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Memorandum for Record, dated 28
February 2007, Subject: Declassification
Guidance for Operation Iraqi Freedom
(OIF) 05-07 issued by the 4th Infantry
Division G2**



DEPARTMENT OF THE ARMY
2D BRIGADE COMBAT TEAM,
4TH INFANTRY DIVISION (MECHANIZED)
FOB KALSU, IRAQ
APO AE 09312-0501

AFYB-AR-CDR

27 March 2006

MEMORANDUM FOR CPT [REDACTED], HHC, 1st BN, 67th AR, 4ID(M),
FOB Iskandariyah, Iraq, APO AE 09312-0506

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to AR 15-6, to conduct an informal investigation pursuant to AR 15-6, to investigate the circumstances surrounding the shooting of a suspected insurgent by [REDACTED]. Additionally, you may identify any systematic problems that the command can address and correct.
2. All witness statements will be sworn and recorded on a DA Form 2823 if possible, and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of their rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of their rights.
3. Legal advice and assistance must be obtained from MAJ [REDACTED] at FOB Kalsu before you take any action on this matter. Consult with your legal advisor located at the 2d BCT Legal Office, prior to your investigation. You will familiarize yourself with the provisions of AR 15-6 and the Guide for Formal Investigations.
4. Your report, together with all evidence marked as exhibits, will be submitted to me on a DA Form 1574 within 72 hours. Submit any requests for delay to me either orally or in writing. You will obtain a written legal review prior to submitting the completed investigation. [REDACTED]

COL, AR
Commanding

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by [REDACTED], LTC, AR, Commanding

(Appointing authority)

on 14 MARCH 2006 (Date) (Attach inclosure 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 FOB ISKANDARIYAH at 0800
(Place) (Time)

on 14 MARCH 2006 (Date) (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.)

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The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 3-2 and 3-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1500 on 14 MARCH 2006
(Time) (Date)

and completed findings and recommendations at _____ on _____
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ¹	NA ²
1. Inclosures (para 3-15, 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 2, below)	X		
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1/ 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 or board.

	YES	NO ¹⁾	NA ²⁾
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
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/statement 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 3-16d, AR 15-6)?			X
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 PROCEEDINGS (Chapter 3, 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 inclosure describe how they familiarized themselves with that evidence (para 5-2d, 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?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate --			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, 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 rights to be 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 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):			
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 <input type="checkbox"/>)			
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 and by the appropriate officer?			
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?			
b. Examine 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 N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			

SECTION IV - FINDINGS (para 3-10, AR 15-6)

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

That on 11 MAR 06, C/1-67 AR conducted a cordon and search (OPERATION LUMBERJACK SWAGGER) north of the town of Jurf as Sakhr, center mass grid [REDACTED]. A sniper team consisting of four personnel, and led by [REDACTED], was established to the east of the objective, OBJ AXE, conducting overwatch for the assaulting element. On or about 0600, the assaulting element of C/1-67 AR moved onto OBJ AXE and began clearing the target houses. The JTAC element, [REDACTED], reported that CAS identified two individuals fleeing north from OBJ AXE. Carnivore 6, [REDACTED], ordered the sniper team to fire one warning shot "two feet in front of [the individuals]" (Exhibits A, G, L). [REDACTED], acting as the sniper team leader, as well as one of the spotters, directed his sniper, [REDACTED], to fire the warning shot (Exhibit F, J, K). After the round was fired, [REDACTED] observed dust kick up in front of them and both individuals drop to the ground. He then observed one of them moving back to OBJ AXE in a crouched position. He could see both individuals moving back toward the objective (Exhibit F). When preparing to fire, [REDACTED] realized he did not have a round chambered. After chambering the round, [REDACTED] hastily reacquired his aiming point and fired, "not knowing for sure if the crosshair[s] [were] on the target or in front" when he fired (Exhibit K). [REDACTED] fired two more warning shots at fleeing personnel during the operation, both of which were ordered by [REDACTED] through [REDACTED] (Exhibit A, F, K, L). While bringing THT onto OBJ AXE, Carnivore 7, [REDACTED], came upon the body of an Iraqi male laying on the road in the vicinity of where [REDACTED] fired the warning shot at the first set of individuals. The KIA had an entry wound on the on the lower backside of his head and the exit wound was on the topside of his head (Exhibit A, B). After further investigation, a rock was found on the berm between the body and the sniper position that had a possible ricochet scar on it. From investigating the scene, it appeared feasible that the warning shot skipped off the rock, causing it to change trajectory and impact the IZ in the head, killing him (Exhibit A, B).

