

## DEPARTMENT OF THE ARMY HEADQUARTERS, 2nd BATTALION, 70th ARMOR REGIMENT FOB ST. MICHAEL, IRACI APO AE 09378



AFZN-BB-TCO

7 June 2005

MEMORANDUM FOR O Michael, Iraq 09378

AR BN, 3rd BCT, 1st AD, FOB St.

EXG

SUBJECT: Appointment as Investigating Officer

- 1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the shooting and killing of a local national that occurred on 7 June 2005 by elements of A/1-41 Infantry.
- 2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
- 3. In your investigation answer the following questions:
  - a. What was the sequence of events that led up to the incident?
  - b. Did the soldiers involved properly escalate the use of force?
  - c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?
  - d. Was deadly force authorized?
  - e. Were there any Law of War violations?
  - e. Are there any operational lessons that should be captured and disseminated?
  - f. Were there any other contributing factors that, if changed, could have altered the outcome?



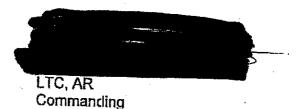
#### AFZN-BB-TCO

Subject: Appointment as Investigating Officer

- 4. If it becomes evident that there is possible misconduct outside the scope of your investigation, notify the appointing authority immediately. If during your investigation you become aware of information that needs command attention, immediately notify the appointing authority for guidance.
- 5. You may obtain assistance from CP to the Command Judge Advocate for 3rd BCT, 1st AD. CP will serve as your legal counsel and can be contacted at 242-6045 (see SP coordinate). Prior to starting your investigation, you should contact him for legal guidance concerning your investigation.

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6. Submit your findings and recommendations on DA Form 1574 to CP legal review no later than 14 June 2005.







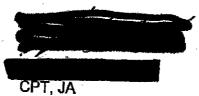
# DEPARTMENT OF THE ARMY HEADQUARTERS 3RD BRIGADE, 1ST ARMORED DIVISION CAMP TAJI, IRAQ APO AE 09378

17 June 2005

MEMORANDUM FOR Commander, 3rd Brigade, 1st Armored Division, APO AE 09378

SUBJECT: Legal Review of AR 15-6 Investigation

- 1. In accordance with AR 15-6, paragraph 2-3(b), I have conducted a legal review of the investigation into the engagement of an IED triggerman that occurred on 7 June 2005 by elements of A/1-41 infantry.
- 2. The proceedings complied with the legal requirements of AR 15-6. The evidence presented by the investigating officer supports his findings that all personnel involved in the accident acted in accordance with the Rules of Engagement. Given the time of day (0300), proximity of past IED detonations/attacks (within 2 KM), and disposition of the individual the use of deadly force was authorized.
- 3. In accordance with AR 15-6, paragraph 2-3(a), the appointing authority is neither bound nor limited by the findings or recommendations of an investigation. Accordingly, the appointing authority may take one of several actions in this case.
- a. Adopt the findings and recommendations as they are and take action consistent with the recommendations.
- b. Require the investigating officer to conduct a further investigation and resubmit findings of fact and recommendations.
- c. Substitute findings or recommendations as the appointing authority believes are supported by a preponderance of the evidence.
- 4. Recommendation: Adopt the Investigating Officer's findings and adopt the Investigating Officer's recommendations. No further action should be taken against any individuals involved.
- 5. Point of contact is the undersigned at 242-6294.



