

ESCALATION OF FORCE (EOF) INVESTIGATION REPORT

101ST AIRBORNE DIVISION (AIR ASSAULT)

TASK FORCE BAND OF BROTHERS

IN ACCORDANCE WITH FRAGO 132 TO OPERATIONS ORDER 01-06, THE FOLLOWING REPORT IS TO BE COMPLETED AND FORWARDED TO THE OFFICE OF THE STAFF JUDGE ADVOCATE OF TASK FORCE BAND OF BROTHERS NO LATER THAN 24 HOURS FOLLOWING COMPLETION OF ANY EOF INVESTIGATIONS.

UNIT: THT/1-187 IN, 3 BCT, 101ST ABN DIV (AASLT)

ESCALATION OF FORCE DATE TIME GROUP: 05/24/06

Ex. 2

LOCATION OF ESCALATION OF FORCE INCIDENT: [REDACTED] RAKH SAN [REDACTED]

TYPE OF INVESTIGATION: INFORMAL INVESTIGATION USAR 15-6

FACTS AND FINDINGS

FACTS: THT PATROL CONSISTING OF A VEHICLE RESPONDED TO ASSIST BAYJI IN ESTABLISHING A PERIMETER AT THE LOCATION DETONATED BY MSR TAMMA. THE PATROL STOPPED THE VEHICLE AND INFERRED THAT THE VEHICLE WAS PREVENTING EASTWEST TRAFFIC FROM THE AREA. THE PATROL HAD SUCCESSFULLY STOPPED THE MOVEMENT OF SEVERAL LN VEHICLES AND ARM SIGNALS AND BY A LOCAL LN WHO WOULD VERBALLY AND VISUALLY STOP ONCOMING TRAFFIC TO TURN AROUND. A WHITE NISSAN HIGH UP TRUCK TURNED ONTO THE ROAD AND

WAS HIT BY THE FRONT BUMPER AND TIRE OF THE TRUCK. THE TRUCK CONTINUED ITS MOVEMENT

THE TRUCK REMAINED IN THE ROAD WITH SOME DAMAGE TO THE FRONT BUMPER AND TIRE.

THE PATROL WITH CAUTION AND DETERMINED THE LN DRIVER TO BE DEAD. THE IP REMOVED THE BODY FROM THE TRUCK AND TRANSPORTED IT TO THE BAYJI HOSPITAL.

FINDINGS:

Ex 2

1) PID/HOSTILE INTENT. PID IS DEFINED AS REASONABLE CERTAINTY THAT THE PROPOSED TGT IS A LEGITIMATE MILITARY TARGET. HISTORICALLY, THERE HAS BEEN A VIABLE AND ACTUAL THREAT OF VBIEDS WITHIN THE AREA INCLUDING A VBIED DETONATION 30 MIN PRIOR TO THE EOF. NORMALLY, A LN VEHICLE WILL STOP, PULL TO THE SIDE OF THE ROAD AND WAIT FOR FURTHER GUIDANCE FROM A CF VEHICLE. PRIOR TO THE LN TRUCK, SEVERAL OTHER LN VEHICLES HAD STOPPED AND TURNED AROUND ON THE SAME ROAD WHEN THEY SAW THE CF BLOCKING VEHICLE POSITIONED ON THE ROAD. THIS LN TRUCK DID NOT STOP OR PULL OVER AFTER REPEATED VISUAL INSTRUCTIONS FROM THE CF AND A LN BYSTANDER. THE TRUCK ALSO HAD ONLY 1X

OCCUPANT AND SEVERAL LARGE CONTAINERS IN THE BED. THE GUNNER AND THE OTHER 2X SOLDIERS BELIEVED WITH REASONABLE CERTAINTY THAT THE DRIVER OF THE LN TRUCK WAS ANOTHER VBIED AND THAT HE AND THE TRUCK POSED A THREAT TO BOTH THEIR VEHICLE AND IP IN THE INNER CORDON OF THE VBIED SITE.

2) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

LN SHOUTED REPEATED WARNINGS FOR THE LN DRIVER TO STOP HIS FORWARD MOVEMENT. THE GUNNER ALSO SHOWED HIS WEAPON AND HIS INTENT TO USE DEADLY FORCE WHEN HE RAISED HIS M4 TO HIS SHOULDER TO AIM, AS DID 2X OTHER SOLDIERS. THE PATROL ALSO BLOCKED ACCESS TO THE ROUTE BY THE POSITION OF THEIR VEHICLE. THE GUNNER AND THE 2X OTHER SOLDIERS USED GRADUATED FORCE BY FIRST FIRING WITH THEIR M4S IN AN ATTEMPT TO DISABLE THE VEHICLE. FINALLY, THE PATROL, AFTER USING ALL AVAILABLE MEANS, THE SOLDIERS BEGAN SHOOTING TO ELIMINATE THE THREAT WHEN THE ONCOMING VEHICLE WAS SHOWING NO SIGNS OF STOPPING ITS THREATENING MOVEMENT TOWARDS THE PATROL. IN USING GRADUATED MEASURES OF FORCE, THE ENGAGEMENT WAS NOT ONLY IAW 3 BCT ROE, BUT MNC-1 EOF PROCEDURES AS WELL.

RECOMMENDATIONS OF THE INVESTIGATION: SUSTAIN PRE-MSN EOP BRIEFING AND INCORPORATING SCENARIOS AND CONCEPTS OF BEST MSN AND IAW BNT ACSOP. ENFORCE THE IP CORDON, TO INCLUDE ALL SIDE ROADS AND AVOID FOR MORE RESISTANCE AS REQUIRED. REINFORCE USE OF TRAFFIC CONES AND WHE, AS THE TACTICAL SITUATION PERMS, WHERE VEHICLES ARE IN A STATIONARY POSITION AND BLOCKING THE USE OF ROADS (BOTH SIDE ROADS). FINALLY THE INVESTIGATING OFFICER RECOMMENDED

PREPARED BY: [REDACTED]
DATE: 6 JUL 06.

DANDY BROTHERS

THE RENDEZVOUS CONTINUES... DESTINY AWAITS

181ST AIRBORNE DIVISION (AIR ASSAULT) OPERATION IRAQI FREEDOM



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 1ST BATTALION, 187TH INFANTRY REGIMENT
 101ST AIRBORNE DIVISION (AIR ASSAULT)
 FOB SUMMERALL, APO AE 09349

Ex 6

AFZB-KC-GC

[Redacted] 15 Jul 06

05 JUL 2006

MEMORANDUM FOR: Commander 3rd Brigade Combat Team, 101st Airborne Division (Air Assault),
 FOB Speicher, APO AE 09309

SUBJECT: 15-6 INVESTIGATION FINDINGS

Ex 6

1. On 05 July 2006 I, [Redacted] was directed to conduct an investigation in accordance with AR 15-6 in the matters surrounding the escalation of force on 05 JUL 06 involving the Tactical Human Intelligence Team 710 (THT 710) that is performing a Direct Support role for the 1-187th Infantry Regiment. Specifically, to determine if the escalation of force was justified and procedures that should be either sustained or improved to mitigate further Escalation of Force.

Ex 2

Ex 2

Ex 2

2. Facts. The THT 710 patrol consisting of four vehicles responded to assist the Bayji police in the establishment of a cordon around a vehicle borne improvised explosive device (VBIED) that had just detonated. The patrol established an outer cordon for the Bayji Police with two vehicles blocking the northern portion and two vehicles blocking the southern portion of the area on [Redacted]. The northern vehicle (C-05) was partially exposed to a small side street that runs east and west intersecting with [Redacted]. The vehicle was preventing east-west traffic from entering the cordoned area. The patrol had successfully stopped the movement of several local national vehicles by using hand and arm signals and by a local national vendor who would verbally and visually stop the oncoming vehicles and have them turn around. A white Nissan pick up truck turned onto the road and began traveling east towards [Redacted] and the established blocking position of C-05. The vehicle gunner began using hand and arm signals to stop the vehicle and the local national vendor again walked towards the street to stop the vehicle. The driver ignored all of the commands and was within 50 meters of the vehicle when the gunner fired eight disabling shots with his assigned M-4 rifle into the front bumper and tire of the truck. The truck continued its movement towards the cordon and was within twenty five meters of the cordon when the gunner fired an unknown number of rounds with his M240-B machine gun into the vehicle to eliminate the threat. The machine gun fire killed the local national driver but the vehicle continued to move towards the cordon. The truck commander ordered the driver to move the blocking vehicle forward so that the suspected VBIED did collide with their vehicle. The Nissan truck came to a halt at the same spot that C-05 had been parked. The patrol leader along with two other Soldiers approached the Nissan with caution and determined the driver to be dead. The Bayji Police then removed the body from the vehicle and transported the dead local national to the Bayji Hospital.