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

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

There were three separate incidents during the operation which required the snipers to fire warning shots due to military age males attempting to flee OBJ AXE, possibly IOT evade the C/1-67 AR elements. There are two main issues at hand. First, according to the ROE, hostile intent must be evident for warning shots to be fired. It is possible that the individual fleeing was AIF and therefore, that he would conduct further hostile acts in the future, which implies he had hostile intent. At the same time, he did not display direct hostile intent at the time of the incident. I recommend a more definitive explanation of hostile intent be developed, in order to allow Soldiers to act without having to second guess their actions. The second, and more important issue, is the fact that [REDACTED] fired the warning shot "not knowing for sure if the crosshair[s] [were] on the target or in front." [REDACTED] was probably concerned with getting the round fired as he initially did not have a round chambered in his rifle. As a result I believe he rushed the shot IOT prevent the individual from getting away. As a sniper, he is supposed to provide accurate shots. I believe the individual was killed by a ricochet based upon the evidence examined, however, [REDACTED] inability to say where he actually fired his "precision" shot is unacceptable. For this I recommend [REDACTED] be counseled. In addition, warning shots fired two feet in front of an individual is much too close, especially at extended ranges. There is no need to risk killing an individual who has not been positively identified as a threat when the same desired effect can be achieved by firing further in front of the target.

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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.)

CPT [REDACTED]

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, 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.)

RECOMMEND ROE TRAINING ACROSS THE BATTALION TO ENSURE SOLDIERS UNDERSTAND THE ROE, WHICH HAS BEEN COMPLETED. CPT [REDACTED] IS MY BEST COMBAT COMMANDER AND WAS DEALING WITH WHAT HE BELIEVED TO BE, UNARMED TERRORISTS. I STILL BELIEVE THAT THE ACTIONS TAKEN BY THE MAN HE KILLED WERE INCONSISTENT WITH A TRULY INNOCENT PERSON. RECOMMEND HE PAY A PARTIAL SOLATIA PAYMENT OF \$1500 TO THE FAMILY AS A MESSAGE OF GOODWILL.

LTC, AR
COMMANDING

Sir,

Recommend full solatia payment of \$2500. Concur w/ 10 recommendations and those additions by LTC [REDACTED]

I approve the findings and recommendations. I remand all other recommendations of the IO to the BDE CDR to take action as he deems appropriate. The BDE CDR needs to answer the following questions:

- 1) Was the Operation Carnivore within the CDR's intent?
- 2) Is the intent of the OPOD 06-12 nested within the BN and BCT CDR's intent?

THOMAS C. MAFFEY
Brigadier General, US Army
Assistant Division Commander (Maneuver)

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**SNIPER WARNING SHOT
FINDINGS AND RECOMMENDATION**

ENCLOSURE I

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E

EXHIBIT F

EXHIBIT G

EXHIBIT H

EXHIBIT I

EXHIBIT J

EXHIBIT K

EXHIBIT L

APPOINTMENT ORDERS

OPERATION LUMBERJACK SWAGGER AAR

VISUAL REPRESENTATION OF THE INCIDENT

OPERATION LUMBERJACK SWAGGER STORYBOARD

OPERATION LUMBERJACK SWAGGER OPORD

DA 2823 - 1SG

DA 2823 - SSG (SNIPER TM LEADER)

DA 2823 - 1LT

DA 2823 - SGT

DA 2823 - SSG

DA 2823 - SPC (SNIPER) 1

DA 2823 - SPC (SNIPER) 2

DA 2823 - SGT

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st BATTALION, 67th ARMOR
4th INFANTRY DIVISION (MECHANIZED)
ISKANDARIYAH, IRAQ, APO AE 09312-0506