Command Judge Advocate

Exla



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	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as	AES	NO	N/
ı	evennes and analysis to this telebility	$\perp_{\mathbf{X}}$		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		<del> </del>	┿
1	C. Has the resummny/statement of each witness been recorded verbatim or been recoved to written form and attached as	<u> </u>	—	-
		X	]	
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	1		×
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	TX	<del>                                     </del>	-
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	1	$\vdash$	×
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	-	┼	+
13				×
B	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
4	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
5	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?  Was a quorum present at every session of the board (para 5-2b, AR 15-6)?		<u> </u>	
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
17	Were members witnesses, recorded and inches			1
8	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			-
C	TO THE PAST OF THE PAST DESIGNATED ISECTION II ( INDITION & 18.6)		<del> </del>	┼
19	reduce to respondents (para 5-5, AR 15-6):		<del> </del>	<del> </del>
1	a. Is the method and date of delivery to the respondent indicated on each letter of notification?		<b></b>	├
1	b. Was the date of delivery at least five working days prior to the first session of the hoard?		<b></b>	<del>                                      </del>
	c. Does each letter of notification indicate -		<del> </del>	<del> </del>
	(1) the date, hour, and place of the first session of the board concerning that respondent?		<b></b>	<u> </u>
ı	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<del>- </del> -	├──	ļ
	(3) the respondent's rights with regard to counsel?			<u> </u>
	(4) the name and address of each witness expected to be called by the recorder?			
l	(5) the respondent's rights to be present, present evidence, and call witnesses?			<u> </u>
	d. Was the respondent provided a copy of all unclassified documents in the case file?	1		_
L	e. If there were relevant classified materials, were the respondent and his coursel given access and on exponential to the coursel given access and on the course given			<u> </u>
10	and the proceedings began for otherwise was absent during part of the proceedings.	<del>                                     </del>		
	a. Was ne property notified (para 3-5, AR 15-6)?	1		
L	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?  Counsel (para 5-6, AR 15-6)?	<del>                                     </del>		ļ
11	(mas 0, 22, 10-b).	4		
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:	<del>                                     </del>		
1		$\perp$		
ľ	(If counsel is a lawyer, check here 🗌 )			
ŀ	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	4		
	C. If miningly counsel was requested but not made available is a cores for if and a company to the	1		
12	Ou is mentance in the report (part 3-00, AK 15-0)?			
**	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):	+ +	$\rightarrow$	• • • • • • • • • • • • • • • • • • • •
ļ	a. Was the changing properly defined and by the appropriate officer?	1		
13	b. Did each member successfully challenged cease to participate in the proceedings?	+ +		
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):	+		
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<del>                                     </del>		
	2. The state of the site of the state of the	<del>  -</del>		
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	1	-+	
	d. Call witnesses and otherwise introduce evidence?	<del>  </del>		
	e. Testify as a winess?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<del>  -</del>	$\longrightarrow$	
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	-	+	
15	Are all of the respondent's requirest and objections which		-	
!	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?		$\top$	
FOC	OTNOTES: 11 Explain all negative answers an an attached sheet. 21 Use of the N/A-column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			i
Page	2 of 4 pages, DA Form 1574, Mar 83			

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	(Member)			(Member)	
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	01-1-1				
	(Member)			(Member)	
		CECTION ON THEORYTY			
o the extent indicated in Inc	losure	SECTION VII - MINORITY REP			
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sasons joi aisagreement. Ad	xutional/substitute f	indings and/or recommendati	which the dissenting member(s ions may be included in the inc	closure.)	ne
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	(Member)		<del></del>		·
				(Member)	
	SE	THE VIII . ACTION BY ADDRESS.	G AUTHORITY (para 2-3, AR 15-6)		
ibstitutions). (If the appoint)	ng authority returns	agating officer) (board) are the proceedings to the inves	(approved) (disapproved) (applicating officer or board for fu	proved with following excep	tions/
arecuse action, within that	correspondence (or	s the proceedings to the invest a summary, if oral) as a num	nbered inclosure.)	and procesumes or	
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SECTION IV - FINDINGS (para 3-10, A	4R 15-6)
The (investigating officer) (board), having carefully considered the evidence, finds:	
SEE ATTACHED MEMORANDUM I	FOR FINDINGS
SECTION V - RECOMMENDATIONS (para 3-1.	I, AR 15-6)
n view of the above findings, the (investigating officer) (beard) recommends:	
SEE ATTACHED MEMORANDUM FO	OR RECOMMENDATIONS
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### FOUO DEPARTMENT OF THE ARMY

HEADQUARTERS, 2ND BATTALION, 70TH ARMOR 3D BRIGADE, 1ST ARMORED DIVISION MAHMUDIYAH, IRAQ

AFZN-BB-FSO

09 June 05

#### MEMORANDUM FOR COMMANDER 2ND BATTALION, 70TH ARMOR

SUBJECT: AR 15-5 (Shooting of a Local National IVO Mulla Fayyad Highway, North Babil, 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 Mulla Fayyad Hwy, North Babil, Iraq on 07 June 05.

