ESCALATION OF FORCE (EOF) INVESTIGATION REPORT
101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS

IN ACCORDANCE WITH FRAGO 132 TO OPERATIONS ORDER 01-06, THE FOLLOWING REPORT IS TO BE COMPLETED AND FORWARDED TO THE OFFICE OF THE STAFF JUDGE ADVOCATE OF TASK FORCE BAND OF BROTHERS NO LATER THAN 24 HOURS FOLLOWING COMPLETION OF ANY EOF INVESTIGATIONS.

UNIT: THT/1-187 IN, 3 BCT, 101ST ABN DIV (AASLT)

ESCALATION OF FORCE DATE TIME GROUP: 06/04/06

LOCATION OF ESCALATION OF FORCE INCIDENT: RAKI SAN

TYPE OF INVESTIGATION: INFORMAL INVESTIGATION U/SAR 15-6

FACTS AND FINDINGS OF INVESTIGATION:

FACTS: THT PATROL INSPECTING CAR-VHICLE RESPONDED TO AREA AT BAYJI FOR ESTABLISHING A Blockade at an intersection in the area to prevent further movement of personnel and equipment. As theelah vehicle approached, a checkpoint and arm signals were given. However, the LN vehicle continued into the intersection of Flta MSA TAMMA. The vehicle was preventing east-west traffic from being able to pass. The patrol successfully stopped the movement of several LN vehicles and personnel.

The LN driver was stopped and instructed to have the vehicle turned off. A WHITE NISSAN PICK-UP TRUCK TURNED INTO THE ROAD AND

THE BORDINGS CONTINUE... DESTROY MOVEMENT

WITH CAUTION AND DETERMINED THE LN DRIVER TO BE DEAD. THE IP REMOVED THE BODY FROM THE TRUCK AND TRANSPORTED IT TO THE BAYJI HOSPITAL.

FINDINGS:

1) PID/HOSTILE INTENT. PID IS DEFINED AS REASONABLE CERTAINTY THAT THE PROPOSED TGT IS A LEGITIMATE MILITARY TARGET. HISTORICALLY, THERE HAS BEEN A VIABLE AND ACTUAL THREAT OF VBIEDs WITHIN THE AREA INCLUDING A VBIED DETONATION 30 MIN PRIOR TO THE EOF. NORMALLY, A LN VEHICLE WILL STOP, PULL TO THE SIDE OF THE ROAD AND WAIT FOR FURTHER GUIDANCE FROM A CF VEHICLE. PRIOR TO THE LN TRUCK, SEVERAL OTHER LN VEHICLES HAD STOPPED AND TURNED AROUND ON THE SAME ROAD WHEN THEY SAW THE CF BLOCKING VEHICLE POSITIONED ON His LN TRUCK DID NOT STOP OR PULL OVER AFTER REPEATED VISUAL INSTRUCTIONS FROM THE CF AND A LN Bystander. THE TRUCK ALSO HAD ONLY 1x

AS OF 01 MARCH 2006
occupant and several large containers in the bed. The gunner and the other 2x Soldiers believed with reasonable certainty that the driver of the LN truck was another VBIED and that he and the truck posed a threat to both their vehicle and IP in the inner cordon of the VBIED site.

2) The LN shouting repeated warnings for the LN driver to stop his forward movement. The gunner also showed his weapon and his intent to use deadly force when he raised his M4 to his shoulder to aim, as did 2x other Soldiers. The patrol also blocked access to the route by the position of their vehicle. The gunner and the 2x other Soldiers used graduated force by first firing with their M4s in an attempt to disable the vehicle. Finally, the patrol, after using all available means, the Soldiers began shooting to eliminate the threat when the oncoming vehicle was showing no signs of stopping its threatening movement towards the patrol. In using graduated measures of force, the engagement was not only IAW 3 BCT ROE, but MNC-I EoF procedures as well.

