MEMORANDUM FOR C[REDACTED] AR BN, 3rd BCT, 1st AD, FOB St.
Michael, Iraq 09378

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, 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 for coordinate). Prior to starting your investigation, you should contact him for legal guidance concerning your investigation.

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

LTC, AR
Commanding
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.

   CPT, JA
   Command Judge Advocate
Report on the Proceedings by Investigating Officer/Board of Officers

For use of this form, see AR 15-6; the proponent agency is DETAIL.

If more space is required in filling out any portion of this form, attach additional sheets.

Section I: Appointment

Appointed by: Pursuant to AR 15-6, paragraph 2-1

(Appointing authority)

Date: 07 June 2005

(Attach enclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

Section II: Sessions

The investigation (-board) commenced at Yusifiyah, Iraq

(Place) at

(Time)

on

(Date)

(If a formal board met for more than one session, check here □. Indicate in an enclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name indicate capacity, e.g., President, Recorder, Member, Legal Adviser.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-80, AR 15-6.)

The (investigating officer) finished gathering/hearing evidence at 1330 on 08 June 05

(Time) on 09 June 05

(Date)

and completed findings and recommendations at 1200

(Time)

(Date)

Section III: Checklist for Proceedings

A. Complete in All Cases

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Inclusions (para 3-15, AR 15-6):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the following included and numbered consecutively with Roman numerals? (Attached in order listed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. The letter of appointment or a summary of oral appointment data?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Copy of notice to respondent, if any? (See item 9, below)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Other correspondence with respondent or counsel, if any?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. All other written communications to or from the appointing authority?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Privacy Act Statements (Certificate, if statement provided orally)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Information as to sessions of a formal board not included on page 1 of this report?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Footnotes:

1. Explain all negative answers on an attached sheet.
2. Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

FOCUS

14013
SECTION VI - AUTHORIZATION (para 3-17, AR 15-6)

This report of proceedings is complete and accurate. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in enclosure , the undersigned do(es) not concur in the findings and recommendations of the board. (In the enclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) 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 2-5, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach correspondence (or a summary, if oral) as a numbered enclosure.)
SECTION IV - FINDINGS (para 3-10, AR 15-6)
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
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 07JUN05 two Bradley Fighting Vehicles (BFV) assigned to 3rd Plt, A Co 1-41IN were traveling south east on Mulla Fayyad Hwy returning from a maintenance recovery mission. The lead BFV A32 with SSG[***] (TC), SPC[***] (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 individual had in his possession a shovel and another object. SSG[***] assessed the other object as a possible IED trigger device and proceeded to report the situation to 1Lt[***] (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, 1Lt[***] gave the order to engage with direct fire the suspected IED triggerman.

During the engagement of a 15 second burst of 7.62mm M240, SSG[***] and SPC[***] observed the triggerman was covered in smoke and thrown down into the canal. The BFV commander engaged the triggerman with a 15 round burst of .50 caliber M240 and disabled the IED. 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 SGT[***] dismounted and conducted a search of the area. SGT[***] Squad found the body and the shovel[***]. 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. SSG[***] and SPC[***] called off the search resigning to the possibility that the object was lost in either the canal or the
vegetation. SG[redacted] noted in his statement that the individual's location provided a clear view 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. Known acknowledged knowing who the individual was or what he was doing there. SG[redacted] 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). SSG[redacted], SPC[redacted], and SPC[redacted] acted in accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire.

b. 1LT[redacted], SSG[redacted], and SPC[redacted] acted in accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire.

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 against[redacted] or his chain of command.

b. Conduct a more detailed search for the IED trigger device and/or the IED.

[Signature]

UCPT, FA
Investigating Officer

14018
AFZP-BB-FSO

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 (SSG)
6. DA FORM 2823 (SPR)
7. DA FORM 2823 (IL)
8. DA FORM 2823 (SG)
9. DA FORM 2823 (SG)

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

AFZN-BB-TCO

MEMORANDUM FOR CAPT [REDACTED], 70th AR BN, 3rd BCT, 1st AD, FOB St. Michael, Iraq 09378

SUBJECT: Appointment as Investigating Officer

7 June 2005

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?
   
   f. Are there any operational lessons that should be captured and disseminated?
   
   g. 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 CPT [redacted], the Command Judge Advocate for 3rd BCT, 1st AD. CPT [redacted] will serve as your legal counsel and can be contacted at 242-6045 (see [redacted] for coordinate). Prior to starting your investigation, you should contact him for legal guidance concerning your investigation.


