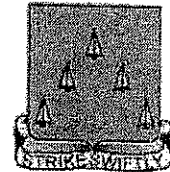




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 DEPARTMENT OF THE ARMY
 HEADQUARTERS, 2ND BATTALION, 70TH ARMOR
 3D BRIGADE, 1ST ARMORED DIVISION
 MAHMOUDIYA, IRAQ



AFZN-BB-T

28 MARCH 2005

MEMORANDUM FOR COMMANDER 256th BRIGADE COMBAT TEAM

SUBJECT: AR 15-6 (Shooting of Local National at the Traffic Control Point, Jafr As Sukr Bridge, Iraq)

1. Enclosed is the 15-6 investigation outlining the circumstances that resulted in the shooting of a local national. As a result of the incident one Iraqi citizen was killed. The shooting occurred in the vicinity of the traffic control point established on the Jafr As Sukr Bridge, Iraq on 28 March 2005.

2. SUMMARY:

On 280630MAR05 PFC [redacted] and SP [redacted] identified an individual traveling on foot from east to west along the Jafr As Sukr Bridge carrying a satchel. SP [redacted] and PF [redacted] began yelling at the individual on foot in attempt to have the individual to stop and change his direction of travel (The individual had negotiated a triple strand concertina blocking obstacle prior to entering the verbal and visual warning line). The individual paused and faced SP [redacted] and PFC [redacted] at which point the soldiers began to motion with their hand and arms for the individual to turn around and exit the bridge from where he came from. The individual ignored the verbal and visual warnings from SP [redacted] and PF [redacted] and continued to cross the bridge (moving in his original direction of travel). SPC [redacted] and PF [redacted] continued to yell and motion for the individual to stop and to change his direction of travel as the individual entered the "Warning Shot Zone". When the individual entered the warning shot zone SP [redacted] fired one round at the bridge in front of the individual. At this point the individual paused again and faced SP [redacted] and PF [redacted]. SP [redacted] and PF [redacted] continued to shout and motion for the individual to turn around. The individual ignored the verbal and visual gestures for the second time and continued to travel west across the bridge. When the individual crossed the "Killing Shot Line" SP [redacted] gave PF [redacted] the order to shoot to kill. PF [redacted] acknowledged and fired one round from his M16A2. SP [redacted] and PF [redacted] both observed the individual fall to the ground. SPC [redacted] informed his chain of command and continued to observe the individual. The QRF was alerted and dispatched to the bridge. When the QRF arrived at the site of the fallen individual they approached with caution not sure what the individual's satchel contents were. The individual was observed lying motionless (no breathing or any other form of movement could be observed). The QRF cleared the immediate area and the satchel of its contents and attempted to provide initial responder care to the individual.

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The brother of the individual came and claimed the body. During the interview of the brother it was discovered that the individual is a local resident and is aware that the bridge was closed for sometime to all forms of traffic.

3. FACTS:

- a) How many local nationals were involved in the incident?
 - a. One Iraqi citizen was involved in the incident.
 - 1x KIA (1x Adult Male)
- b) When and where was the first warning shot(s) fired?
 - a. 1x-warning shot was fired in front of the individual.
- c) By what means is the unit marking the trigger lines for initiating warning, disabling and lethal fires?
 - a. Jersey Barriers mark the trigger line as to when to initiate warning fires.
 - b. Texas Barriers mark the trigger line as to when to initiate killing shots.
- d) Are there warning signs posted at the bridge?
 - a. The blocking position is clearly marked and warning signs are posted in both Arabic and English.
- e) When did the soldiers last receive / conduct traffic control point training?
 - a. The soldiers involved in the incident received and conducted the following ROE and traffic control point / training briefings:
 - Pre-NTC ROE Training (OCT 04)
 - NTC RSOI and rotational ROE Training (OCT/NOV 04)
 - Home Station ROE Training (Pre-deployment training JAN 04)
 - Kuwait RSOI ROE Vignette Training (FEB 05)
 - ECP/TCP Duties: NTC (OCT/NOV 04)
 - ECP/TCP Duties: Safr As Sukr Bridge, Iraq during the Left Seat/Right Seat Ride (MAR 05)
 - ECP/TCP Duties: Safr As Sukr Bridge, Iraq Guard Force and Threat Briefing (SPC [REDACTED] and PF [REDACTED] 280334MAR05)
- f) Was the guard mount briefed on their duties responsibilities and threat in the area of operations prior to execution of their duties?
 - a. The guard mount received its shift briefing and threat briefing at approximately 280334MAR05 prior to assuming the guard mount duties.
 - b. The use and ROE of escalated force is part of the guard mount briefing.

