16097
All personnel involved in the incident acted in accordance with the "CFLCC Rules For Use Of Force" (CFLCC 010-04-01 and ANNEX E: Rules Of Engagement) to MD-B ORD. The Soldiers had legitimate reason to believe the individual was the IED triggerman, and that their actions were necessary to prevent the IED from detonating against Coalition Forces and civilians.

All Soldiers, SFC, SSG and SG, in accordance with the CFLCC guidance to use of "Escalation of Force". Warning shots were fired behind the fleeing individual with the intent to cause him stop. Lethal shots were fired directly at the fleeing individual. The cease fire order was given once the individual fell to the ground.

SSG and SG, positively identified (RID) their target and took necessary precautions to ensure that the IEDs were targeted and not resided on engaging the suspected triggerman.

No detonation device was found on the individual or in the immediate vicinity. However, the suspect could have set up another immediately following the IED explosion, so he was taken from the scene, away from the Bradley tank and IED site.

The crew of A-36 determined upon their arrival that the suspected triggerman was dead and remained at the location until SSG and SG secured the site to recover the body.

SUGGESTED RECOMMENDATIONS

- Continue the use of "Escalation of Force" in all future engagements and training.
- Ensure ROE to include "Escalation of Force" is incorporated into all unit safety briefings prior to leaving any FOB or base locations.
- Continue to conduct Reinforcement ROE training during After Action Reviews on all engagements that result in enemy casualties.
- Identify and train local Arabic speakers in the Soldiers that work on base security, "Stop and Question" etc.

Page 2 of 4


dated 17Mar15

16099
SECTION IV - ANNUAL REPORT

The report indicates that...

SECTION VII - ACTION BY APPOINTING AUTHORITY

The findings and recommendations of the investigation are hereby approved and the

Character(s) attached correspondence for a summary. If such as is necessary to, an...
Classified Documents Removed
MEMORANDUM FOR
COMMANDER, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
COMMANDER, 2ND BRIGADE COMBAT TEAM, 10TH MOUNTAIN DIVISION

SUBJECT: AR 15-6, BGT no. ___ (Shooting of local National vicinity of Iraq)

1. Enclosed is the 15-3 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 along ROUTE ___ vicinity ___ on 13 May 2005.

2. SUMMARY:

On 13240000 MAY 2005, B section, 3rd Platoon, A Company, 1-41st Infantry departed Forward Operating Base (FOB) ___ in ___ Iraq en route to FOB ___ in ___, Iraq. The section consisted of two Bradley Fighting Vehicles (BFV), A-33 and A-34, and 12 personnel. A-33 contained SSG (Bradley Commander), SGT (Gunner), PFC (Driver), and LT and LT as passengers. A-34 contained SFC (BC), SGT (Gunner), SPC (Driver), and SGT ___ (Gunner). Both vehicles were the lead vehicle and A-34 was the rear vehicle. On or about 13250000 MAY 2005, the A-33 was attacked by an Improvised Explosive Device (IED) moving North along ROUTE ___ vicinity ___. Upon detonation of the IED, A-33 immediately pushed through the IED kill zone approximately 150 meters, and began assessing damage to the vehicle and injuries to personnel. A-34 remained in place, approximately 100 meters away from the IED site. After a thorough check, both Bradley Commanders determined there were no injuries or damage to equipment and reported this to their Company Command Post (CP). Due to the possible dangers still present, all crewmen and passengers remained inside the vehicles.

Both vehicles then began searching the area with the vehicle's thermal sights for possible insurgents. A-33 to the West and A-34 to the East. A: approximately 2255, SGT A-33 Gunner identified a man lying in a field.
about 250 meters West of their location on ROUTE [REDACTED]. SSG [REDACTED] reported this to SFC [REDACTED] and continued to observe the suspected triggerman laying in the field who appeared to be watching the Bradley's near the IED site. The man's actions were suspicious. In response to the fact he was out past the normal hours of 22:00-06:00. The man then arose slowly and the crew noticed that he had a shovel in his hand. The man began to run from his location. SGC [REDACTED] reported this to his Company CP, and received guidance from the Company Executive Officer, CPT [REDACTED], to engage in accordance with the Rules of Engagement (ROE). CPT [REDACTED] then reported this to the Battalion TOC.

