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FILE

DEPARTMENT OF THE ARMY
C Company, 2d BATTALION 34th ARMOR
FOB GABE, IRAQ



AFZN-BA-T-C

27 MAY 2005

MEMORANDUM FOR Commander, 2nd Battalion, 34th Armor, FOB GABE, Iraq

SUBJECT: Summary of Commander's Inquiry into possible US collateral damage.

1. The focus of my commanders' inquiry centered on:

- a. What events led up to the shooting?
- b. What steps could be taken to avoid repeat occurrences?
- c. Recommendations for further action?

2. Background: On 25 May 2005, 1/C/2-34 AR conducted a joint raid with D/213 IA to kill or capture members of an IED cell operating in the Al Abarra Nahiya. During the Raid, a boy (approximately 10 years old) was killed. During counseling with a Psychologist at FOB Warhorse on 26 May 2005, one of the soldiers involved in the firefight expressed concerns that he may have accidentally shot the child.

3. During my debrief with the two soldiers involved in the action (SGT [REDACTED] and SGT [REDACTED], I spoke to them at length about their actions, what they saw and heard, and why SGT [REDACTED] thought he may have been responsible for the boy's death. From his recollection, he fired twice while being pulled to cover by SGT [REDACTED] and the boy shuddered and fell about the same time that he fired. We sketched out the room that the action took place, including the locations of US Forces, IA, AIF, and Civilians. We then re-enacted the incident. Ex 6

4. Summary of findings: While the possibility exists that SGT [REDACTED] could have shot the boy, the probability is low. I base this on the following observations:

A. The wounds that the child sustained were dispersed. One round hit in the center of his chest (sternum), and the other about 10 inches down and to the child's left (lower kidney). While SGT [REDACTED] admits that his shots were not aimed (he was pulled down at the same time he attempted to engage the AIF) the dispersion leads me to believe that shot in rapid succession would probably be closer together.

B. There was a lack of flash burns on the child. Both NCOs attempted to treat the child for his injuries at the completion of the contact. They both stated that the entry wounds had a small (quarter-sized) burn mark, but there was no other flash or powder burns on the child or his clothing. The child was only about three feet from SGT [REDACTED] and there should have been more extensive powder burns to the body if the rounds came from SGT [REDACTED] weapon.

C. The child fell onto SGT [REDACTED]. The child was not running towards SGTs [REDACTED] and [REDACTED] at the time of the shooting, and if he were stationary, facing them, and shot by SGT [REDACTED] he would have fallen backwards, not forwards, onto SGT [REDACTED]. There was also no evidence of blood spatter on the walls or floors in the room, other than blood on the two NCOs from treating casualties after the contact.

5. Steps to avoid repeat occurrences: Both NCOs are expert marksmen and are trained on reflexive fire techniques. Refresher reflexive firing for the entire platoon, including (but not limited to) off-hand shooting, shooting from non-standard positions and stances, and low light shooting could help to reduce further instances and re-assure soldiers that they are capable of firing well placed and well aimed shots regardless of circumstance.

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6. Recommendations for further action. Both SGTs [REDACTED] and [REDACTED] have spoken to the psychologist. The chain of command will continue to monitor them for signs of increased stress, and they will also meet with combat stress control to discuss any issues that they still have over this incident. Both [REDACTED] and myself reassured them that we believe the AIF killed the boy, based on prima facie evidence. The AIF caused the situation; he put his family at risk and caused them to shoot. We also explained to them that their only option was to shoot, because if they did not return fire, the AIF would have killed them. Both NCOs seemed receptive to this and have been returned to normal duties. No further action is required.