3. Findings. Based upon the facts, I find the following:

Ex 2

Positive Identification is defined as reasonable certainty that the proposed target is a legitimate military target. Historically there has been a viable and actual threat of VBIEDs within the area including a VBIED detonation 30 minutes prior to the EoF. Normally, a LN vehicle will stop, pull to the side of the road, and wait for further guidance from a CF vehicle. Prior to the white Nissan vehicle, several other vehicles stopped and turned around on the same road when they saw the vehicle, C-05, positioned on [Redacted] (See Exhibit C). This LN vehicle did not stop or pull over after repeated visual instructions from the CF and a local national bystander (See Exhibits B and E). The vehicle also had only one occupant and several large containers in the bed (See Exhibits A, B, C, E, F and J). The gunners and the

AFZB-KC-GC
SUBJECT: 15-6 INVESTIGATION FINDINGS

other two Soldiers believed with reasonable certainty that the driver of the white Nissan truck was another VBIED and that he and the vehicle posed a threat to both their vehicle and the Iraqi Police in the inner cordon of the VBIED site.

b. In accordance with 3 BCT ROE, graduated measures of force is defined as [REDACTED]

[REDACTED]

Ex. 2
[REDACTED] and a local national shouted repeated verbal and visual warnings for the driver of the Nissan truck to stop his forward movement (See Exhibits B, C, D, and E). The gunner also showed his weapon and his intent to use deadly force when he raised his M-4 rifle to his shoulder to aim as did two other Soldiers in the patrol (SEE Exhibits A, B, and C). The patrol also blocked access to the route by the position of their vehicle. The vehicle was parked to block both oncoming traffic on [REDACTED] and the western side road traffic and still provide protection to the crew using the available cover (See Exhibit B and H). Three Soldiers used graduated force by first firing with M-4 rifles in an attempt to disable the vehicle (See Exhibits A, B, and C). Lastly the patrol, after using all available means, began shooting to eliminate the threat when the oncoming vehicle was showing no signs of stopping its threatening movement towards the patrol (See Exhibits A, B, C, E, F, and J). In using graduated measures of force, the engagement was not only IAW 3 BCT ROE, but MNC-I EoF procedures as well.

Ex 2
4. Recommendations.

a. Continue the following procedures:

(1) The platoon conducted an Escalation of Force briefing with scenarios prior to the patrol. Upon completion of the patrol the platoon conducted an After Action Review also covering Escalations of Force in accordance with the published Leader TACSOP.

b. Refine the following procedures:

- (1) Enforce the IP cordon to include all side roads and call for more IP assistance as required.
- (2) Reinforce the use of traffic cones and wire, as the tactical situation permits, whenever vehicles are in a stationary position and blocking the use of roads to include side roads
- (3) Ensure that all patrols carry radios to communicate with IPs in order to call for more IPs as required to increase security.

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SUBJECT: 15-6 INVESTIGATION FINDINGS

Ex 6, Ex 2

5. POC this memorandum is [REDACTED]

Ex 6

[REDACTED]
[REDACTED]
CPT, IN
Assistant S-3

Encl:

Ex 6

- 1. Exhibit A (Sworn Statement of [REDACTED])
- 2. Exhibit B (Sworn Statement of [REDACTED])
- 3. Exhibit C (Sworn Statement of [REDACTED])
- 4. Exhibit D (Sworn Statement of [REDACTED])
- 5. Exhibit E (Sworn Statement of [REDACTED])
- 6. Exhibit F (Sworn Statement of [REDACTED])
- 7. Exhibit G (Sworn Statement of [REDACTED])
- 8. Exhibit H (Storyboard)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: 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 Summerall
2. DATE (YYYYMMDD): 20060705
3. TIME: 1357
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: THT 710 A Co 221 MI BN, 205th MI BDE