AFYB-ARB-CDR

14 March 2006

MEMORANDUM FOR: CPT [REDACTED], HHC, 1st BN, 67th
AR, 4ID(M), FOB Iskandariyah, Iraq, APO AE 09312-0506

SUBJECT: Duty Appointment

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the shooting of a suspected Insurgent that occurred on 11MAR06. Include a copy of statements concerning this incident in your findings. Specifically, you will investigate whether negligent actions were taken in conjunction with this incident, and recommend any necessary corrective, punitive, or future preventative actions.
2. Your investigation will use the informal procedures under the provisions of AR 15-6. All witness statements will be sworn when possible, and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If circumstances preclude obtaining a sworn statement, you will summarize the witness' statements in a Memorandum for Record and swear to the accuracy of your summary. If, in the course of your investigation you suspect that an individual may have committed criminal acts, you will advise that individual of his rights under Article 31, UCMJ, or the Fifth Amendment, as appropriate.
3. Legal advice and assistance must be obtained from the Administrative and Civil Law Division, Office of the Staff Judge Advocate, before you take any other action on this matter. Prior to beginning the investigation, you will familiarize yourself with the provisions of AR 15-6.
4. Your report of investigation, findings and recommendations, and evidence marked as exhibits will be submitted to this office in two copies on a DA form 1574 no later than 24MAR06. You will obtain a written legal review from the Administrative and Civil Law Division prior to submitting the completed investigation.

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[REDACTED]
[REDACTED]
LTC, AR
Commanding

ENCLOSURE I

AFTER ACTION REVIEW, OPERATION LUMBERJACK SWAGGER.
OPERATION CONDUCTED 110605 MAR 06
AAR WRITTEN 121235 MAR 06
AAR WRITTEN BY CPT [REDACTED], CPT, AR, Commanding

SUMMARY:

This operation was conceived based upon intelligence and DHR provided by THT 815 that [REDACTED] family insurgents were providing shelter for several insurgents on what became known as OBJ AXE (Center Mass [REDACTED]). S05C552U(6)

PHASE I (TLPs): OPORD was briefed 081400 MAR 06 and the Company Rehearsal/Backbrief was conducted at 082100 MAR 06. The first elements departed FOB Iskan for the "Island" patrol base with the normal relief in place operation on the morning of 09 MAR. This element consisted of the squad from 2nd PLT and the sniper team being NCOICd by the 3rd PLT squad leader, [REDACTED]. [REDACTED] was chosen to head the sniper team due to the rank requirement and his successful prior infiltration to overwatch the same objective in JAN 06. Additionally, at 091300 MAR 06 PCIs were conducted for 3rd PLT back at FOB Iskan.

PHASE II (SNIPER INFIL): The first element to move in the scheme of maneuver was the sniper team led by [REDACTED], which began its infiltration at approximately 092200 MAR 06. His task and purpose at that time was to establish an observation post vic [REDACTED] IOT provide continuous intelligence on OBJ AXE prior to execution of the raid. [REDACTED] successfully infiltrated to the OP [REDACTED] and was set at 100218 MAR 06. Comms were established during the infil using known checkpoints and radio checks every 30 minutes. Radio checks consisted of breaking squelch four times and acknowledged by breaking squelch twice in order to minimize traffic on the net and their chances of being compromised. Checkpoints were called when reached and acknowledged by breaking squelch twice. The sniper team was able to talk directly to Carnivore Mike through the use of the company retrans frequency established at the "Island" patrol base. [REDACTED] reported first activity on the objective at 100540 MAR 06 and that 17 males departed the OBJ at 111200 MAR 06. At the time, it was assumed that the individuals departed to go to afternoon prayer (Although not reported, it was later learned once on the ground with the sniper team that all males returned that evening). The additional dismount squad and C² elements (CO, RTO, JTAC, Interpreter, additional medic) arrived at the "Island" at 111400 to begin final PCIs and rehearsals. This element and the LOGPAC to bring them out were delayed due to MEDEVAC RED conditions from its scheduled SP time of 0830. S05C552U(6)