#### 2. SUMMARY:

On 070300JUN05 two Bradley Fighting Vehicles (BFV) assigned to 3rd Plt, A Co 1-41IN were traveling south east on Mulia Fayyad Hwy returning from a maintenance recovery mission. The lead BFV A32 with SS (TC), SP(GRAM) (GNR) noticed, through their Integrated Sight Unit (ISU)(thermal night sight), a person crouching behind some vegetation to their north east approximately 150 to 200 meters away on the far side of a canal which was running parallel to the road. There is a previous history of IED's in this area of Mulla Fayyad Highway so they immediately assumed a security halt to investigate and noticed that the EXCO individual had in his possession a shovel and another object. SS assessed the other object as a possible IED trigger device and proceeded to report the situation to 1L (PL/TC/A31 trail BFV) and subsequently to A Co 1-41IN CP. Local clearance of friendly units was given by A Co 1-41IN CP. At this point A31 had visual confirmation of the Local National and assessed him to be an IED Triggerman. Given the location of the suspected triggerman on the far side of the canal and the threat of an IED if they proceeded, 1L the order to engage with direct fire the suspected IED triggerman. After the threat of the IED was neutralized A32, continued forward to locate a suitable canal crossing point with A31 remaining in over-watch on Mulla Fayyad Highway. In position, the dismounted Infantry Squad on A32, led by SG dismounted and conducted a search of the area. SG EX1 Squad found the body and There were no vital signs and the individual was assessed as deceased therefore not requiring any medical assistance. The Infantry Squad continued to search for the suspected triggering device IVO of the body and adjacent canal but were hampered by dense vegetation and limited visibility. SS and SG called off the search resigning to the possibility that the object was lost in either the canal or the

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vegetation. SG the control of the road with a light pole which could be used as an aiming stake (Exhibit 9/sworn statement). The Infantry Squad proceeded to the local dwellings to question and obtain information or identification of the individual. Know one acknowledged knowing who the individual was or what he was doing there. SG the secured the remains and delivered them to the Iraqi Army located at Camp Richardson in Yusifiyah, Iraq.

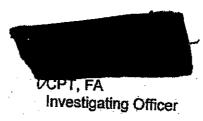
#### 3. Findings:

a. All personnel involved in the incident acted in accordance with the "CFLCC Rules for Use of Force" Card (as of 011800ZNOV03).	G G
	EXI
of deadly force in order to protect him-self and his unit and could reasonably ascertain this individual as a threat and a legitimate military target	se

- b. 1L and in SSC and and SPC acted in accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire.
  - E/
- c. The Local National exhibited behavior consistent with current insurgent Tactics, Techniques and Procedures for deploying IEDs in a high IED contact area.
- d. The Local National did not make an attempt to surrender when warning shots were fired.
  - e. The Local National was foreign to the area.
  - f. The Local National was in violation of curfew.

#### 4. RECOMMENDATION:

- a. No punitive or non-punitive actions are taken agains to the punitive or his chain of command.
  - b. Conduct a more detailed search for the IED trigger device and/or the IED



#### MEMORANDUM FOR RECORD

#### SUBJECT: Table of Exhibits

- 1. AR 15-6 Investigating Officer Appointment Orders
- 2. DA FORM 1594 (Chronology of Events)
- 3. 9 Line SPOT REPORT
- 4. Story board of events
- 5. DA FORM 2823 (SSC
- DA FORM 2823 (SP)
- 7. DA FORM 2823 (11)
- 8. DA FORM 2823 (SG
- 9. DA FORM 2823 (Sc

Exlo

CPT, FA Investigating Officer





## DEPARTMENT OF THE ARMY HEADQUARTERS, 2nd BATTALION, 70th ARMOR REGIMENT FOB ST. MICHAEL, IRAQ APO AE 09378

AFZN-BB-TCO

7 June 2005

MEMORANDUM FOR CP1 Michael, Iraq 09378

70th AR BN, 3rd BCT, 1st AD, FOB St.