Ex 6

Ex 6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At approximately 1200hrs, on 5 July 2006, I was the patrol leader for a THT/CA combat patrol in Baiji, Iraq. We were providing a cordon following a VBIED attack just north of the Al Fatah Mosque in downtown Baiji. My vehicle (C38) was parked in the northbound lane and was covering the roadway heading east. (C5) was parked in the southbound lane of [REDACTED] and was covering the roadway heading west. At approximately 1200 I heard a series of three shots that sounded like M4 fire. I turned towards C5 and observed the gunner [REDACTED] engaging a white pick-up that was driving east towards their vehicle. I immediately moved towards C5 and was able to engage the vehicle from across the hood of C5. I fired 5 shots into the passenger compartment and rear of the truck. I moved to the rear of C5 to continue engaging the truck if necessary. C5 began moving north to put distance between the trucks. I originally called for dismounts to check [REDACTED]

Ex 2

Ex 6

Ex 6

10. EXHIBIT: A
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 2 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.

Ex 6

STATEMENT OF [REDACTED] TAKEN AT FORS SUMMERALL DATED 5 July 2006

B. STATEMENT (Continued)

Ex 6

IF THE DRIVER WAS ALIVE OR DEAD. MYSELF, [REDACTED] AND [REDACTED] MOVED TO WITHIN 15 FEET OF THE VEHICLE. I OBSERVED AN ARABIC MALES SLUMPED OVER INTO THE PASSENGER SEAT AND HE APPEARED TO HAVE BEEN SHOT NUMEROUS TIMES IN THE BODY AND HEAD. THE BODY WAS NOT BREATHING AND HE WAS NOT MOVING. I WITHDREW THE SOLDIERS AND ALLOWED THE IP TO REMOVE THE BODY FOR TRANSPORT TO BAYSH HOSPITAL. THE INCIDENT TOOK PLACE IN [REDACTED] I SAW THE VEHICLE AS A THREAT TO MY PATROL AND MY SOLDIERS SINCE THE VEHICLE COULD HAVE VERY EASILY BEEN ANOTHER VBIED. I DID GIVE AN ORDER TO [REDACTED] TO CEASE FIRE AS THE VEHICLE ROLLED TO A STOP NEAR WHERE C5 HAD BEEN PARKED. ///- END OF STATEMENT-///

Ex 2

Ex 6

AFFIDAVIT

Ex 6

[REDACTED] 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 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.

[REDACTED SIGNATURE]
 (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)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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: [REDACTED] 2. DATE (YYYYMMDD): 20000705 3. TIME: [REDACTED] 4. FILE NUMBER: [REDACTED]
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] 6. SSN: [REDACTED] 7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: A 221 Military Intelligence Battalion

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1200hrs on July 5, 2000, our Tactical Human Intelligence Team was out on a mission in and around the vicinity of [REDACTED] when a Vehical Borne Improvised Explosive device was detonated about 700 to 1000 meters away from our location at the time. We ran to our Vehicles and proceeded towards the Detonation site via [REDACTED] once we arrived on the scene we secured the area and set up our vehicle tail and cut on [REDACTED] to secure a side street. The gunner in the vehicle was [REDACTED] The Driver was [REDACTED] The TC was [REDACTED] and myself. I was positioned on the left side behind the driver so that I could assist with scanning rooftops + alerting the gunner about any issues. The side street that we had control of was approximately 200-300 meters long, and a local National with a stand next to our vehicle was helping to wave off oncoming traffic. Other vehicle had attempted to come down the street but they usually never made it past a Bulldozer that was parked about half way down the street. When the local National would see our reaction to a vehicle approaching he would run out + wave the vehicle off, and this worked well. I saw the vehicle turn onto the street and at this time I warned the gunner that we had a vehicle approaching. He acknowledged my statement, and we monitored the situation further. The local National at the corner saw our reaction and ran out to wave the truck off as usual. The vehicle did not stop and proceeded down the street towards us. At this time I heard shots from the Hatch coming from the M-1, and the TC telling the Driver to move forward.

10. EXHIBIT: B 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] PAGE 1 OF 2 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.

Ex 2
Ex 6
Ex 2
Ex 2
Ex 6

STATEMENT OF

TAKEN AT

Fed Semora 11 Reg

DATED

July 5, 2016

9. STATEMENT (Continued)

After the 01-4 starts A then heard the SHAB machine gun go off. The Driver moved the vehicle up a few feet & stopped. At this time opened my door and fired about 5 shots into the Driver side Door of the Vehicle. I then got out of the truck and moved towards a Barrier that was on the side walk. I yelled at the gunman and asked if he was fine, and then asked if everyone in the vehicle was ok. myself and moved towards the vehicle we me taking a location up behind a cement wall with a clear view of the side street to pull security. said that the occupant of the vehicle was Dead, and to Fall Back to our Vehicles.