RECOMMENDATION OF INVESTIGATION: SUSTAIN FRESH LN FOR BRIEFING AND INCORPORATING scenarios with combat footage, O&MSN mobile forces, Layer 3. Enforced VIP cordon, to include fall back routes and perimeter for moving personnel as required. Reinforce use of traffic cones and line, as the tactical situation permits. Whenever vehicles are in a stationary position and blocking the use of roads (e.g. side roads), finally, the Investigating Officer recommends...
MEMORANDUM FOR: Commander 3rd Brigade Combat Team, 101st Airborne Division (Air Assault), FOB Speicher, APO AE 09309

SUBJECT: 15-6 INVESTIGATION FINDINGS

1. On 05 July 2006 [redacted] was directed to conduct an investigation in accordance with AR 15-6 in the matters surrounding the escalation of force on 05 JUL 06 involving the Tactical Human Intelligence Team 710 (THIT 710) that is performing a Direct Support role for the 1-187th Infantry Regiment. Specifically, to determine if the escalation of force was justified and procedures that should be either sustained or improved to mitigate further Escalation of Force.

2. Facts. The THIT 710 patrol consisting of four vehicles responded to assist the Bayji police in the establishment of a cordon around a vehicle borne improvised explosive device (VBIED) that had just detonated. The patrol established an outer cordon for the Bayji Police with two vehicles blocking the northern portion and two vehicles blocking the southern portion of the area on [redacted]. The northern vehicle (C-05) was partially exposed to a small side street that runs east and west intersecting with [redacted]. The vehicle was preventing east-west traffic from entering the cordoned area. The patrol had successfully stopped the movement of several local national vehicles by using hand and arm signals and by a local national vendor who would verbally and visually stop the oncoming vehicles and have them turn around. A white Nissan pick up truck turned onto the road and began traveling east towards [redacted] and the established blocking position of C-05. The vehicle gunner began using hand and arm signals to stop the vehicle and the local national vendor again walked towards the street to stop the vehicle. The driver ignored all of the commands and was within 50 meters of the vehicle when the gunner fired eight disabling shots with his assigned M-4 rifle into the front bumper and tire of the truck. The truck continued its movement towards the cordon and was within twenty five meters of the cordon when the gunner fired an unknown number of rounds with his M240-B machine gun into the vehicle to eliminate the threat. The machine gun fire killed the local national driver but the vehicle continued to move towards the cordon. The truck commander ordered the driver to move the blocking vehicle forward so that the suspected VBIED did collide with their vehicle. The Nissan truck came to a halt at the same spot that C-05 had been parked. The patrol leader along with two other Soldiers approached the Nissan with caution and determined the driver to be dead. The Bayji Police then removed the body from the vehicle and transported the dead local national to the Bayji Hospital.

3. Findings. Based upon the facts, I find the following:

Positive Identification is defined as reasonable certainty that the proposed target is a legitimate military target. Historically there has been a viable and actual threat of VBIEDs within the area including a VBIED detonation 30 minutes prior to the EoF. Normally, a LN vehicle will stop, pull to the side of the road, and wait for further guidance from a CF vehicle. Prior to the white Nissan vehicle, several other vehicles stopped and turned around on the same road where they saw the vehicle, C-05, positioned on [redacted]. This LN vehicle did not stop or pull over after repeated visual instructions from the CF and a local national bystander (See Exhibits B and E). The vehicle also had only one occupant and several large containers in the bed (See Exhibits A, B, C, E, F and J). The gunners and the
AFZB-KC-GC
SUBJECT: 15-6 INVESTIGATION FINDINGS

other two Soldiers believed with reasonable certainty that the driver of the white Nissan truck was another VBIED and that he and the vehicle posed a threat to both their vehicle and the Iraqi Police in the inner cordon of the VBIED site.

b. In accordance with 3 BCT ROE, graduated measures of force is defined as

The vehicle was parked to block both oncoming traffic on and the western side road traffic and still provide protection to the crew using the available cover (See Exhibit B and H). Three Soldiers used graduated force by first firing with M-4 rifles in an attempt to disable the vehicle (See Exhibits A, B, and C). Lastly the patrol, after using all available means, began shooting to eliminate the threat when the oncoming vehicle was showing no signs of stopping its threatening movement towards the patrol (See Exhibits A, B, C, E, F, and J). In using graduated measures of force, the engagement was not only IAW 3 BCT ROE, but MNC-I EoF procedures as well.

4. Recommendations.

a. Continue the following procedures:

(1) The platoon conducted an Escalation of Force briefing with scenarios prior to the patrol. Upon completion of the patrol the platoon conducted an After Action Review also covering Escalations of Force in accordance with the published Leader TACSOP.

b. Reface the following procedures:

(1) Enforce the IP cordon to include all side roads and call for more IP assistance as required.