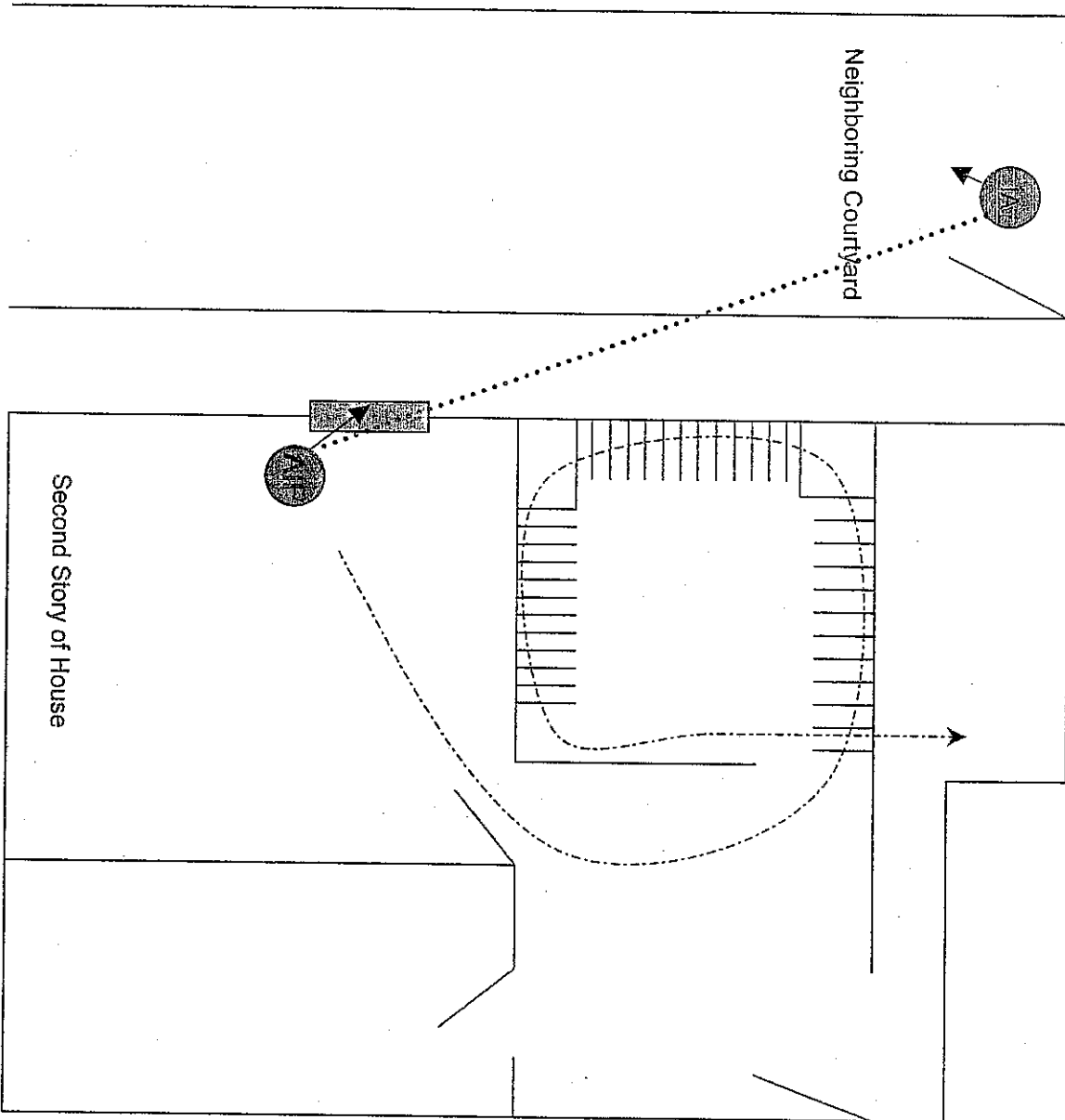
7. I am the point of contact for this matter.

[REDACTED]