LTG, AR
Commanding
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>TIME</th>
<th>IN</th>
<th>OUT</th>
<th>INCIDENTS, MESSAGES, DIRECTIONS, ETC.</th>
<th>ACTION TAKEN</th>
<th>INL</th>
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<tbody>
<tr>
<td>1</td>
<td>0830</td>
<td></td>
<td></td>
<td>Received Verbal Order to Conduct AR 15-6 Investigation</td>
<td>logged</td>
<td></td>
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<tr>
<td>2</td>
<td>0840</td>
<td></td>
<td></td>
<td>Received copy of SIR regarding incident</td>
<td>logged</td>
<td></td>
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<tr>
<td>3</td>
<td>0850</td>
<td></td>
<td></td>
<td>Contacted CP SIA @ 242-6294 and received inbrief</td>
<td>logged</td>
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<tr>
<td>4</td>
<td>1020</td>
<td></td>
<td></td>
<td>Departed for FOB Yusifiyah</td>
<td>logged</td>
<td></td>
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<tr>
<td>5</td>
<td>1600</td>
<td></td>
<td></td>
<td>Received Sworn Statements from SS</td>
<td>logged statements</td>
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**08JUN**

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<tr>
<th>ITEM NO.</th>
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<th>OUT</th>
<th>INCIDENTS, MESSAGES, DIRECTIONS, ETC.</th>
<th>ACTION TAKEN</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>1200</td>
<td></td>
<td>1400</td>
<td>Departed FOB Yusifiyah and went to the scene of the shooting incident</td>
<td>conducted site investigation</td>
<td></td>
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<tr>
<td>2</td>
<td>1410</td>
<td></td>
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<td>Received Sworn Statement from SC</td>
<td>logged statement</td>
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<tr>
<td>3</td>
<td>1430</td>
<td></td>
<td></td>
<td>Questioned IL</td>
<td>Validated Statements</td>
<td></td>
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<tr>
<td>4</td>
<td>1500</td>
<td></td>
<td></td>
<td>Departed FOB Yusifiyah in route to FOB St. Michael</td>
<td>transported documents</td>
<td></td>
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<tr>
<td>5</td>
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<td></td>
<td></td>
<td>Received written appointment order as investigating officer</td>
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**09JUN**

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<th>ITEM NO.</th>
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<th>INL</th>
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</thead>
<tbody>
<tr>
<td>1</td>
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<td></td>
<td></td>
<td>Completed Findings and Recommendations</td>
<td>Submitted</td>
<td></td>
</tr>
</tbody>
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**Typed Name and Grade of Officer On Rota On Duty:**

**Signature:**

DA FORM 1984, NOV 62

PREVIOUS EDITION OF THIS FORM IS OBSOLETE.
<table>
<thead>
<tr>
<th>LINE 1 EVENT</th>
<th>A/1-41IN CP reports engaging possible emplacer</th>
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</thead>
<tbody>
<tr>
<td>LINE 2 DTG</td>
<td>07 0315 JUNE 05</td>
</tr>
<tr>
<td>LINE 3 LOCATION OF FRIENDLY</td>
<td></td>
</tr>
<tr>
<td>LINE 4 ACTION TAKEN</td>
<td>Reported higher</td>
</tr>
<tr>
<td>LINE 5 FRIENDLY CASUALTIES</td>
<td>None</td>
</tr>
<tr>
<td>LINE 6 ENEMY CASUALTIES</td>
<td>(1) KIA</td>
</tr>
<tr>
<td>LINE 7 DETAINNEES</td>
<td>None</td>
</tr>
<tr>
<td>LINE 8 WEAPONS/EQUIP CAPTURED</td>
<td>None</td>
</tr>
<tr>
<td>LINE 9 REMARKS</td>
<td>A/1-41IN CP reports their Blue element engaged (1) individual that was in the bushes, near their position, with something in his hands, Avalanche Blue engaged and killed the individual. Dismounts are currently being sent to position of individual to further investigate.</td>
</tr>
<tr>
<td></td>
<td>• 0318- 2-10MTN CP advised of situation.</td>
</tr>
<tr>
<td></td>
<td>• 0336- 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.</td>
</tr>
<tr>
<td></td>
<td>• 0342 – A/1-41 reports that was not a hole at the site.</td>
</tr>
<tr>
<td></td>
<td>• 0449- 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.</td>
</tr>
<tr>
<td></td>
<td>• 0550- A/1-41IN CP reports KIA was turned over to the IA at the potato factory. NFI</td>
</tr>
</tbody>
</table>
SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (ISSN).
PRINCIPAL PURPOSE: 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
MULLA FAHAD HIGHWAY
2. DATE (YYYYMMDD) 20050607
3. TIME 0542
4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS
A 10 1-41 INFANTRY 3RD PLT. / FOB. ST. JOSAPH.