In following the ROE Escalation of Force model, shooting would have been futile due to the distance involved and the noise created by the Bradley engines running. Shoveling or showing weapons was not possible in this situation. After positively identifying the target and making a quick assessment that no collateral damage would occur, SSG [REDACTED] instructed his gunner to fire warning bursts near the fleeing man in an attempt to make him halt. SGT [REDACTED] instructed SGT [REDACTED] to fire warning shots at the man. Continuing to positively identify the target and assess any possible collateral damage, SGT [REDACTED] fired 3 5.56 rounds killing bursts directly at the suspected triggerman in the back, effectively killing him. Once the man dropped to the ground, SSG [REDACTED] instructed his gunner to cease firing. SSG [REDACTED] explained that because there was no opportunity to zero the 7.62 coaxial machine gun on his vehicle, it took 4 bursts to kill the suspected triggerman.

SFC [REDACTED] then took A-34 to the site where the suspected triggerman fell, vicinity [REDACTED], approximately 500 meters Northwest of their location on ROUTE [REDACTED], while A-33 remained in place to provide overwatch and security. Upon reaching the suspected triggerman's body, they determined that no explosives or detonation devices were present. Upon completing the search, they found the shovel he was carrying and a pistol belt, but no detonation devices. SFC [REDACTED] and his crew members then searched the surrounding area in an attempt to find a detonation device, to no avail. He and his crew then called their Company CP for assistance in recovering the body. SSG [REDACTED] 2nd Platoon Sergeant, B Company, 2-76 AR and his section came to recover the body. At approximately 2350, SSG [REDACTED] and his section arrived and took the body to the [REDACTED] Mosque in [REDACTED] adjacent the Iraqi Army Compound. The following day, 14 MAY 2005, the man's wife and son arrived to claim his body. The man was identified as [REDACTED].

Saud al Zool
3. FACTS:

a) How many local nationals were involved in the incident?
   a. One Iraqi citizen was involved in the incident.
      • 1 x KIA (1 adult male)

b) When was the suspected triggerman first spotted and by whom?
   a. SGT [redacted] initially spotted the suspected triggerman lying in a field to the West of their location on or about 132235 MAY05.
   b. SGT [redacted] immediately notified his Bradley Commander, SSG [redacted], who reported sighting of the suspected triggerman to SFC [redacted], the patrol leader and Platoon Sergeant.

c) What assumption or guideline was referenced when unit engaged, first with warning shots, then with killing shots?
   a. Battalion Tactics, Techniques, and Procedures (TTP) advise elements to immediately scan the surrounding area for triggermen after being struck by an IED.
   b. Paragraph 3.A.3 in ANNEX E (RULES OF ENGAGEMENT) to MND-S OPORD [redacted] (OFF DECISIVE OPERATIONS) provides Coalition Forces the authority to use up to Deadly Force to negate the threat of individuals committing a hostile act or demonstrating hostile intent.
   c. Battalion guidance on the issue of IED triggerman is to attempt to capture the suspected triggerman, and if not possible to capture the triggerman, use up to Deadly Force to stop the triggerman.

d) Did the element that engaged the suspected triggerman positively identify (PID) the target and assess possible collateral damage prior to engaging?
   a. The suspected triggerman displayed three specific suspicious actions that led to the engagement. He was lying in the field and appeared to be observing the vehicles and the IED site, the fact that he was out past curfew and his running away with a shovel that could have been used to implant the IED were grounds for the section to be reasonably certain that he was the IED triggerman.
   b. The crew that engaged the individual was informed that no friendly forces were in the area and they did observe the area for possible collateral damage prior to engaging. No other individuals were spotted and there were no buildings or structures in the area.
g) Did the section observe the suspected triggerman use the ROE Escalation of Force model after identifying the suspected triggerman?
   a. The section observed the suspected triggerman use the ROE Escalation of Force model after identifying the suspected triggerman. The section received Real Time Information (RTI) of the suspected triggerman's location and movement. The section used the ROE Escalation of Force model to determine the appropriate course of action.
   b. The use of the ROE Escalation of Force model was necessary due to the danger posed by the suspected triggerman. The section used the model to ensure that the appropriate level of force was used to neutralize the threat.
   c. The section was able to neutralize the suspected triggerman with the appropriate use of force.

