Any Classified Document Downgraded in this packet is done so under the Memorandum for Record, dated 28 February 2007, Subject: Declassification Guidance for Operation Iraqi Freedom (OIF) 05-07 issued by the 4th Infantry Division G2
MEMORANDUM FOR Commander, Multi-National Division-Baghdad, Camp Liberty, Iraq 09344-3029


1. I have reviewed the above-referenced investigation and recommend the following:

a. [Redacted] recommend the investigating officer’s findings and recommendations be approved.

b. [Redacted] recommend the investigating officer’s findings and recommendations be disapproved.

c. [Redacted] recommend the investigating officer’s findings and recommendations be approved with the following exceptions/substitutions:

   - [Redacted] 13
   - [Redacted] 14

2. Point of contact for this memorandum is [Redacted], Regimental Trial Counsel, at VOIP [Redacted] or SIPR at [Redacted]
MEMORANDUM FOR [REDACTED], F Company, 3rd Battalion, 67th Armor Regiment, 506th Regimental Combat Team, Multi-National Division-Baghdad, Camp Rustamiyah, Iraq 09390

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incident involving B Company, 3-67 Armor Battalion, that occurred on or about 25 January 2006, during which a local national was apparently shot and killed during a mission. Your investigation will focus on the following areas:

   a. What were the facts and circumstances leading to the shooting?

   b. Did the shooting comply with the Rules of Engagement?

   c. What was the name and address of the local national?

   d. Is a CERP condolence payment to the local national's family appropriate?

   e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident? What lessons can be learned for future mission planning?

   f. Were there any other civilian casualties or property damage?

2. In your investigation, all witness statements will be taken on paper and sworn using DA Form 2823. If you discover any suspected criminal misconduct you must first read the individual their Article 31, UCMJ Rights, prior to taking their statement. From the evidence, you will make findings as to whether any criminal laws or Army regulations have been violated. In addition to your findings, you will make recommendations for any appropriate action to be taken. These recommendations may include but are not limited to: UCMJ or administrative actions concerning one or more individuals, additional training, policy changes, etc. Conduct your investigation pursuant to AR 15-6. Additionally, seek advice from RCT Legal prior to commencing your investigation.

26 January 2006
AFZB-KG-CO
SUBJECT: Appointment as Investigating Officer

3. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1700 2 February 2006. Any requests for an extension should be made to me verbally or in writing.

Commanding
### REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

**SECTION I - APPOINTMENT**

**Appointed by:** [Redacted] Commander, 505th Regimental Combat Team

(appointing authority)

**on** 26 January 2006

(Attach letter or memorandum summarizing oral appointment data. See para 3-15, AR 15-6.)

**SECTION II - SESSIONS**

The investigating officer/board commenced at Camp Rustamiyah, Baghdad, Iraq at 1700

**on** 26 January 2006

(Indicate the date, place, persons present and absent, and explanation of absence, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Respondent, Member, Legal Advisor)

The investigating officer/board finalized gathering/hearing evidence at 1400

**on** 1 February 2006

and completed findings and recommendations at 1700

**on** 1 February 2006

### A. COMPLETE IN ALL CASES

<table>
<thead>
<tr>
<th>1. Investigator (para 3-15, AR 15-6)</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the following indexed and numbered consecutively with Roman numerals? (Attached in order listed)</td>
<td>X</td>
<td></td>
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<tr>
<td>2. The letter of appointment or a summary of oral appointment data?</td>
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### FOOTNOTES:

1. Explanations and explanations on the attached sheet.

2. Use of the NA column constitutes a complete representation of the circumstances described in the narrative that did not occur in this investigation or board.
SECTION IV - FINDINGS (para 3-10, AR 15-6)

The investigating officer found, having carefully considered the evidence, finds:

Bravo Company, 3-67 Armor Commander Captain [REDACTED], four soldiers from Headquarters Platoon, Bravo Company, 3-67 Armor, 1st Platoon, Delta Company, 3-67 Armor, three soldiers from 301st Psychological Operations Company, and the 3-67 Armor S-2 went on a cordon and knock mission in order to investigate a suspicious compound VICTIM LOCATED at 232225JAN06. (See Exhibits A-K). The compound consisted of a guard shack, several 20ft milvans, a latrine, and scattered wire bundles, which were surrounded by cloth covered metal fencing used to restrict access and visibility into the compound. (See Exhibits A-C, F, I, L, M). Outside the fenced in area were numerous steel pins and one 20ft milvan. (See Exhibits A-C, E, H, I). The element arrived at the compound and began the cordon when local national. (See Exhibits B, E, F, I, J). Upon entering, they spotted inside the guard shack. (See Exhibits A-F, L-M). Once identified, the element set up an overwatch position until the cordon was established. (See Exhibits A-G). The soldiers were not able to gain access to the compound because the gate opening in the fence was locked. (See Exhibits E, F, H, J). Through holes in the covered fencing.

The element pulled security on the shack in locations noted on Exhibit L. (See Exhibits C, E, F, I, L, O-Q). After completing the cordon, the Stryker PSYOPS attachment and the interpreter were at the fence, and each verbally contacted them, saying, "Hello, we are Americans, open the door," in both English and Arabic. (See Exhibits A-G, E-H-K). When contacted, the local national stared at them through the window of the shack and in less then a minute, had turned around, reached for, charged, and aimed an AK-47 (Romanian) toward the soldiers at the gate. (See Exhibits A-K, O-R). One of the soldiers fired three times from his M-4. (See Exhibits A, C, F, I, K, L). At the same time, the interpreter fired one 5.56mm round from his M-4, and the others fired two 5.56mm rounds from his M-4, for a total of six 5.56mm rounds fired. (See Exhibits A-E, I-K, P). The local national had been shot and fell out of sight to the floor of the shack. (See Exhibits A, B, E, F, S). Bravo company soldiers gained entry into the compound after the gate opening was unhinged. (See Exhibits A-C, B, F, I). The shack was then breached by the Stryker PSYOPS attachment who broke the window on the floor to the shack, and reached in to unlock it. (See Exhibits B, F, J, O-Q). Upon being unlocked, a soldier called out for medical first aid. (See Exhibits A-F, I-K). After assessment, medical did not feel a pulse on the man, and identified one gunshot wound to the head, and two gunshot wounds to the chest. (See Exhibits A-F, I-K). One spent 7.62 shell casing that matched the caliber of the AK-47 was found on the floor of the shack, near the local national's body. (See Exhibits A, B, F, H-K, S). The shack was further searched, and bullet holes from the unaccounted for rounds, including the one fired by the local national, were identified. (See Exhibits B, F). The local Iraqi police were found, brought to the scene, continued their own investigation, and collected the body, personal effects, and the AK-47 along with its two magazines. (See Exhibits A-C, E, F, H-K, S).

At approximately 232225JAN06 local national died from gunshot wounds inflicted by Bravo Company. (See Exhibits A, B, F, J, N, O, R). However, all fired accordingly based on the Rules of Engagement standards. The local national clearly indicated hostile intentions by charging and aiming an AK-47 toward these soldiers once they announced they were American soldiers who wanted to talk to him. By firing on the local national, these soldiers were only trying to protect themselves and the soldiers around them. Bravo Company has made every effort to ensure their soldiers are constantly reminded of the ROE standards. These standards are reviewed before each mission, including this one, and the company conducted formal ROE training on 24JAN05. (See Exhibits O-R). In adherence to division policy, it is company policy that all soldiers carry their ROE reference cards with them at all times, with only the PSYOPS attachment, [REDACTED] not carrying his. (See Exhibits O-R). Property damage caused by US soldiers amounted to a broken window, and three bullet holes in the shack. (See Exhibits B, F, J, O, R). Due to the unquestionable hostile intent demonstrated by the local national, the family of [REDACTED] should not be considered for any Commanders Emergency Response Program condolence payments.