I ________ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AT APPROXIMATELY 0540 HRS. ON 20050607 MY SECTION WAS TRAVELING EAST ON MULLA FAHAD HIGHWAY RETURNING TO FOB. ST. JOSAPH FROM A RECOVERY MISSION. WHILE TRAVELING MY GUNNER IDENTIFIED A MILITARY VEHICLE CAUGHT IN A "BRAKE-LIKE" POSITION OBSERVING OUR BRADLEY MOVEMENT AND MULLA FAHAD HIGHWAY. WE IMMEDIATELY WENT TO A SECURITY HALT TO IDENTIFY A TRIGGERING DEVICES IN THE INDIVIDUAL HAND AND THE SNIPER LAYING FLAT ON THE GROUND BEHIND HIM IN THE CULVERT. THE INDIVIDUAL CLEARLY PRESENTED HIMSELF TO BE AN IMMEDIATE THREAT TO MYSELF AND MY SOLDIERS BY OBSERVING HIS BODY GESTURES, TRIGGERING DEVICES, SNIPER, AND HIS CONCEALED POSITION THAT WAS CLEARLY OBSERVING MULLA FAHAD HIGHWAY. AS WE OBSERVED THE INDIVIDUAL ACT, I CALLED UP A SITREP REPORT TO MY PL/COMP AND ANNOUNCED WHAT WAS OCCURRING. AT THIS POINT, THE INDIVIDUAL DID NOT MOVE OR PUT HIS HANDS UP. HE SEEMED TO HUNKER DOWN IN THE CULVERT WHILE MAINTAINING HIS SHOVEL-LIKE POSITION ACTING AS THOUGH HE THOUGHT THAT WE DID NOT IDENTIFY HIM. THEN, HE BEGAN TO COVER THE SERIES OF BRADLEYS IN THE CULVERT. AT THIS POINT, THE INDIVIDUAL BECAME AN IMMEDIATE THREAT TO OUR LIVES.

I CALLED UP A SITREP TO MY SQUAD LEADER AND GAVE THEM A SITREP OF THE SITUATION. MY BRADLEY AND SQUAD LEADER CALLED UP A SITREP TO MY SQUAD LEADER AND GAVE THEM A SITREP OF THE SITUATION.

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
STATEMENT OF [Redacted] TAKEN AT FOB ST. JOSEPH, DATED 20050607

PUSHED FORWARD TO FIND A PASSENGER OVER THE CANAL AS MY M31 TRUCK PULLED OVERWATCH ON THE FLANKING MOVEMENT UP TO THE ENEMY INSURGENT, WE SWEPT THE BRUSH AND LOCATED THE KIA ENEMY INSURGENT AT GRID MB2235456799. IT WAS NOT NECESSARY TO CHECK FOR A PULSE DUE TO THE EXTENT OF DAMAGE TO THE CASUALTY. NOR WAS IT NECESSARY FOR A MEDICAL REFUSE TO BE INITIATED. THE INJURED PERSON WAS CLEARLY NOT BREATHING OR SHOWING ANY SIGNS OF LIFE. WHENEVER WE IMMEDIATELY FOUND THE SQUAD THAT WAS LYING BESIDE HIM, WE WERE NOT ABLE TO FIND A TRIGGERING DEVICE OR WIRE DUE TO THE LIMITED VISIBILITY AND PURSUER THAT IT MAY HAVE FALLEN IN THE WATER-FILLED DITCH WHERE THE CORPSE OF THE INJURED PERSON WAS SUBMERGED. I HAD SG [Redacted] SQUAD CLEAR THE 2 HOUSES THAT WERE ERECTED APPROXIMATELY 100 METERS OF WHERE I ENGAGED THE TARGET. WHEN WE CLEARED THE HOUSES ALL OF THE HOUSEHOLD MEMBERS WERE P峰值 WHEN MIA DISMANTLED ENTERED THE HOUSES, ONE OF THE INHABITANTS IN EITHER HOUSE KNEW THE TARGET THAT WERE ENGAGED, AND THEY SHOWED ANY GESTURES THAT WOULD LEAD ME BELIEVE THAT THIS INDIVIDUAL WAS KNOWN BY THEM. THERE WERE NOT ANY MORE HOUSES AROUND IN A 300 METER RADIAL. AFTER THE SEARCH WAS COMPLETE WE WASHED THE BODY IN A BLANKET AND PUT IT ON A LITTER AND GATHERED THE EVIDENCE. WE TRANSPORTED THE BODY TO THE HOSPITAL FACTORY AND TRANSFERRED THE CASUALTY OVER TO THE IRAQI ARMY. THEN WE RETURNED TO FOB. ST. JOSEPH TO BEGIN THE SWORN STATEMENTS 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 INITIATED ALL CORRECTIONS AND HAVE INITIATED 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)