Ex 6

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- g) Where there lights available at the bridge?
 - a. There is no artificial light source positioned along the bridge (the lighting of the bridge is not a factor due to the incident occurring during daylight hours).
- h) What equipment is being utilized to maintain the bridge?
 - a. Warning signs (written in both Arabic and English)
 - b. Barriers to identify trigger lines and when the guard mount is to respond with escalated force.
 - c. Class IV Barrier Materials: Texas and Jersey Barriers and Concertina Wire.
 - d. Binoculars, Magnified optics for M16A2, M16A2, Bunker, MBITR Radio.
- i) When was the individual first sighted and by whom?
 - a. The individual was first observed just short of the verbal and visual warning line (approximately 20 meters from the verbal and visual warning line).
 - b. SP [REDACTED] first sighted the individual and alerted PFC [REDACTED]
- j) When was the use of direct fire as part of the escalated force ROE initiated?
 - a. The use of escalated force (warning shots fired in front of the individual) was first initiated approximately 10 meters past the warning shot trigger line.
- k) When were lethal fires initiated and when was cease-fire initiated?
 - a. Lethal fires were initiated once the individual had passed the kill fire line (approximately 30 meters passed the kill line).

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4. FINDINGS.

- a) All personnel involved in the incident acted in accordance with the "CFLCC Rules For Use Of Force" Card (as of 011800ZNOV03).
- b) The two soldiers (SP [REDACTED] and PFC [REDACTED]) acted in accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire. All shots were aimed (warning shots in front of the individual; lethal shot was focused at the individual).
- c) As soon as the satchel that the individual was carrying, was deemed not to be a threat immediate aide was rendered.
- d) The individual is a local resident and was aware of the bridge being closed for some time (Statement made by the individual's brother)
- e) The individual had the ability to read and write Arabic.
- f) The individual was not deaf or hearing impaired (statement made by the individual's brother)

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5. RECOMMENDATION.

- a) The use of Tactical Phyops Team (TPT) to remind the local population the Jafr As Sukr Bridge is closed to all forms of traffic and that the use of deadly force can / will be utilized against all violators.
- b) Continue to reinforce the existing blocking materials with Class IV. Emplace additional concertina wire prior to both the warning shot line and killing line.
- c) Place a second sign at the warning shot line stating, "that deadly force is authorized for any and all traffic crossing this point".

Encl.

- (1) 15-6 Appointment Orders
- (3) Sworn Statements
- (4) Graphic representation of the incident (Story Board)
- (5) View of the Sniper position oriented north
- (5) Photos of Jafr As Sukr Bridge TCP

[REDACTED]

MAJ, AR
Executive Officer

Ex 6

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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 2951; E.O. 9397 dated November 22, 1943 (SSA).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 JSB	2. DATE (YYYYMMDD) 2005 03 29	3. TIME 14 07	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. GRADE/STATUS E-3		7. GRADE/STATUS E-3
8. ORGANIZATION OR ADDRESS A Co. 2/10 AR 1st Plt.			

[REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

On the morning of the 29th of March around 0630, I witnessed a person on foot walking from the east side of the bridge onto the west side. We had two trigger lines established on both sides of the bridge. The person was pass the two trigger line when I saw him. SPC [REDACTED] fired a warning shot to attempt to get the attention of the person so we can establish contact. We tried giving signals to wave him back to whatnot. The person stopped for a brief second and continued its path of travel. Then I decided to shoot him to disable, unfortunately he accidentally got hit on the shoulder and fell dead.

- End -

Ex 6

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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.		

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

T/F Q. WHAT TWO TRIGGER LINES DID THE INDIVIDUAL PASS?

A. 1st trigger line was the Constantina wire with a big sign. 1st lines ~~was~~ purpose is for warnings, verbal or hand signals. 2nd trigger line would be 4 pillars on the bridge about 100m from the 1st line. Purpose of the 2nd line is for a warning shot in case the first line did not alert the individual. Pass the 2nd line would be shooting at the person atleast to injure.

T/F Q. DID THE INDIVIDUAL ACKNOWLEDGE OR REACT TO THE WARNING THAT WAS GIVEN BY SPC CLARK?

A. Yes. The individual stopped, looked at us, and kept on walking the same direction.

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T/F Q. DID YOU OR SPC [REDACTED] YELL ANY OR WAVE THE HANDS OFF FROM HIS PATH WHEN HE TURNED TO LOOK AT YOUR LOCATION?

A. Yes, we used verbal and hand signals to try to persuade the individual from moving any further.

T/F Q. WHEN YOU ARRIVED AT THE END (REFLECT) DID HE ATTEMPT TO TURN AROUND?

A. No, he just continued to walk his original path.

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USARA 4-00

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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 _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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1. LOCATION JSB	2. DATE (YYYYMMDD) 2005 03 28	3. TIME 1400	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS SPC/E-4	
8. ORGANIZATION OR ADDRESS A CO. 2/70 AR			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of March 28 2005, Pfc [REDACTED] and myself observed an Iraqi man walking across the JSB. After yelling at the man to stop and get off the bridge he completely ignored us. I then fired a warning shot. The man stopped to look at us. We then yelled to the man again to get off the bridge. He ignored us and continued to cross. Pfc [REDACTED] then fired a shot to disable the man. He aimed low but struck high, killing the man instantly. The Iraqi man was well pass the two trigger lines setup for warning anyone from crossing the JSB. Trigger line one is verbal, two is warning shot.

Ex Ce

Nothing Follows
[REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
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