6,6

SUBJECT: Appointment as Investigating Officer

- 1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the shooting and killing of a local national that occurred on 7 June 2005 by elements of A/1-41 Infantry.
- 2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
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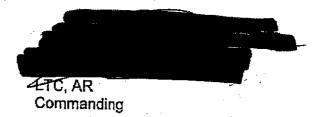
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### AFZN-BB-TCO Subject: Appointment as Investigating Officer

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6. Submit your findings and recommendations on DA Form 1574 to CP legal review no later than 14 June 2005.



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FOB Mahmudiyah (St Michael),   FOB Mahmudiyah (St Michael),   FOB Yusifiyah,   FOB Yusifiyah,   FOB Yusifiyah,   FOB Yusifiyah,   FOB Yusifiyah,   FOB Yusifiyah,   FOB Yusifiyah   FOB Yusi	
FOB Yusifiyah, Iraq   OB30   7 Jun 05   OB30   OB30   OB30   OB30   OB30   OB30   OB30   OB30   OB30   Received Verbal Order to Conduct AR 15-6 Investigation   logged	^=
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#### SPOT REPORT

LINE 1 EVENT	A/1-41IN CP reports engaging possible emplacer
LINE 2 DTG	07 0315 JUNE 05
LINE 3 LOCATION OF FRIENDLY	
LINE 4 ACTION TAKEN	Reported higher
LINE 5 FRIENDLY CASUALTIES	None
LINE 6 ENEMY CASUALTIES	(1) KIA
LINE 7 DETAINEES	None
LINE 8 WEAPONS/EQUIP CAPTURED	None
LINE 9 REMARKS	(1) individual that was in the bushes, near their position, with something in his hands, which are currently being sent to Avalanche Blue engaged and killed the individual. Dismounts are currently being sent to position of individual to further investigate.  O318-2-10MTN CP advised of situation.  O336-A/1-41IN CP reports (1) confirmed body  Individual was crouched in the bushes when Blue element approaching the site. A shovel was found near the body. Blue elements also questioned personnel living within the vicinity of the incident to try and confirm the identity of the KIA; none could ID the individual as being from that area.  O342 - A/1-41 reports that was not a hole at the site.  O449- A/1-41IN CP reports elements collected evidence and took pictures of KIA. Blue element has recovered body and is enroute to drop body off with IA.  O550- A/1-41IN CP reports KIA was turned over to the IA at the potato factory. NFI

6.1





		SWORN STATEMENT	,		
· · · · · · · · · · · · · · · · · · ·	For use of this form,	see AR 190-45; the proponent a	gency is ODCSOPS		
AUTHORITY:	Title 10 USC Section 301; Title	PRIVACY ACT STATEMENT 5 USC Section 2951; E.O. 939	7 dated November 22	. 1943 (SSN).	
PRINCIPAL PURPOSE:	To provide commanders and lav	v enforcement officials with mea	ns by which informat	tion may be accurately iden	itified.
ROUTINE USES:	Your social security number is u	sed as an additional/alternate m	sans of identification	to facilitate filing and retrie	vai.
DISCLOSURE:	Disclosure of your social securit	y number is voluntary.			
NULLA FATA DD	HIGHWAY /MB22358	2. DATE (YYYYMMDD) 2005 0 607	3. TIME 0542	4. FILE NUMBER	
LAST NAME, FIRST	NAME, MIDDLE NAME	B SSN		7. GRADE/STATUS	
3. Organization or A LO 1-	ADDRESS HI INFANTRY 3	RD PLATIOON / F.	aB. ST. J	OSEPH.	
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WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
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	(Signature of Person Administering Oath)
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	PAGE 2 OF 2 PAGES