Typed Name of Person Administering Oath

CPT [Redacted]

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES
ON THE NIGHT OF JUNE 7TH 2005, MY SECTION WAS RETURNING FROM A RECOVERY MISSION WITH PHONE PLATOON AND THE COMMANDER. WHILE TRAVELING EAST ON MULLA FAHYAD HIGHWAY, I OBSERVED A MAN CROUCHED DOWN ABOUT 200 METERS TO OUR LEFT. THE TIME WAS 03:00 IN THE MORNING AND HE WAS CROUCHED DOWN IN A COLOURED BEHIND SOME WEEDS OBSERVING THE ROAD. WE CAME TO A SECURITY HALT AND SCANNED THE ENTIRE AREA FOR FRIENDLYS AND OTHER MEN. AFTER FURTHER OBSERVATION WE SAW HE HAD A SHOVEL AND A TRIGGER DEVICE IN HIS HAND. WE CALLED UP THE GRID TO MAKE SURE WE HAD NO FRIENDLYS IN THE AREA. MY BC, SSgt [redacted] CALLED UP OUR PLATOON LEADER WHO ALSO OBSERVED WHAT WE WERE SEEING.
HIGHWAY WAS ALSO HIGHLY TRAVELED BY US FORCES IN THE PAST COUPLE OF DAYS. MY BC DROPPED DISMOUNTS AND PUSHED FORWARD TO WHERE THE TRIGGERMAN WAS. THEY CLEARED THE HOUSES AROUND THE AREA AND EVERYONE WAS ASLEEP. ALSO, NO ONE KNEW OF ANYONE OUTSIDE IN THE AREA. THE DISMOUNTS FOUND THE BODY, AND THE SHOVEL IN THE CULVERT. HE WAS DEAD ON SITE WITH A GREAT OBSERVATION OF THE HIGHWAY WHICH WAS LIT UP FROM THE HOUSES ALONG WITH A POWER LINE POLE AS AN AIMING STAKE. WE PUT THE BODY ON A LITTER, RECOVERED ALL THE EVIDENCE, AND DROPPED IT OFF AT THE REAR FACTORY ON THE WAY BACK TO THE FORTE.
I was returning back to FOB St. Joseph with Alpha Section when my lead truck 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 crouched position holding what was a possible triggering device for an IED. I then called my company K-ray 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 imminent threat to myself and the lives of my soldiers.

The individual appeared to be reaching for something and the lead truck confirmed that the target was destroyed while I provided overwatch. Approximately 100m up our route the lead truck found a road that crossed the canal in order to get to the target. Once the lead truck crossed the canal he dismantled a...

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A team of infantry to sweep the area and find the triggerman. Once the infantry found the remains they determined that he was almost holding a shovel. No triggering device was found. They then pocked up the remains and we took them to the Iraqi Army unit in Yusifiyah.

Nothing Follows

AFFIDAVIT

[Signature of Person Making Statement]

I, [Name], have read or have had read to me this statement which begins on page 1, and ends on page [number]. 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.

WITNESSES:

[Signature of Person Administering Oath]

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

[Organization or Address]

[Typed name of Person Administering Oath]

[Authority To Administer Oaths]
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 (SSW).
PRINCIPAL PURPOSE: 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: FOQ St Jospeh Kusafis 20050607 0600
5. LAST NAME, FIRST NAME, MIDDLE NAME: A 1-41 IRF 3rd PCT
6. ORGANIZATION OR ADDRESS: 

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While traveling west on Mulla Fird Adidas highway in A-Sec on 7 June 2005 at approximately 0200 hours the lead truck spotted a guy hiding in the embankment near a canal that ran parallel to the road. We then went to a security hault to further observe the guy. The man was carrying a shovel and had a triggering device. We positively identified him as a triggerman and he was an imminent threat. We then called Airborne x-ray to make sure no friendly were in the area and gave a situtation report.