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

In view of the above findings, the investigating officer recommends:

No UCMI action taken against [REDACTED].

Bravo Company 3-67 Armor continues to ensure Rules of Engagement review is included in every mission brief.

Bravo Company 3-67 Armor conducts regular spot checks to ensure all soldiers, including attachments, carry their ROE card at all times.

The family of [REDACTED] not be considered for any CERP condolence payment.
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)

__________________________________________
(Chairman or President)

__________________________________________
(Member)

__________________________________________
(Member)

__________________________________________
(Member)

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

To the extent indicated in inclusion , the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclusion, 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 inclusion.)

__________________________________________
(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 inclusion.)

__________________________________________
(JAMES D. THURMAN)

MG, U.S. Army
Commanding General

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## INDEX OF EXHIBITS

1. Exhibit A - SIR
2. Exhibit B - Sworn statement dated 28JAN06
3. Exhibit C - Sworn statement dated 28JAN06
4. Exhibit D - Sworn statement dated 28JAN06
5. Exhibit E - Sworn statement dated 28JAN06
6. Exhibit F - Sworn statement dated 28JAN06
7. Exhibit G - Sworn statement 31JAN06
8. Exhibit H - TOC SITREP debrief
9. Exhibit I - TOC Duty Officers Log (see page 2)
10. Exhibit J - PSYOPS SITREP (see page 2)
11. Exhibit K - BDE SIGACTS report
12. Exhibit L - Sketch of compound
13. Exhibit M - Photo of shack
14. Exhibit N - Photo of picture ID collected from local national
15. Exhibit O - Sworn statement dated 31JAN06
16. Exhibit P - Sworn statement dated 31JAN06
17. Exhibit Q - Sworn statement dated 1FEB06
18. Exhibit R - Sworn statement 31JAN06
19. Exhibit S - Photo of .52mm round, AK-47, and two magazines of ammunition next to local national’s body
All items are redacted under 5 USC 552(b)(6) unless otherwise noted

Exhibit A

SIR Format

From: B/3-67 AR
Thru: 509th RCT SDNCO
To: 4th ID/ Division Operation Center
Subject: SIR
1. Category:
2. Type of incident: EOF
3. Date and time: 260100L JAN 06
4. Location: Habib, Iraq
5. Personnel involved:
   A. Subject: [Redacted]
      A. Rank or grade: CPT
      B. Social Security Number: [Redacted]
      C. Race: Caucasian
      D. Sex: Male
      E. Age: 30
      F. Position: Company Commander
      G. Security clearance: SEC
      H. Unit and station of assignment: B/3-67 AR, Fort Hood, TX
      I. Duty status: Active
   B. Additional personnel involved: [Redacted]
      J. Rank or grade: PFC
      K. Social Security Number: [Redacted]
      L. Race: Caucasian
      M. Sex: Male
      N. Age: 29
      O. Position: M1114 Driver
      P. Security clearance: None
      Q. Unit and station of assignment: B/3-67 AR, Fort Hood, TX
      R. Duty status: Active
   B. Additional personnel involved: [Redacted]
      S. Rank or grade: CPL
      T. Social Security Number: [Redacted]
      U. Race: Black
      V. Sex: Male
      W. Age: 30
      X. Position: M1114 Gunner
      Y. Security clearance: None
      Z. Unit and station of assignment: B/3-67 AR, Fort Hood, TX
      AA. Duty status: Active