h) When were verbal warnings initiated to stop the suspected triggerman, and what were the verbal warnings?
   a. Verbal warnings were initiated when the suspected triggerman acted aggressively and ignored the section's commands.
   b. The verbal warnings were repeated multiple times to attempt to de-escalate the situation.
   c. The verbal warnings included commands such as, "Stop," "Drop your weapon," and "Don't move."}

i) What means did the unit use to educate Soldiers on the use of escalated force (IAW CFLCC ROE) and the initiation of warning, disabling, and lethal fires?
   a. The unit conducted the following ROE training briefings:
      i. Pre-NTC ROE Training (OCT 04)
      ii. NTC ROE Training (OCT/NOV 04)
      iii. Home-station TSIRT and Pre-deployment Training (DECEMBER 04)
      iv. Kuwait ROE ROE Vignette Training (FEB 05)
      v. Patrol Brief by patrol leader prior to leaving ROE Site
      vi. Reinforcement ROE training following an actual fire engagements which result in enemy casualties.
4. FINDINGS:

a) All personnel involved in the incident acted in accordance with the TCP 01600ZNOV03 and Annex E (Rules of Engagement) to MND-B OORD 05-012 (CHF 04-06 Decisive Operations). The soldiers had legitimate reason to believe that this individual was the IED triggerman, and that their actions would prevent future hostile acts against Coalition Forces by this individual.

b) All Soldiers (CPT [redacted], SFC [redacted], SSG [redacted], and SGT [redacted]) acted in accordance with the CFLCC guidance in the use of "Escalation of Force". Warning shots were aimed behind the fleeing individual with the intent to make him stop. Lethal shots were aimed directly at the fleeing individual. The cease-fire order was given once the individual fell to the ground.

c) SSG [redacted] and SGT [redacted] positively identified (PID) their target, and took necessary precautions to ensure that no collateral damage would result based on engaging the suspected triggerman.

d) No detonation device was found on the individual or in the immediate vicinity. However, the suspect could have gotten rid of it immediately following the IED explosion, or as he was fleeing from the scene, away from the Bradley section and IED site.

e) The crew of A-34 confirmed the suspected triggerman was dead after arriving at his location and checking his vital signs. They remained at that location until SSG [redacted] and his section came to recover the body.

5. RECOMMENDATIONS:

a) Continue the use of Tactical Psycops Team (TPT) to inform the local population about curfew hours and possible consequences of being out during curfew hours.

b) Ensure RCE to include "Escalation of Force" is incorporated into all patrol safety briefs prior to leaving any POF or static location.

c) Continue to conduct Reinforcement RCE training during after Action Reviews on all engagements that result in enemy casualties.

d) Identify and teach basic Arabic phrases to all Soldiers that focuses on basic commands ("Stop", "Turn around", etc...).

e) Develop a plan to add zeroing of individual, crew-served, and vehicle weapons systems to the Company's weekly training calendar.
Encl:
(1) 15-B Appointment Orders
(2) Sworn Statements
(3) Paragraph 3, ANNEX E (Rules Of Engagement) to MND-B OPORD 05-012

CPT, SC
Investigating Officer
MEMORANDUM FOR CPT [REDACTED] 2-70th 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 allegation of a shooting of a local national that occurred on or about 15 May 2005 by elements of A Company, 1/41 Infantry Battalion.

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 effect 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. During 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 soldiers have Positive Identification (were they reasonable certain that the object of attack was a legitimate military target) before engaging the local national?
   d. What is the unit's Standard Operating Procedure (SOP) prior to engaging a local national?
   e. Were there any Law of War violations?
   f. What can the unit do to decrease the number of shooting involving local nationals?
   g. Are there any operational lessons that should be captured and disseminated?
AFZN-BB-TCO
Subject: Appointment as Investigating Officer

b. Were there any other contributing factors that, if changed, could have altered the outcome?

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 242-6254 (see SPC [redacted] to coordinate). Prior to starting your investigation, you should contact him for legal guidance concerning your investigation.


LTC, AR
Commanding
On 13 May 85 at 2337, I was at an EDC. At the time, I was on the radio on our Tac at 2242. I called me and reported seeing a man running with a shovel away from the position. Upon hearing this and knowing it was after sunset, I instructed to engage and destroy the target man running with the shovel. I sent the individual, who had a shovel and a pistol belt, did not find and inhibition devices from the scene. The following morning on 14 May, the man's family recovered his body.
he was working his farm. However, no blood or bruises were found at the scene. — End of statement —

NOTE: This is a continuation of the statement from page 1.

[Signature of person making statement]

WITNESSES:

[Signature]
[Organization or Address]

[Signature]
[Organization or Address]

[Signature]
[Organization or Address]

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