PHASE III (DISMOUNT INFIL): Final rehearsals were conducted in the vicinity of the "Island" and included weapons zero confirmation and a full dress rehearsal. At 102000 MAR 06 a final backbrief with key leaders was conducted and soldiers were put down for rest until 102345 MAR 06. At 110030 final PCIs were conducted of all dismounts and SP of the dismounted element from the "Island" was at 110100 MAR 06. Axis of advance was along AXIS BUNYON and was extremely slow at first during the first 1km of movement due to flooded fields. The first security halt was conduct vic [REDACTED] at approximately 0200 hours when the element encountered a canal not identified on the imagery and searched for a bypass. S05C552U(6)

After moving up another 100m, an additional obstacle of fish ponds not seen on the imagery was encountered that required an additional recon to find a bypass. Eventually a route was established through the obstacle and movement continued to the Western handrail (main canal) for the movement vic [REDACTED]. Movement continued generally due South along the canal until set in the ORP at approximately 0330 hours at vic [REDACTED]. With all elements set, C31 [REDACTED], C25 [REDACTED], the inner cordon fire team as a security element (C36A: [REDACTED]), Myself ([REDACTED]), and C6R [REDACTED] moved forward to conduct the leaders recon and stopped in the SBF vic MB 211 412. C31, C25, and C36A then moved forward to set security in the assault position vic [REDACTED] and returned at 0430 to the SBF. C31 and C25 then returned to the ORP to bring forward the remaining assault elements while myself and C6R remained in the SBF overwatching OBJ AXE. At 0500 C31 returned with the remaining elements and the SBF was established with C36B as well as the medic and JTAC. JTAC immediately began talking to aircraft passing over the OBJ including JSTARS. C31 and C25 continued movement forward to the assault position vic [REDACTED]. All elements were set in positions, prepared to execute at 0530 hours. At 0545 one white pickup truck with lights off moved from East to West through S05C552U(6)

EXHIBIT A

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the OBJ but was not stopped. Additionally, at 0600 a red sedan moved from East to West through the OBJ but was not stopped either. Neither vehicle originated from the OBJ and was allowed to pass through due to the desire of not prematurely triggering the raid.

Simultaneously to the dismounted operations at 0455 Carnivore 5 SPd from FOB Iskan with the Ground Assault Convoy consisting of 0/2/5, 1 five-ton, and 27 PAX. This element traveled [REDACTED] where at CP 16 one M2A3 (B11) overheated and could not continue forward. C34 remained with the M2A3 in his M1114 and coordination was made with the A Co Patrol Base to send an element to tow B11 back to the A Co patrol base. The Ground Assault Convoy continued movement towards CP G1 [REDACTED], the trigger to execute the assault.

PHASE IV (CLEARANCE OF OBJ AXE): At 0605 Carnivore 5 reported turning off of [REDACTED] and I gave the order to execute the assault. C21 departed the "Island" at this time with the QRF to pick up the IA fire team from CP 100 and return to stage at the Island. C36A moved forward from his position to establish the inner cordon, isolating the Western portion of OBJ AXE along the canal (RFL OAK). The sniper team task and purpose then changed to isolate OBJ AXE IOT prevent the ingress/egress of AIF. While moving forward, C36A fired one round at a dog that lunged at them while moving forward. C25 maneuvered his squad up to House 3 [REDACTED], stacked one fire team outside the door, knocked three times hard, shouted "Coalition Forces", and entered the house. All personnel were still in their beds and caught unaware by the assault force. Three adult males were removed from the house, as well two women and several children. An internal SBF was established by C25B oriented North and West. C36A reported incorrectly that the outer cordon was set (based possibly on visual on the mired vehicles approx. 800m away, but not in their proper positions) and moved forward to clear House 2, which was unoccupied. The SBF element of C36B moved forward at this time as well to provide additional clearance elements, and myself, C37, JTAC, medic, and interpreter remained in the SBF position IOT best overwatch the assault. JTAC continued talking to the aircraft, who reported one individual moving back and forth from the canal to House 7 [REDACTED] as well as another individual who had moved initially to the West of the Canal and then back to the East side, where he continued moving North along the canal away from OBJ AXE. The sniper team observed two individuals moving North along the canal. Additionally, the SBF also had eyes on one individual trying to walk away from OBJ AXE towards the North. I then gave the order for the sniper team to fire one warning shot in front of the two individuals first identified by the sniper team and the aircraft in order to turn them back to OBJ AXE [Order given verbally to effect of "put one round two feet in front of them, if they continue trying to escape then shoot to kill." This was the same ROE given in the OPORD] based upon the aircraft's observation of suspicious activity from House 7 and my assessment that the individuals could be a significant threat. The sniper team engaged, reported that both individuals ducked down [later stated by [REDACTED] that both fell forward when ducking down, which supports the position of the body originally encountered by C7], and then moved back towards OBJ AXE (there is uncertainty as to whether this shot was the one that sounded like a hit [a loud "thwack" like when deer hunting], but passed it off as hitting a rock based on the report that the individuals were moving back. It was either this shot or the second warning shot from the snipers that sounded like a "hit", but definitely not the third warning shot).