6. Summary of incident: At 260100L JAN 06, the B/3-67 AR patrol with PSYOPS and Hound 2 stopped at a location where metal cylinders were found the night prior [Redacted]. The task of the patrol was to conduct a cordon and knock IOT engage any individuals in the area. Upon arrival the patrol identified 1
individual in a guard shack inside a fenced in area. He was standing in an open window looking right at us. We established an over watch position and continued to finish establishing the cordon. After establishing the cordon, we attempted to establish contact with the individual by yelling "Hello, American Soldiers" in both English and Arabic. At this point, the individual went from watching us from the window to the rear of the guard shack and picked up his AK-47. He charged the weapon and pointed the weapon at B3-57AR and PSYOPS soldiers. We continued to identify ourselves until the last possible moment. Once the weapon was pointed at us we engaged the individual with 6 shots. B3-57AR soldiers fired 3 shots and PSYOPS fired 3 shots. The individual fell to the ground and we immediately moved to the shack to clear the area and render medical attention. The medic on site assessed the individual and was unable to identify a pulse. The individual died as a result of his wounds. The medic identified 1 GSW to the head and 2 GSW to the chest. The IPs were called to the scene. After a search of the area we recovered 1 x AK-47 with 2 magazines. One round was found in the chamber of the weapon and 1 spent shell casing (7.62x39) was found on the floor of the shack. All personal effects, evidence, and the body were turned over to the IPs.

7. Other Information:
   A. Racial: N/A
   B. Training Involvement: None

8. Remarks: [Redacted] was deployed to OIF I, [Redacted] have not been deployed to OIF or OEF.

9. Publicity: N/A

10. Commander reporting: [Redacted]

11. Point of contact: [Redacted]

12. Report originated by: [Redacted]

13. Released by: [Redacted]

14. Unit Notifications:
   A. Telephone

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<td>260100JAN06</td>
<td></td>
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<tr>
<td>BN CDR</td>
<td>[Redacted]</td>
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   B. Email

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DA now requires additional information on SIRs whenever possible. Specifically: "Was the soldier recently deployed to OIF/OEF? If so, what were the start and end dates of deployment?" This is of particular interest involving accidents.

FOD / DOC NCO:

Time Received: [Redacted]

FOD / DOC NCO Actions:

DOC OIC / NCOIC Disposition:
SWORN STATEMENT

LOCATION: FOB FIJI, AMYAH, IRAQ
DATE: 11/09
FILE NUMBER: AGAR-06
SOCIAL SECURITY NUMBER: [Redacted]
GRADE STATUS: 03/ACTIVE

I, [Redacted], wish to make the following statement under oath:

ON 26 JAN 06 at approximately 1000, my patrol conducted a cordon & knock at a fortified compound that had steel pipes all around its perimeter. We had visited the site the night prior, but had no contact with any individuals in the area. Around 1300, I wanted to join us on the patrol because of the nature of the pipes and because he had received some intel on the area. Once we arrived at the location we noticed that a guard was present so I set 2 soldiers in an overwatch position to maintain eyes on until the cordon was established. Once the cordon was set, myself, an officer (VSO), and our interpreters attempted to make contact. At this time the individual inside was standing in an open window of the guard shack looking directly at us. I believe he was unable to identify us at this point because of poor lighting and we were behind the entrance fence. We made contact with the individual by first yelling "Hello, America Soldiers!" several times in English and then in Arabic. The individual very nonchalant turned around, walked towards the back of the guard shack, grabbed his AK-47, charged the weapon, and then pointed it at us. I was standing directly behind my 2 soldiers and a psyops soldier that were overwatching the individual. All 3 soldiers relayed to me exactly what the individual was doing and none of them fired until the weapon was pointed at my soldiers.

Grounds were fired and the individual fell to the ground.

[Signature]

INITIALS OF PERSON MAKING STATEMENT: [Redacted]

EXHIBIT B

DA FORM 2823, JUL 72
SUPERSEDES DA FORM 2823, 1 JUN 68, WHICH WILL BE USED.

15360
we then entered and cleared the area so we could conduct medical aid if required. Once we cleared the area, the medic assessed the individual, but could not find a pulse. He noticed that he had 1 GSW to the head and 2 GSW to the chest. He also noticed 1 spent shell casing on the floor at the guard shack that was 7.62mm x 39 and that we could account for all 4 of our shots, but still found a 7.62 hole in the guard shack. The MPs were called and all evidence and the body were turned over
to them to include the AK-47 w/ 2 magazines. The damaged caused during this was a bullet holes in the guard shack and a broken window in the door which was caused by me as we had to brake
the window to get our selves in because the gate was locked from the inside.