Ex 6

AFFIDAVIT

I, [REDACTED], 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 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.

(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)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Ex 6

Ex 6

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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 [REDACTED]	2. DATE (YYYYMMDD) 20060705	3. TIME 1344	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS THT 711, A Co 221 MF BN			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

[REDACTED] ON 20060705 at approx. 1200 a white Toyota Pick up truck approached our M114 Humvee, which was part of a UBIED cordas that had just detonated. I was the gunner for C05, facing North in the Southbound lane of [REDACTED]. My vector of fire was to the North of [REDACTED] and down the west road adjacent to the Bayji Public works station. [REDACTED], a passenger in C05 told me the white Toyota had turned onto the road west of our vehicle, as the truck approached our position I attempted to wave him off, prior to the truck I had waved off approx. 7 vehicles attempting to use the road west of our truck. At approx. 50 meters I fired 3 disabling shots low into the bumper of the truck, the truck did not stop, at which point I noticed 4 bar cans in the bed of the truck. As the truck got closer I continued to engage [REDACTED]

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

Exc 6

STATEMENT OF [REDACTED] TAKEN AT FAB Summitall DATED 2006 07 05

9. STATEMENT (Continued)

with my M4 with another 5 rounds. The vehicle continued to move toward our position, at which point I felt that ~~my~~ myself as well as my teammates life ~~was~~ were at risk. I switched from my M4 to ~~my~~ the M240 mounted in the turret, at this point the truck was within 20 meters, I engaged with an unknown amount of shots. ~~the~~ Our T.C. ~~to~~ told the driver ~~to~~ pull forward, the white toyota rolled another 5 meters before stopping in our original position. ~~and~~ moved to the toyota truck, the Driver was KIA. IP, ~~we~~ cordoned off the truck, removed the Driver and took him to the Deyji hospital. After approx 20 minutes our patrol returned to base. /// End of Statement ///

AFFIDAVIT

[REDACTED], 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 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:

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)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: 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	2. DATE (YYYYMMDD) 2006 07 05 P	3. TIME 1349	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS A Co 221 MI BN			

Ex 1

Ex 2

Ex 6

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 05 July 2006, at approximately 1200 hours, a local national driving a white pickup truck ^{male} toward a east toward _____ which was cordoned off by by our tactical Humint team. The area was blocked off because of an VBIED which detonated at approximately 1115 hours. Our teams arrived at the scene and discovered there were a VHO rocket still attached to the vehicle. The vehicle, which I was the Tank commander for, secured the intersection in which the said incident took place. Prior to the incident, several vehicles attempted to drive through our Area of Responsibility for the cordon. Hand and Arm signal were used to ward off the approaching vehicles. Those vehicle then turned around and headed in the opposite direction. The same methods were used to ward off the pickup truck, but the driver seemed to comply. The gunner of the truck, _____ fired 3 disabling shots into the lower part of the truck with his M-4 rifle. The truck continued to approach our vehicle. Within about 50 meters of our position, _____ continued to disable the vehicle, ultimately killing the driver. During the gunfire, _____ and _____ also engaged the vehicle because of the threatening nature. As the gunfire went off, and the vehicle kept approaching, I told our driver, _____ to pull the vehicle forward in the event the other soldiers were unable to stop the vehicle and it should explode. By the time the vehicle came to a halt, it was in the intersection where our vehicle was.

Nothing to Follow

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

Ex 6.

STATEMENT OF [REDACTED] TAKEN AT FOB Sumner call DATED 5 July 86

9. STATEMENT (Continued)

AFFIDAVIT

[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED] 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

Ex2
Ex6

1. LOCATION [REDACTED] 2. DATE (YYYYMMDD) 20060705 3. TIME 1339 4. FILE NUMBER

5. LAST NAME - FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS [REDACTED]

8. ORGANIZATION OR ADDRESS
Aco 221 MIBV

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was the Driver for Cowboy 5, at approximately 1200 hours Local time I heard [REDACTED] who was sitting in the passenger seat on the Drivers side, yell that we had a local national white truck coming up to the west. I looked, and saw a local national waving and yelling in Arabic to persuade the vehicle to stop. as the Truck closed Distance, [REDACTED] who was the gunner, fired a few Disabling shots into the Bumper of the vehicle. I heard another M4 firing onto the vehicle as an TC, [REDACTED] told me to Advance the vehicle to remove us from a collision course with a suspected UBIED. as I was moving forward, [REDACTED] fired with his 240B into the truck, while the truck refused to stop.