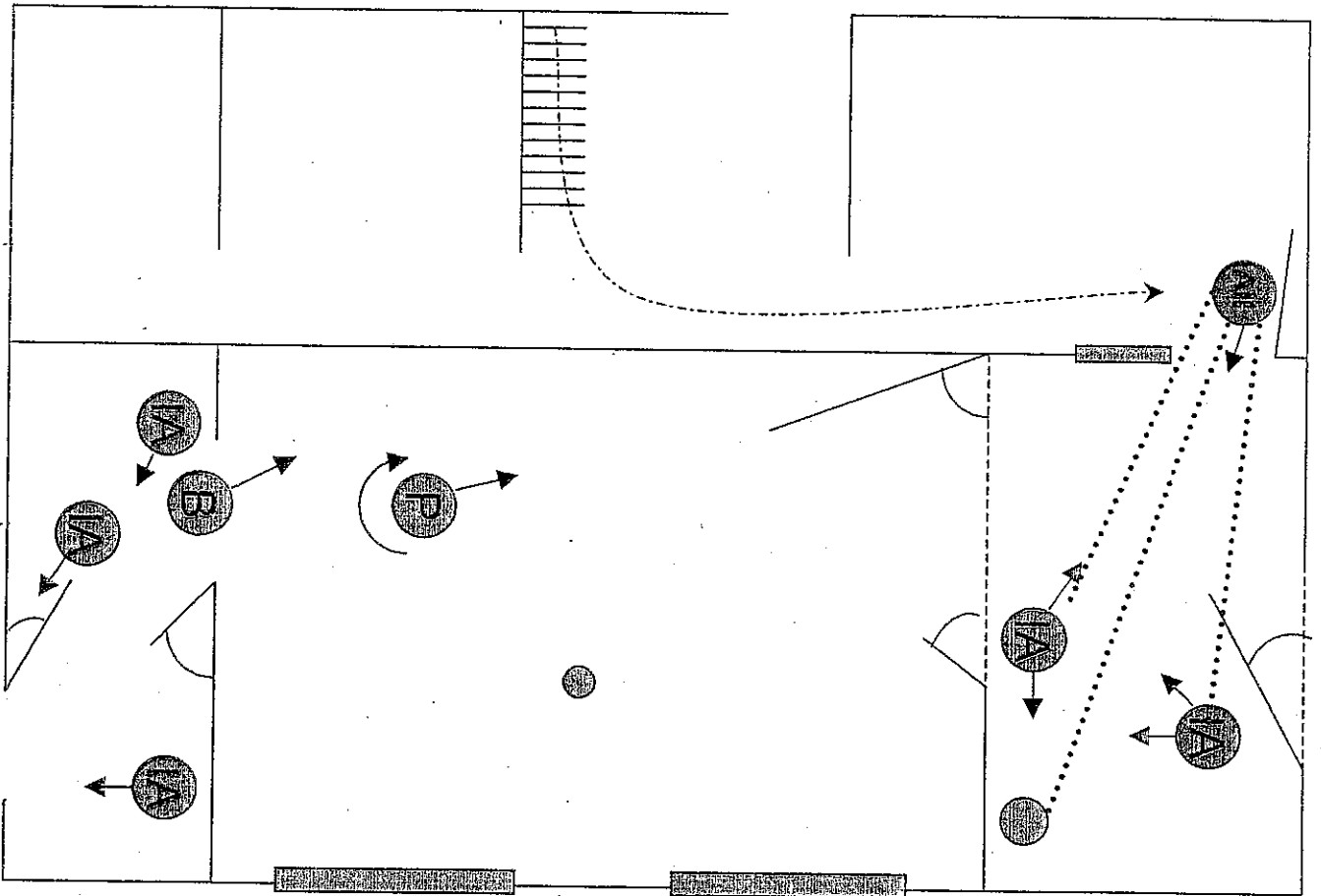
Ex 6

CPT, AR
Commanding

Encl. 1 Diagram of incident



Slide 1. Initial Contact
1x 1A VSI, AIF then runs down stairs into Kitchen



Initial Weapons Orientation

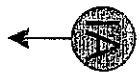
Weapons Orientation During Contact

Luai Hoegni
 (Detainee injured in arm during contact)