(2) Reinforce the use of traffic cones and wire, as the tactical situation permits, whenever vehicles are in a stationary position and blocking the use of roads to include side roads

(3) Ensure that all patrols carry radios to communicate with IPs in order to call for more IPs as required to increase security.
AFZB-KC-GC
SUBJECT: 15-6 INVESTIGATION FINDINGS

Ex 6, Ex 2

5. POC this memorandum

Ex 6

CPT, IN
Assistant S-3

Encl:
1. Exhibit A (Sworn Statement of)
2. Exhibit B (Sworn Statement of)
3. Exhibit C (Sworn Statement of)
4. Exhibit D (Sworn Statement of)
5. Exhibit E (Sworn Statement of)
6. Exhibit F (Sworn Statement of)
7. Exhibit G (Sworn Statement of)
8. Exhibit H (Storyboard)
SWORN STATEMENT
For use of this form, see AR 190-43, the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 12337 dated November 22, 1983 (SSM).
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
FORT SUMMERALL

2. DATE
2006-07-19

3. TIME
13:57 EST

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
THT-1ID A Co 221 MI BN 205TH MI BDE

9. __, ____________
Want to make the following statement under oath:

At approximately 1200hrs on 5 July 2006, I was the patrol leader for a TRT/CA Combat Patrol in Basij, Iraq. We were providing a cordon following a suicide attack just north of the Al Fatah Mosque in downtown Basij. My vehicle (C3) was parked in the northbound lane and was covering the roadway heading east. (C5) was parked in the southbound lane and was covering the roadway heading west. At approximately 1240, I heard a series of three shots that sounded like my fire. I turned towards C5 and observed the gunner engaging a white pick-up that was driving east towards their vehicle. I immediately moved towards C5 and was able to engage the vehicle from across the hood of C5. I fired 5 shots into the passenger compartment and rear of the truck. I moved to the rear of C5 to continue engaging the truck if necessary. C5 began moving north to put distance between the trucks. I originally called for dismounts to check...

10. EXHIBIT
A

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF _______ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______________ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2323, DEC 1998
DA FORM 2323, JUL 72, IS OBSOLETE

USAPA V1.02
If the driver was alive or dead, myself and moved to within 15 feet of the vehicle. I observed an Arabic male slumped over into the passenger seat and he appeared to have been shot numerous times in the body and head. The body was not breathing and he was not moving. I withdrew the soldiers and allowed the 10 to remove the body for transport to Bahji Hospital. The incident took place no. I saw the vehicle as a threat to my patrol and my soldiers since the vehicle could have very easily been another vehicle. I did give an order to cease fire as the vehicle rolled to a stop near where 05 had been parked. End of statement.
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 2851; E.O. 9337 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
2. DATE (YYYY/MM/DD)
3. TIME
4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. RANK/STATUS

8. ORGANIZATION OR ADDRESS

9. 221 Military Intelligence Battalion

I, ____________________________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1200hrs on July 5, 2020, our Tactical Human Intelligence Team was out on a mission in and around the vicinity of [redacted] when a vehicle borne improvised explosive device was detonated about 300 to 1000 meters away from our location at the time. We saw no vehicles or people towards the detonation site via [redacted]. Once our unit arrived on the scene we secured the area and setup our vehicles and out on foot [redacted] to secure a side street. The gunner in the vehicle was [redacted]. The driver was [redacted]. The TIC was [redacted] and myself. I was positioned on the left side behind the driver so that I could assist with scanning red flag and alerting the gunner about any issues. The side street that we had control of was approximately 300 meters long and a local civilian with a sand next to our vehicle was helping us to wave off oncoming traffic. The vehicle had attempted to come down the street but they usually occur inside it past the Bulldozer that was parked about half way down the street. When the local civilian would see our reaction to a vehicle approaching he would wave out and wave the vehicle off and this worked well. I saw the vehicle turn onto the street and at this time I warned the gunner that we had a vehicle approaching. He acknowledged my statement, and we maneuvers the vehicle. Further, the local civilian of the area saw our reaction and now cue to wave the TIC off as usual. The vehicle did not stop and proceeded down the street towards us. At this time I heard shots from the vehicle coming from the TIC, and the TIC telling the Driver to come forward.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
12. PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT ___ DATED ___