10. EXHIBIT E 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 2 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.

Ex 6

STATEMENT OF [REDACTED] TAKEN AT FOB Summerhill DATED 05 Jun 06

9. STATEMENT (Continued)

[REDACTED] Followed the ROE, and engaged a vehicle that appeared and acted ~~hostile~~ as a UBIED. [REDACTED] used Deadly force to protect the passengers of cowboy 5 from becoming victims of a hostile vehicle; the vehicle neither stopped nor slowed as [REDACTED] engaged, cementing the fact that the vehicle meant to do us harm. Immediately after the vehicle rolled to a stop, IP came onto the scene and removed the Body from the truck, after our patrol assessed him as Dead. /// end of statement ///

I, [REDACTED], 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 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: 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.

Ex2
Ex6

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 2006 07 05 3. TIME 1338CS 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS [redacted]

8. ORGANIZATION OR ADDRESS 221 MI A Co.

9. [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

CS On 05 JUL 06 @ approximately 1200 hlt I was driver in TH7 vehicle, Cowboy 38, facing North of on [redacted] @ [redacted] conducting a cordon of a VBIED that had gone off approximately @ 1115 hlt. I heard shots fired, determined they were coming from TH7 vehicle, Cowboy 5, to our West condoning off the Southbound lane of [redacted] a side street parallel that runs in front of Public Works in Bayji. A white Nissan pickup truck w/ 3 plastic barrels in the back continued to roll slowly towards TH7 Cowboy 5 & Cowboy 5 fired more disabling shots, first w/ M-4 & then the 240 as Cowboy 5 moved up. I called on the radio to Cowboy 5 to state if appeared as if the driver of suspicious vehicle was dead & the vehicle was rolling with the initial [redacted]

Ex2

Ex2

Ex6

10. EXHIBIT F 11. INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 PAGES

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

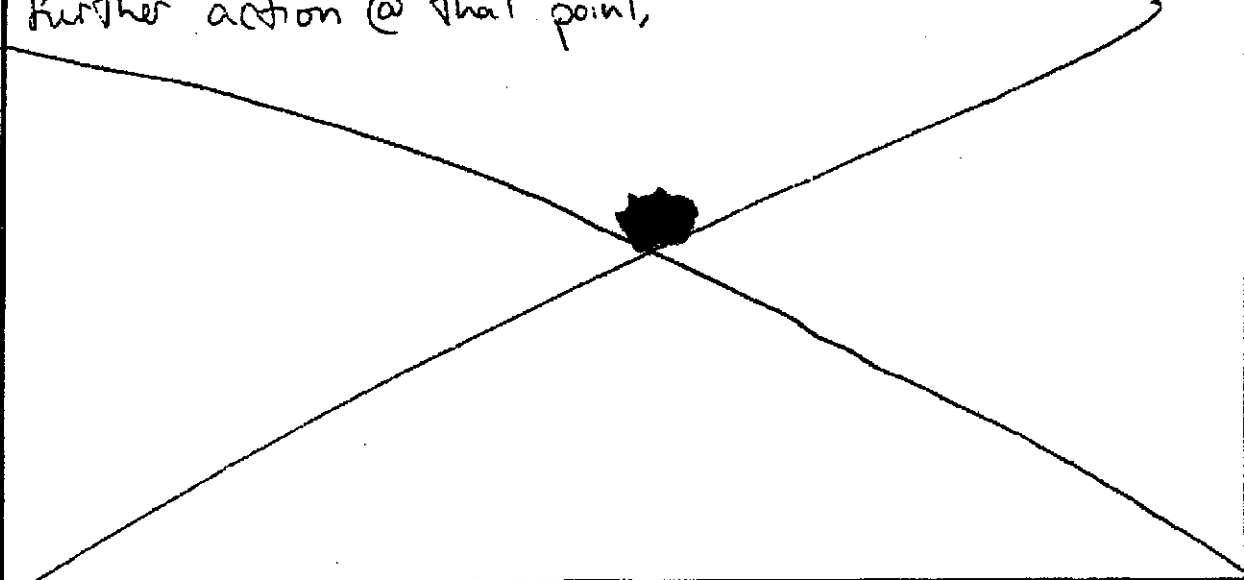
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