C25 then continued clearance of OBJ AXE by moving into House 6 [REDACTED], which was also unoccupied. The sniper team then observed two teenagers moving North away from OBJ AXE on the canal vic [REDACTED], and the order was given again to fire one warning shot to turn them around. The sniper team fired the shot and reported that both individuals were moving back to the house at [REDACTED]. Once House 6 was cleared, I and my headquarters element to include the JTAC moved forward to establish on OBJ AXE and assume control of the detainees from C31.

During this period, the Ground Assault Convoy never made it to their positions on the outer cordon due to three vehicles becoming mired vic [REDACTED]. Once mired, Carnivore 5 immediately began trying to self-recover the vehicles, while Carnivore 7 and the THT elements dismounted and made their approach to OBJ AXE. Additionally, due to the vehicles being mired and Carnivore 5's assessment that they would not be recovered quickly, I committed the QRF from the Island IOT reinforce OBJ AXE with additional firepower. C36 then cleared House 4 [REDACTED] which was also unoccupied, and continued to House 5 [REDACTED], with only female and children occupants. During this portion of the assault the aircraft talking to the JTAC continued to report visual on one individual continuing to move North away from OBJ AXE. At this point, the sniper team was unable to observe the individual.

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C25 bounded past House 5 and cleared House 7 [REDACTED], which had one male and two females inside. All individuals were secured and segregated vicinity House 6. S05C552666

[There is still some uncertainty as to when C7 arrived on scene. Later C7 stated that they saw the C31 element moving North to detain the last "squirter" and were generally paralleling C31's Northward movement with C7 and THT on the Western side of the canal. At some point, C7 and C23 are adamant that they received small arms fire from an unsuppressed weapon from the North, still conflicted as to whether it was one or two rounds. Based on their initial report, I thought they were referring to the warning shots fired by the sniper team based upon lack of situational awareness for their location and time when they moved in. After further questioning, the rounds definitely did not come from the sniper team based upon both elements' positions. As of current the rounds are unexplained.]

Upon the clearance of House 7, Carnivore 7 and the THT teams arrived at the Northwest corner of OBJ AXE after orienting incorrectly on the clearance of House 7 while running from the mired vehicles. When Carnivore 7 and the THT team crossed the canal, they identified one dead body at vic [REDACTED] (THT later reported that when they arrived on the scene the individual was face down, and that they rolled him onto his back to look for his ID card, which they removed from his front left pocket and brought with them onto OBJ AXE). The initial report sounded as though the dead body was old and floating in the canal (incorrect) and so I told them that the body wasn't going anywhere and to move to House 3 to begin tactical questioning of the detainees. THT and Carnivore 7 arrived approximately five minutes later and began tactical questioning as well as helping in site exploitation. S05C552666

I did not know that Carnivore 7 was already on the OBJ, and began moving back to the mired vehicle location thinking that the dead body was in a different canal further to the West. The JTAC and C6R moved along the main trail with me to the West looking for Carnivore 7 and THT in order to walk them onto the OBJ to begin questioning. After moving approximately 800m West, it was reported that Carnivore 7 and THT were on site and we moved back to House 3 to linkup with them.