Boy Killed During Contact

P SGT

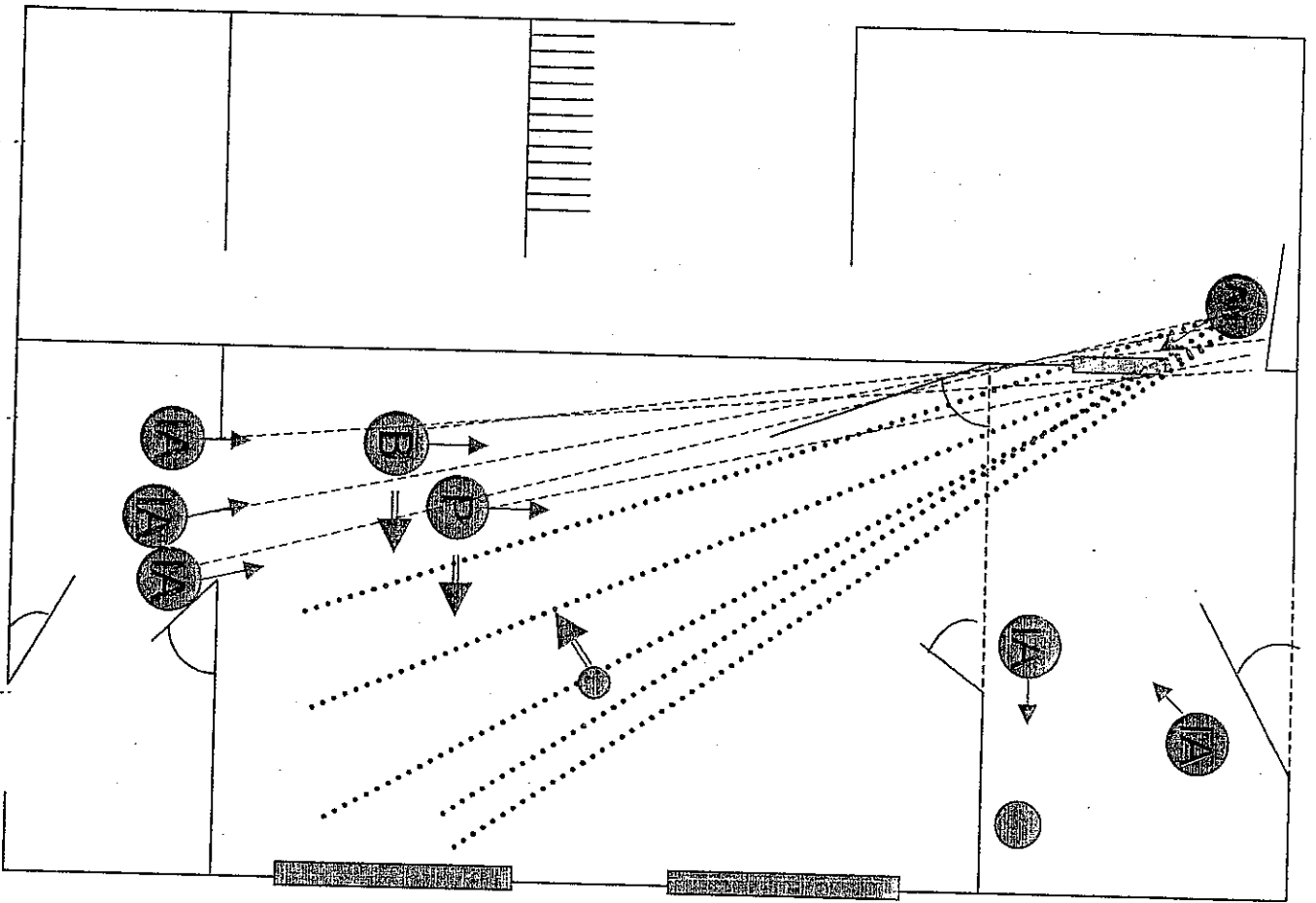
B SGT



Notes: When SGT [redacted] turned towards attacker, he turned clockwise, his weapon did not sweep the child.

Natural response from child would have been to turn toward sound (Facing away from SGT [redacted])

Slide 2. Second Contact. AIF Sprays AK at IA Guarding Detainee in front of House
 2x IA WIA, 1x Detainee WIA



Initial Weapons Orientation

Weapons Orientation During Contact

Luai Haogani (Detainee injured in arm during contact)

Boy Killed During Contact

SGT [redacted]

SGT [redacted]

Direction of fall

CF/ISF Direction of Fire

AIF Direction of Fire

EX 40

Notes: SGT [redacted] pulled SGT [redacted] down to cover, they fell on their right side

IA looking through the window said boy fall after SGT [redacted] was already on the ground

Child landed face down on top of SGT [redacted]. I believe that rounds fired from SGT [redacted] would have spun the body away from him and he would have fell face down, away from SGT [redacted] whereas rounds fired by AIF would have spun and pushed the boy towards SGT [redacted]

EX 40

Slide 3. Third Contact. AIF shoots into room with SGT [redacted] and SGT [redacted] and 1xCivilian KIA