END OF STATEMENT

AFFIDAVIT

I, have read or have had read to me this statement

which begins on page 1 and ends on page

I fully understand the contents of the entire statement made

by me. The statement is true. I have initialed all connections and have initialed the bottom of each page containing the statement. I have made this

statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

(Signature of Person Making Statement)

WITNESSES:

Submitted and sworn to before me, a person authorized by law to
administer oaths, this 29 day of June, 2006

in FSB, Stan 409

(Seal)

(Seal)

ORIGINATIONS OF ADDRESS

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES
In order to investigate a possible EFP manufacturing site, the incident was reported to the Security desk. The area was secured, and the incident was recorded. The Security staff proceeded to the site and observed the gate and observed. Further investigation revealed that the incident was a false alarm. The incident was reported to the Police and the appropriate authorities were contacted. The Security staff was commended for their quick response and appropriate handling of the incident.
SWORN STATEMENT

LOCATION
FOB Rustamiyah, Iraq

DATE
28 Jan 06

LOCATION
CENTRAL

HALF NAME
FIRST NAME
MIDDLE NAME

FILE NUMBER
01-134

FILE NUMBER
E-4 CPL

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While on patrol on 1-26-06 at approx 0115 our patrol stopped at what we believed to be a metal shop. The grid to the shop was once the perimeter of the shop was secured we observed an arabic male in what appeared to be a guard shack looking outward with his arms crossed at a window. The windows were tinted on the building so the arabic male then opened the window again crossing his arms looking outward.

Commands were then given to the subject in both arabic and English by members of the patrol and our translator. When the commands were given to the subject he was still at the window of the shop with his arms crossed.

After commands were given the arabic male then proceeded to walk to the back of the shack, which could be seen from my position. I cpl. Radiation observed the subject retrieve an AK-47 from the back. The subject then observed, the subject retrieve an AK-47 from the back, the subject then observed and began to yell at the subject. At this time I let off both members of our patrol know of the weapon stating "he has a weapon they, the members of our patrol know of the weapon stating "he has a weapon" and a man chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member. Then we observed him chamber a round, with a team member.

Shouting "he charged it" while charging the weapon the arabic male walked to the window. My weapon (AK) has a laser on it when the subject charged the weapon I then put the laser on the subject. The subject then proceeded to the window. Once at the window the male subject raised the AK-47 through the window taking aim.
Once the male subject was at the window with the weapon aimed at members of our patrol, for the safety of my team members and myself I fired one shot in the direction of the subject’s head. At that time, other members of our patrol saw the same threat and fired. Once the threat was stopped, we proceeded to clear the shack. Once the shack was clear the medic on our team attempted to apply first aid to the subject but found no pulse. We then secured the scene and made notifications.

Nothing follows.

Exhibit D
SWORN STATEMENT

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

LOCATION

DATE

TIME

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

CHARGE NUMBER

367 AR

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on 36 Jan 06 at approximately 0200 hrs our patrol was checking out a business at grid R6 S0680 90895 due to the large amounts of pieces of pipe that were piled up out side. Upon arrival at that location I pulled security at the front gate which was padlocked shut. I observed an elderly male subject in the office approximately 75 meters away. It appeared that the subject was sawing or snipping the glass. After a few minutes the subject put the object that was in his hands against the back wall. The subject walked to the front window of the office placed his hands against the glass and looked out. The glass had a light tent to it. The subject then walked to the back wall, paused for a second, and walked back to the window. This time he opened it crossed his arms and rested them on the window seal looking at the front gate which was kneeling down behind the subject stood up and walked to the back wall again, paused and returned to the window. Once again the subject rested his crossed arms on the window seal looking in to our direction.

EXHIBIT E

PREPARED MAKING STATEMENT

PAGE 1 OF 2

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS "STATEMENT OF..." TAKEN AT... DATED... CONTINUES...


STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2923, JUL 72

SUFFEGEES OA FORM 2923, 1 JAN 60, WHICH WILL BE USED.