The aircraft continued to observe one individual still moving North along the Canal, and the sniper team was finally able to observe the individual at a distance of approximately 800m. I again instructed the sniper team to fire a warning shot at the individual in order to turn him around, but the individual continued moving North, and the aircraft stated that he was moving into a house approximately 1km North of OBJ AXE. C25 cleared an additional house just North of House 7 at [REDACTED] and returned with only females. C31 was then instructed to take a fire team and move North to try to catch the individual. The sniper team was able to talk the dismount team and C31 onto the individuals, whom C31 observed walk into a building. The dismount team cleared the building and reported three males and two teenagers which he brought back to THT for tactical questioning. The names of the detainees tactically questioned were as follows: S05C552666

[REDACTED]

While THT was conducting tactical questioning, [REDACTED] pulled me aside and asked me if I knew about the dead body they had come across. I then asked how long [REDACTED] thought the body had been in the canal, to which he responded that the body was not in the canal and was on the trail on the East side of the canal. He also responded that the body was recently killed with fresh blood and was still warm. He then pointed to the general location where they had come across it and I, C6R, "Alex" and the JTAC began moving there, accompanied by C25 en route. Upon arrival on the scene, the body was face up and it was evident that the individual had been recently killed due to the blood not clotted yet and the body being warm to the touch. The individual suffered an obvious bullet wound to the back of the head with exposed

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brain matter and skull fragments. Upon the realization that the body was recently killed, I asked [REDACTED] over the radio if he had engaged any targets directly and if he knew about the dead body. [REDACTED] responded that they had only fired three warning shots, and that in each occurrence the individual(s) turned around back towards OBJ AXE. [REDACTED] also stated that he had seen dirt kick up on all of the shots and did not see any rounds impact any individuals. [REDACTED]'s only explanation was that it must have been a ricochet from a warning shot that struck the individual. I decided that the body wasn't going anywhere and took the HQ element back to house 3 to check on the tactical questioning. I told Carnivore 5 to contact Dealer Mike and request IPs be sent to OBJ AXE to remove the dead body and notify the family.

At House 3 the IA soldiers assisted with guarding the detainees while THT continued their questioning. All names were sent up to Dealer Mike for any possible hits on the black list. The two AK-47s and two cell phones taken from House 3 were secured and put into a plastic bag for evacuation back to FOB Iskandariyah.

The infantry squads continued their site exploitation of all of the houses and did not find any additional contraband. THT completed their questioning of all individuals and briefed me that no one seemed suspicious and confirmed that none of the individuals were the targets of the raid. About this time, I identified a white bongo truck moving North to South down the canal road towards the body. I brought THT, JTAC, C6R, and C33 moved to the location of the body to secure it and prevent the truck from removing it. As we traveled down the trail, the white bongo truck turned around and continued back to the North away from OBJ AXE. This element then continued to secure the dead body and I began asking for a SITREP from Dealer Mike on the status of the IPs.

I then called [REDACTED] on the radio and told him to collapse his OP and move to the location of the dead body. [REDACTED] and the sniper team arrived at the scene and expressed their surprise on the scene. None of the sniper team was tracking a hit from any of their warning shots. [REDACTED] stated that he had seen dirt fly up in front of each target from all three separate rounds fired. [REDACTED] then stated that he had seen one of the two individuals actually moving back from the first shot and assumed that both were moving back, but was not clear because the one appeared to be ducking behind the berm while moving back. At this time the only logical conclusion was that the bullet ricocheted off the berm and struck the individual, so I began searching the area along the berm next to the body looking for any kind of evidence of a ricochet. The site had many footprints around the body as well as on the berm from the number of people who had already moved through. I identified a rock with what appeared to be a fresh mark on it that might have been from a bullet strike. I took pictures of the rock and had the sniper team point out their OP relative to the dead body. Pictures were taken successively zoomed in on the OP and back to the body. Additionally, two pictures were taken from the OP side of the berm looking back towards the dead body. Based upon the location of the rock with a mark on it, it correlated to the sniper aiming approximately two or three feet in front of the individual when walking North. The body was face down when initially encountered by C7, and the estimated distance of two to three feet corresponded to if the individual had been erect and walking. Additionally, the bullet exit wound generally appears to travel from bottom to top on the back of the individual's head. Based on this evidence, I made the determination that there was evidence to support the individual being struck by a ricochet and reported it higher as such.