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

DA FORM 2833, DEC 1998

DA FORM 2833, JUL 72, US OBSOLETE

USAPA V1.00

13011
9. STATEMENT (Continued)

After the shots were fired the .50 cal machine gun went off. The Driver
moved the vehicle up a few feet & stopped. At this time opened my Door and
fired about 5 shots into the Driver Side Door of the Vehicle. I then got out
of the truck and moved towards a Barricade that was on the side walk.
I yelled at the gunman and asked if he was done and then asked if
Everyone in the vehicle was ok. Myself and towards the Vehicle we were facing a building up behind a concrete wall
with a clear view of the side street. I pulled security, and stated that
the occupants of the vehicle was dead and to fall back to our vehicles.

AFFIDAVIT

I, 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.

(Signature of Person Administering Oath)

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 CDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2551; E.O. 9397 dated November 22, 1943 (SSM).

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

ROUNTE 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
2. DATE (YYYYMMDD)
3. TIME
4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN

7. ORGANIZATION OR ADDRESS

8. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 20060705 at approx. 1200 a white Toyota
Pick up truck approached our M114 Humvee, which was
part of a UBISD column that had just detonated. I was
the gunner for CBR, facing North in the Northbound
lane of P. My vector of fire was to the North of
and down the west road adjacent to the Bayji Public
worker station. A passenger in CBR told me
the white Toyota had turned onto the road West of
our vehicle, as the truck approached our position I attempted
to wave him off, prior to the truck I had waved off
approx. 7 vehicles attempting to use the road West of our
truck. At approx. 50 meters I fired 3 disabling shots
low into the bumper of the truck, the truck did not
stop, at which point I noticed 4 bar cans in the bed of
the truck. As the truck got closer I continued to engage

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 BE INDICATED.

DA FORM 2823, DEC 1998
DA FORM 2823, JUL 72, IS OBSOLETE

13013
With my M4 with another 5 rounds. The vehicle continued to move toward our position, at which point I felt that myself as well as my teammates, life were at risk.

I switched from my M4 to my M240 mounted in the turret, at this point the truck was within 20 meters. I engaged with an unknown amount of shots. Our T.C. told the driver to pull forward, the white Toyota rolled another 5 meters before stopping in our original position, and moved to the Toyota truck, the driver was KIA.

I then continued off the truck, removed the driver and took him to the Bayuj hospital. After approx 20 minutes our patrol returned to base. /// End of Statement ///

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _______ day of ________, ______.

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 190-40; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2679; E.O. 9347 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.

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ORGANIZATION OR ADDRESS
A Co 221 Bn Bn

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 25 July 2006, at approximately 2000 hours, a local national driving a white pickup truck toward the east toward [redacted], which was cordoned off by our tactical element team. The area was blocked off because of the [redacted] which detonated at approximately 1115 hours. Our team secured the scene and discovered there were a 105 rocket shell attached to the vehicle. The vehicle, which I terms the Tank Commander for, secured the intersection in which the Said Incident took place. Prior to the incident, several vehicles attempted to drive through the area of responsibility for the cordon. Hand and arm signals were used to warn at the approaching vehicles. These vehicles then turned around and headed in the opposite direction. The same methods were used to warn of the pickup truck, but the driver refused to comply.

The gunner of the tank, [redacted] fired 3 disabling shots into the rear part of the truck with his M16 rifle. The tank continued to approach our vehicle. Within about 50 meters of our position, [redacted] continued to disable the vehicle, ultimately killing the driver. During the gunfire, [redacted] and [redacted] also engaged the vehicle because of the threatening anime. As the gunfire went off, and the vehicle kept advancing, I told our driver, [redacted] to pull the vehicle toward the event the other soldiers were unable to stop the vehicle and it should explode. By the time the vehicle came to a halt, it was in the intersection where our vehicle was.

Nothing to follow.

DA FORM 2223, DEC 1998
STATEMENT OF __________ TAKEN AT ________ DATED ____________

9. STATEMENT (Continued)

AFFIDAVIT

I, __________, 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 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.