Ex 6

STATEMENT OF [REDACTED] TAKEN AT Fob Summit DATED 05 JUL 06

9. STATEMENT (Continued)

movement. Cowboy 5 clear of the moving vehicle & with the information that the driver appeared KIA ceased fire. At that point I called up leader 70C to report EOF & provide grid & did not see any further action @ that point.



AFFIDAVIT

[REDACTED] 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 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. CS

[REDACTED]
(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)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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.

Ex2
Ex6

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 2006 07 05 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS [redacted]
8. ORGANIZATION OR ADDRESS
HHC 1-187 INFANTRY MORTARS FOB SUMMERALL

Ex2

9. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I WAS CALLED OUT AS QRF PATROL LEADER TO PROVIDE SECURITY FOR E.O.D ELEMENT TO CONDUCT A POST BLAST ON A VBIED LOCATED AT [redacted] MY SECTION ARRIVED AT APPROX 1145 AND THE QRF SET SECURITY ON [redacted] SOUTH, ABOUT 400M FROM THE VBIED SITE. MYSELF AND EOD MOVED FORWARD TO BEGIN A POST BLAST ANALYSIS WHEN I HEARD SMALL ARMS FIRE. THEN I HEARD A CREW SERVED MACHINE GUN BEGIN TO FIRE AND I MOVED TO THE WEST TO SECURE A SIDE STREET. I WAS INFORMED BY MY DRIVER THAT AN ESCALATION OF FORCE HAD JUST OCCURRED HAPPENED, SO I MOVED TO THE LOCATION BY FOOT AND SAW 1 LOCAL NATIONAL

Ex6

10. EXHIBIT 6 11. INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 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.

Ex B

STATEMENT OF [REDACTED] WITNESS AT [REDACTED] DATED 2006 07 05

9. STATEMENT (Continued)

who had received a HEAD wound, I
ACCESSED Him AS KIA AT that time and
The I.P picked the local NATIONAL up
and took Him to Bayji Hospital. The local
NATIONAL who was shot, his Truck had
stopped ON Tampa about 15 meters from
The engagement TRUCK (M114). I spoke thru
an Interpreter to one of the I.P and he
felt sorry for the elimination of force, saying
He was responsible for the security
of that street. That the local NATIONAL
had Drove Down — end of statement

Ex C

AFFIDAVIT

[REDACTED] 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 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.

(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)