After approximately one hour all site exploitation was complete and Dealer Mike reported that none of the names were hits on the black list. Instructions were given to evacuate the two AK-47s and two cell phones for exploitation.

PHASE V (RETROGRADE): Upon verification from Dealer Mike that none of the individuals were on the black list, I informed C31 and C7 to release the detainees. C31 then made his way to the location of the dead body with the C36A squad, while C7 and C25 squad moved to the mired vehicles. Local security was reinforced at the dead body for approximately 30 minutes, when I instructed C31 to occupy House 6 (abandoned) on the OBJ, establish security, and implement a rest plan due to the uncertainty of when the IPs would arrive. One vehicle moved forward to deliver Class I to the house and then returned to the other mired vehicles. Myself, THT 808, JTAC, C23, and C6R continued to maintain security of the dead body until IPs arrived at approximately 1400 hours escorted from the Taheer IP station by C24 and C34. The IPs arrived with two pickup trucks, moved forward to secure the dead body, and then all moved to the individual's house for notification of the family. Family was visibly distraught and borderline hostile, although made no direct threats. All elements still on the OBJ then moved back to the mired vehicles to

assist with recovery operations. Eventually, all vehicles were recovered and the last elements RPD at FOB Iskan at 120645 MAR 06.

LESSONS LEARNED:

- + Actions on the OBJ were outstanding by the dismount squads. Speed was extremely fast given the limited manpower and number of houses. Total time to clear the seven houses was less than ten minutes. Although there were not as many personnel to secure as originally estimated, internal battle drills allowed the teams to quickly establish SBFs and maneuver from house to house.
- + Coordination between the sniper team and aircraft identifying "squirters" from the OBJ was also outstanding. Both elements tracked together everyone moving away and were able to maintain positive eyes on between the two when one lost coverage due to terrain. Additional huge benefit of having snipers in place 24 hours prior to infil.
- + Internal QRF from the Island was quickly able to move on site. Their ability to cover the infiltration, pick up the IA, and be back on station quickly enabled their use as additional firepower once the GAC was mired and unable to reach the OBJ.
- + Dismounted infil/ Surprise
- + Recovery operations by the M88 crew.
- Inability of GAC to reach OBJ
- Lack of SA when C7 reached OBJ
- Inability for me to monitor / talk to BN during operation
- Inner cordon collapsed too early based on incorrect belief by C36A that outer cordon was set. Believe C36A saw the vehicles in the distance and thought they were in the proper position, which was about 1km away from where they should have been, right on the OBJ.


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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB ISKANDARIAYH	2. DATE (YYYYMMDD) 2006/03/12	3. TIME 0100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-8/ACTIVE	
8. ORGANIZATION OR ADDRESS C CO 1-67 AR BN			

9.

I, CHARLES MONROE KING, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on 11 March 2006 around 0700 I, [REDACTED], moved North with the THT team, [REDACTED] and [REDACTED] to collect detainees. Before we started our movement we heard shots and confirmed that they were warning shots before moving out toward the objective. While moving North up the canal we identified a dead body at MB 207415. I heard rounds fired just moments before we reached the body. We immediately notified the Commander and relayed the location of the deceased.

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10. EXHIBIT

E

11. INITIALS OF PERSON MAKING STATEMENT

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.

STATEMENT OF 1SG CHARLES M. KING

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

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50 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

AFFIDAVIT

I, 1SG CHARLES M. KING, 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.

WITNESSES:

CCO 167 AR 41503

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of March, 2004 at Fort Rucker

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Walt
(Authority To Administer Oaths)

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VIEW OF SNIPER OP FROM BERM NEXT TO KIA

