES:

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Feb. 2006 at FOB Stilwell.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Art. 136(c)(4) VCMJ

(Authority To Administer Oaths)