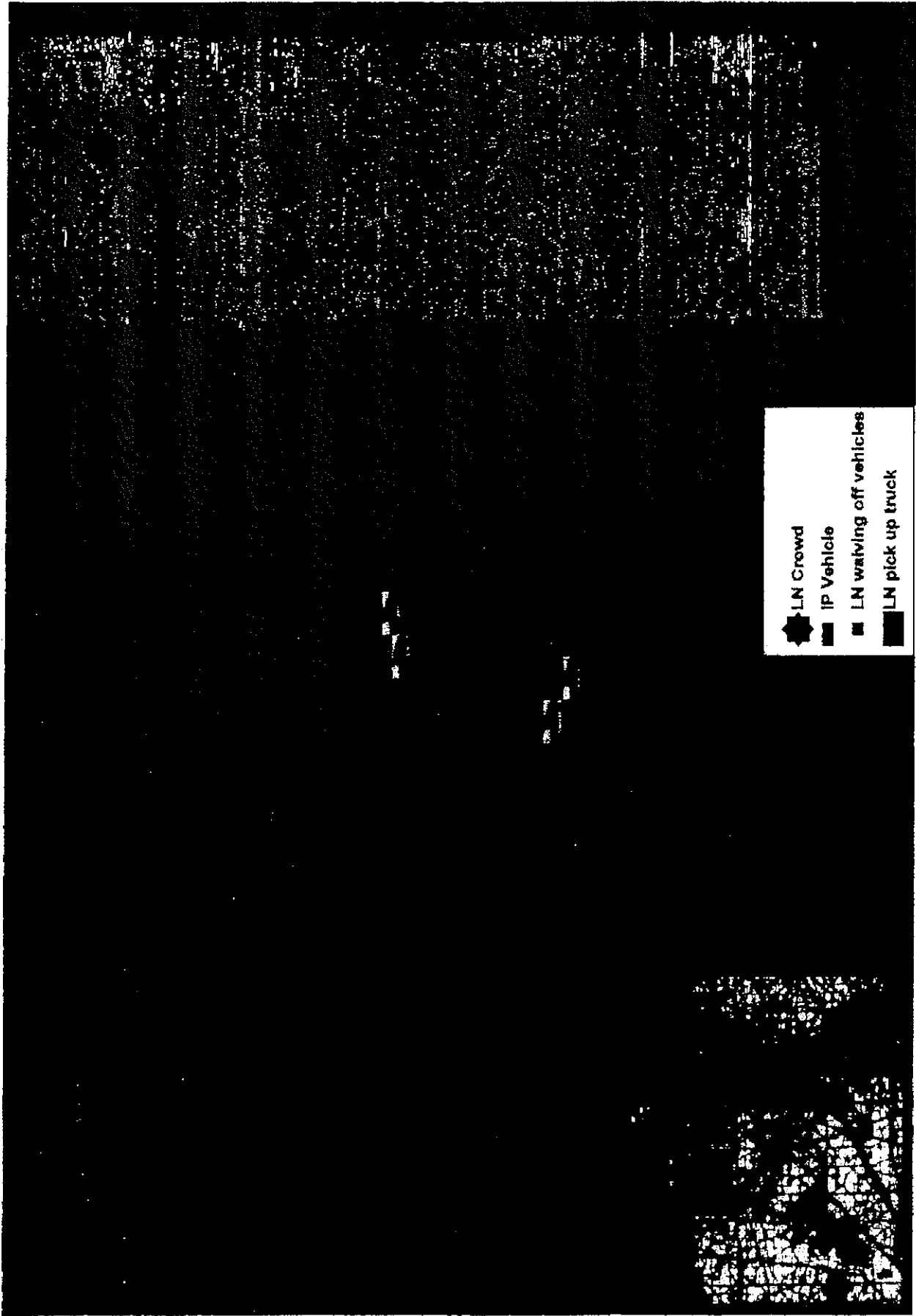
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES





DEPARTMENT OF THE ARMY
 HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
 101st AIRBORNE DIVISION (AIR ASSAULT)
 COB SPEICHER, IRAQ, APO AE 09349



REPLY TO
 ATTENTION OF

AFZB-KC-CO

5 July 2006

Ex 6

MEMORANDUM FOR [REDACTED], HHC, 1-187th Infantry Regiment, 3rd Brigade
 Combat Team, 101st Airborne Division (Air Assault), COB Speicher, APO AE 09349

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

1. Effective 5 July 2006, [REDACTED] hereby appointed as the
 investigating officer.

2. AUTHORITY: AR 15-6, Investigations.

Ex 2

3. PURPOSE. To perform an informal investigation IAW AR 15-6, obtaining details pertaining to
 the Escalation of Force (EoF) by HHC (THT)/1-187 IN on 051144JUL06 vic [REDACTED]
 vicinity Bayji, Iraq, resulting in 1x LN KIA. Your investigation should answer the following:

- a. What were the facts and circumstances surrounding the incident?
- b. Were proper MNC-I EoF procedures used?
- c. Was the engagement IAW MNC-I and 3 BCT Rules of Engagement (ROE)?
- d. What changes in procedures are recommended, if any, to prevent future incidents?

4. PERIOD. Until the investigation is completed and no further investigation is required, unless
 released sooner by the appointing authority.

5. SPECIAL INSTRUCTIONS. Conduct of this investigation will be your PRIMARY duty until the
 investigation is submitted to the appointing authority. Your findings will be supported by substantial
 evidence and by a greater weight of evidence than supports any different conclusion. Your findings
 and recommendations will be submitted to this headquarters NLT 081700JUL06. Prior to
 submission, you will obtain a final legal review of your findings and recommendations from the 3
 BCT CJA.

Ex 6

6. POC this action is 3 BCT CJA at [REDACTED]

[REDACTED]
 IN
 Commanding