The man met the tactical procedures ofemploying an IED; after the threat was eliminated I continued to provide overwatch and the lead truck pulled around the shovel but the triggering device got destroyed from the HE. All occupants were sleeping and knew nothing of the man. Upon它 to the Iraqi army at the possible today.

10. EXHIBIT: 

11. INITIALS OF PERSON MAKING STATEMENT: 

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _______ TAKEN AT _______ DATED _______"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
On June 7, 2005 at 08:06 I dismounted with my Alpha Team. Then I proceeded to sweep the area for a Trigger Device but did not find one. We found the body at 150m Off the Road in a Canal behind some brush with a good Field of View of the Road and a light pole which could be used as an aiming stake while still being concealed. We then searched 2 houses about 100m away. The families were asleep and did not act like they knew the guy. After we cleared the houses we then went back picked the body up and put it on the Bradley. Then we proceeded to the Potato Factory and drafted the body off to the Iraqi Army and returned to FOB ST. Joseph.
REPORT TO PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Pursuant to AR 15-6, paragraph 2-1 (LT [censored])
(Appointing authority)

on 07 June 2005 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Yusifiyah, Iraq
(Place) at ___________
(Time)
on ________________ (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and
ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were
present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1330 on 08 June 05
(Time) on 09 June 05
(Date)

and completed findings and recommendations at 1200 on 09 June 05
(Time) on 09 June 05
(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclosures (para 5-15, AR 15-6)
   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?  
   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. Explain all negative answers on an attached sheet.
2. Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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2 Exhibits (para 3-16, AR 15-6)
   a. Are all items offered (whether or not received) or considered as evidence individually numbered or listed as exhibits and attached to this report? 
      YES NO NA
   b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? 
      X
   c. Has the testimony/statements of each witness been recorded verbatim or been reduced to written form and attached as 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
   e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? 
      X
   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? 
      X
   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 3-36a, AR 15-6)? 
      X

3 Was a quorum present when the board voted on findings and recommendations (para 4-1 and 5-2b, AR 15-6)?

B. COMPLETEN ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)

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)?

5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?

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, does the enclosure describe how they familiarized themselves with that evidence (para 5-2b, AR 15-6)?

C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)

9 Notice to respondents (para 5-5, AR 15-6):
   a. Is the method and date of delivery to the respondent indicated on each letter of notification? 
      X
   b. Was the date of delivery at least five working days prior to the first session of the board? 
      X
   c. Does each letter of notification indicate:
      (1) the date, hour, and place of the first session of the board concerning the respondent?
      (2) the manner of investigation, including specific allegations against the respondent, if any?
      (3) the respondent's rights with regard to counsel?
      (4) the name and address of each witness expected to be called by the recorder?
      (5) the respondent's right to present, present evidence, and call witnesses?
   d. Was the respondent provided a copy of all unclassified documents in the case file?
   e. If there were relevant classified materials, were the respondent and his counsel given access to an opportunity to examine them?

10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):
   a. Was he properly notified (para 5-5, AR 15-6)?
   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?

   Name and business address of counsel:

   (if counsel is a lawyer, check here ☑)

   b. Was respondent's counsel present at all open sessions of the board relating to that respondent?

   c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the 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):
   a. Was the challenge properly denied by the appropriate officer?
   b. Did each member successfully challenge 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?
   b. Enlarge and object to the introduction of real and documentary evidence, including written statements?
   c. Object to the testimony of witnesses and cross-examine witnesses other than his own?
   d. Call witnesses and otherwise introduce evidence?
   e. Testify as a witness?
   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 arranging for the presence of witnesses (para 5-8b, AR 15-6)?

15 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)?

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.
SECTION IV - FINDINGS (para 3-JO, AR 15-6)

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

SEE ATTACHED MEMORANDUM FOR FINDINGS

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

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

SEE ATTACHED MEMORANDUM FOR RECOMMENDATIONS
SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder) (Investigating Officer) (President)

(Member) (Member)

(Member) (Member)

SECTION VII - MINORITY REPORT (para 3-15, AR 15-6)

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

(Member) (Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

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