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)
I was the Driver for Cowboy 5, at approximately 1000 hours local time I heard [redacted] who was sitting in the passenger seat on the Driver's side, yell that we had a local national white truck coming up to the west. I looked, and saw a local national waving and yelling in Arabic to persuade the vehicle to stop, as the Truck closed Distance, [redacted] who was the gunner, fired a few Disabling shots into the Bumper of the vehicle. I heard another shot firing onto the vehicle as an TC [redacted] told me to advance the vehicle to remove us from a collision course with a suspected UBIED, as I was moving forward, [redacted] fired with his 240B into the truck, while the truck refused to stop.
STATEMENT OF [redacted] TAKEN AT [redacted] DATED 05 JUN 06

9. STATEMENT (Continued)

Followed the ROE, and engaged a vehicle that appeared and acted as a UBIED. Used deadly force to protect the passengers of cowboy S from becoming victims of a hostile vehicle; the vehicle neither stopped nor slowed as engaged, cementing the fact that the vehicle meant to do us harm. Immediately after the vehicle rolled to a stop, FP came onto the scene and removed the body from the truck, after our patrol assessed him as dead. / End of statement /
**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 2906; 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.

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**Ex. 2**

**WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

On 05 JUL 06 @ approximately 1200 hlt I was driver in TH7 vehicle, Cowboy 38, facing North of on conducting a cordon of a VBIED that had gone off approximately @ 1115 hlt. I heard shots fired, determined they were coming from TH7 vehicle, Cowboy 5, to our West conduing off the Southbound lane of a side street parallel that runs in front of Public Banks in Bagh. A white Nissan pickup truck w/ 3 plastic barrels in the back continued to roll slowly towards TH7 Cowboy 5. Cowboy 5 fired more disabling shots, first w/ M-4 then the 240 as Cowboy 5 moved up, I called on the radio to Cowboy 5 to state it appeared as if the driver of suspicious vehicle was dead & the vehicle was rolling with the initial

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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED.

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
movement. Enemy 5 clear of the moving vehicle at with the information that the driver appeared X1A ceased fire. At that point I called up leader 7OC to report EOZ to provide grid 9 did not see any further action at that point.

AFFIANT

I 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.

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
I was called out as QRF Patrol Leader to provide security for EOD element to conduct a post blast on a UIEO located at Grid **redacted**. My section arrived at approx 1145 and the QRF set security on South about 400m from the UIEO site. Myself and EOD moved forward to begin a post blast analysis when I heard small arms fire. Then I heard a crew served machine gun begin to fire and I moved to the west to secure a side street. I was informed by my driver that an escalation of force had just occurred, so I moved to the location by foot and saw 1 local national.
who had received a head wound, I assisted him as KIA at that time and
picked the local national up and took him to Bayji Hospital. The local
national who was shot, his truck had stopped on Tampa about 15 meters from
the engagement truck (ml 114), I spoke with an interpreter to on of the IP and he
felt sorry for the detainee of force, saying
he was responsible for the security
of that street that the local national
had drove down — end of statement

AFFIDAVIT

I ________________________ 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.

(Signature of Person Making Statement)

WITNESSES:

________________________________________________________

_________________________ __________________________

( ___ ) ( ___ )

ORGANIZATION OR ADDRESS

________________________________________________________

_________________________ __________________________

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES
MEMORANDUM FOR HHC, 1-187th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division (Air Assault), COB Speicher, APO AE 09349

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

1. Effective 5 July 2006, hereby appointed as the investigating officer.

2. AUTHORITY: AR 15-6, Investigations.

3. PURPOSE. To perform an informal investigation IAW AR 15-6, obtaining details pertaining to the Escalation of Force (EoF) by HHC (THT)/1-187 IN on 051144JUL06 vic vicinity Bayji, Iraq, resulting in 1x LN KIA. Your investigation should answer the following:

   a. What were the facts and circumstances surrounding the incident?
   b. Were proper MNC-I EoF procedures used?
   c. Was the engagement IAW MNC-I and 3 BCT Rules of Engagement (ROE)?
   d. What changes in procedures are recommended, if any, to prevent future incidents?

4. PERIOD. Until the investigation is completed and no further investigation is required, unless released sooner by the appointing authority.

5. SPECIAL INSTRUCTIONS. Conduct of this investigation will be your PRIMARY duty until the investigation is submitted to the appointing authority. Your findings will be supported by substantial evidence and by a greater weight of evidence than supports any different conclusion. Your findings and recommendations will be submitted to this headquarters NLT 081700JUL06. Prior to submission, you will obtain a final legal review of your findings and recommendations from the 3 BCT CJA.

6. POC this action is 3 BCT CJA at