PAGE 3, DA FORM 2823, DEC 1998

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#### row 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 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social security number is used as an additional/sitemate means of identification to facilitate filing and retrieval. ROUTINE USES: DISCLOSURE: Disclosure of your social security number is voluntary 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER ST. JOSEPH YUSIFIYAH TRAG 20050607 0600 5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS E-4 8. URGANIZATION OR ADDRESS Co. 1-41 INFAUTRY 3 PUTTON 9. ., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 7th 2005, MY THE NIGHT OF JUNE SECTION KETURNING FROM RECOUNTY MISSION GREEN . WITH COMMANDER, WHILE TRAVELING BAST THE درن HULLA FAYYAD HIGHWAY, I OBSERVED ABOUT 200 METERS TO" OUR 0300 TIME **[~]** THE MOKNING AND HE CULLERT BEHIND A CROUCHED CAME HALT ROAD. WE SECUKITY OBSERVING THE ENTIRE AKEA FOR FRIENDLYS THE OTHER OBSEKVATION MEN. AFTER FURTHER HAD A TR166EK SHOUEL DEVICE IN SURE WE HAD NO CALLED UP THE GRID TO MAKE THE AKEA. MY BC, 550 ALSO BESETLUED WHAT LEADER. WHO WERE SEEING.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF\_

\_ TAKEN AT \_

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

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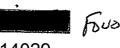
#### SWORN STATEMENT For use of this form, see AR 190-46; the proponent agency is ODCSDPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER FOB Stichscoh 20050607 1300 5. LAST NAME, FIRST NAME, MIDDLE NAME B. SSN 7. GRADE/STATUS Gele WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: At 0300 I was returning back to FOB St. Joseph with Alpha Section when my lead track spotted an individual hiding in the reeds on the other side of the canal that ran parallel to our route, we were travelling southeast on Mulla Fayyad Highway and the individual was on the other side of the canal to our east approximately 150m away. We immediately halted movement and observed the individual in a cronched position holding what was a possible thisgering device for an IED, I then called my company tray to inform them of the situation and to ensure no friendly units were in the area. I assessed the situation and determined that this individual posed an immenent threat to myself and the likes of my soldiers. EX I the target was destroyed my lead track moved forward clearing the possible Lill zone for EEDS while I provided overwatch. Approximately 100m up our ronfe the lead track found a road that crossed the canal in order to get the target. Once the lead track crossed the canal he dismonted a 11. INITIALS OF PERSON MAKING STATEMENT **PAGES** ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

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

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DRGANIZATION OR ADDRESS		MS ARMY (Authority To Administer Daths)	<u> </u>
DRIGANIZATION OR ADDRESS TALS OF PERSON MAKING STATEMENT		I US ARMU	PAGES

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REPORT L. PROCEEDINGS BY INVESTIGATING OFFICER/BOARL LIF OFFICERS  For case of this form, som AR 15-8; the proposent agency is OTJAR.		
IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS	<u> </u>	
SECTION ( - APPOINTMENT		
	<del></del>	
Appointed by Pursuant to AR 15-6, paragraph 2-1 (LT		
(Appointing authority)		
on (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)		
SECTION N - SESSIONS		
The (investigation) (board) commenced at Yusifiyah, Iraq at		
(Place) (Tu	ne)	· ·
on	ı began ı	and _
		ا
		ļ
		-
The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6	5.}	
		,
		-
The (investigating officer) (board) finished gathering/hearing evidence at 1330 on 08 Jun		
(Time) (Dat	e)	
and completed findings and recommendations at 1200 on 09 June 05		
(Time) (Date)  SECTION III - CHECKUST FOR PROCEEDINGS		
A. COMPLETE IN ALL CASES	YES	NO <sup>U</sup> NA <sup>2</sup>
Inclosures (para 3-15, AR 15-6)	1	, to like
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)		. ]
a. The letter of appointment or a summary of oral appointment data?	X	Ж
b. Copy of notice to respondent, if any? (See Item 9, below)		X



d. All other written communications to or from the appointing authority?
 e. Privacy Act Statements (Certificate, if statement provided orally)?

g. Information as to sessions of a formal board not included on page 1 of this report?

encountered (e.g., absence of material witnesses)?

f. Explanation by the investigating officer or board of any massual delays, difficulties, irregularities, or other problems

h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

FOOTNOTES: 1 Explain all negative enswers on an attached sheet.
2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2	Exhibita (para 3-16, AR 15-6)	YES	NO.	NA2
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as			
ì	exhibits and attached to this report?	X	.	
ı	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
1	c. Has the testimony/statement of each witness been recorded verbation or been reduced to written form and attached as			
1	an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			x
1	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
1	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an			
i	exhibit or recorded in a verbaim record?			X
l	g. If official notice of any matter was taken over the objection of a respondent or coursel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			×
Ļ				
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
B	COMPLETE ONLY FOR FORMAL BOARD PROCHEDINGS (Chapter 5, AR 15-6)	. 7 . 2		17-28
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			12,12
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			Inte
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence,			
i	does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	1		
С	. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)	+	ļ	<u> </u>
9	Notice to respondents (para 5-5, AR 15-6);	-		-
l	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	1		
ı	b. Was the date of delivery at least five working days prior to the first session of the board?	-}		
I	c. Does each letter of notification indicate —		ļ	
		4	<u> </u>	
Į			/"	<u> </u>
ı			ļ	ļ
1	(3) the respondent's rights with regard to counsel?	!	L	<u> </u>
ł	(4) the name and address of each wimess expected to be called by the recorder?			
	(5) the respondent's rights to be present evidence, and call wintesses?			
1	d. Was the respondent provided a copy of all unclassified documents in the case file?	<u> </u>	<u> </u>	
_	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	1		
ł	a. Was he properly notified (para 5-5, AR 15-6)?			
L.,	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
ı	Name and business address of counsel:		·	
l			_	
	(If counsel is a lawyer, check here 📋 )	1		
ŀ	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	1	<del> </del>	1
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the	<del> </del>	<del> </del>	† <u>-</u>
	action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):	<del>                                     </del>	<del> </del>	<u> </u>
1	a. Was the challenge properly denied and by the appropriate officer?	<u>-</u> -	<u> </u>	<del> </del>
Į	b. Did each member successfully challenged cease to participate in the proceedings?		<del> </del>	<del> </del>
-	Was the responsent given an opportunity to (para 5-8a, AR 15-6):	+-	<del> </del>	ļ
_	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<del>-                                    </del>	<del> </del>	ļ
1			<del> </del>	<del> </del>
1	b. Examine and object to the introduction of real and documentary evidence, including written statements?     c. Object to the restimony of witnesses and cross-examine witnesses other than his own?	+	<del> </del>	ļ
		<del></del> -	<u> </u>	<del> </del>
	d. Call witnesses and otherwise introduce evidence?		<b>—</b>	<u> </u>
İ	e. Testify as a witness?		ļ	<u> </u>
╙	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in			
L	arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
1:	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
F	OOTNOTES: Y Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation		<del></del>	

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SECTION IV -	FINDINGS (pa	va 3-30, AR	<i>15-6</i> )

The (investigating officer) (board), having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM FOR FINDINGS

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

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

SEE ATTACHED MEMORANDUM FOR RECOMMENDATIONS



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		SECTION VI - AUTHENTICATION	🖟 (para 3-17, AR 15-6)		
THIS REPORT OF PROCE below, indicate the reason in	EDINGS IS COMPLET the space where his sig	E AND ACCURATE. (1) mature should appear.)	f any voting member or the	recorder fails to sign here o	or in Section VII
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					<b>一</b> 似
	(Bananian)				P ·
	(Recorder)		(Invest	igating Officer) (President)	
		•			
· ·	(Member)			(Member)	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
			· · · · · · · · · · · · · · · · · · ·		
	(Member)	•		(Member)	••
		SECTION VII - NUMBERY REPO	II (para 3.13 4P 15.6)		
To the extent indicated in Inc	losare .	the madersigned do(es) no	concur in the findings and	recommendations of the bo	erd
(In the inclosure, identify by	mumber each finding an	<i>d/or recommendation in</i> w	hich the dissenting member	(a) Anles) and commer State	the
reasons for disagreement. Ad	icational/substitute findi	ngs and/or recommendatio	ns may be included in the it	sclosure.)	
•			•		
					11/2
	(Member)			(Member)	
		·			
The findings and recommend substitutions). (If the appoint corrective action, attach that	ing authority returns the	e proceedings to the invest	igating officer or board for :	pprovea with Jouowing exc further proceedings or	epnons/
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