

F800

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] Commander, 3rd Brigade Combat Team, 1st Armored Division (Appointing authority)

Ex Ce

on 30 November 2005 (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 Camp Taji (Place) at 0900 (Time)

on 01 December 2005 (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.)

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

The (investigating officer) (board) finished gathering/hearing evidence at 2130 (Time) on 04 December 2005 (Date) and completed findings and recommendations at 1430 (Time) on 05 December 2005 (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?	X		
	b. Copy of notice to respondent, if any? (See item 9, 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.

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		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		X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the 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.

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

The *(investigating officer) ~~board~~*, having carefully considered the evidence, finds:
SEE ATTACHED MEMORANDUM

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

In view of the above findings, the *(investigating officer) ~~board~~* recommends:
SEE ATTACHED MEMORANDUM

[Redacted]

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[Redacted] Four

SECTION VI - AUTHENTICATION (para 3-17, AR 15)

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)

[Redacted Signature]
(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.)

Accepted CJA's findings.

[Redacted text block]

[Redacted signature]

Ex 6

CU: PL
3/1 AD CD

[Redacted] Four

[Redacted] Favo

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BATTALION, 70TH ARMOR
1ST ARMORED DIVISION
CAMP TAJI, IRAQ 09738

AFZN-BB-DH

05 DECEMBER 2005

MEMORANDUM FOR:
COMMANDER 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION

SUBJECT: AR 15-6, No: _____ (Possible Shooting of Local National by Estonian Platoon on Rte. Cannucks)

- 1. Enclosed is the 15-6 investigation outlining the circumstances that resulted in the death of a local national on 12 November 2005. The incident resulted in the death of 1 Local National female, no Coalition casualties, and cosmetic damage to one U. S. Army M1114 HMMWV. The incident occurred on RTE Cannucks via [Redacted] on 120851NOV05.

Ex 1

2. SUMMARY:

[Large Redacted Block]

Ex 1

Once he ascertained that no one was injured and that no follow-on attack was imminent, CPT [Redacted] ordered a squad from the second truck under the leadership of Sergeant First Class [Redacted] to dismount, clear the field and house to the north, and circle back west to set up a cordon behind the IED to stop traffic from the west. SFC [Redacted] and his squad moved to the house, cleared it, and moved on to set up their cordon. CPT [Redacted] sent a second patrol from the first truck under the leadership of Sergeant First Class [Redacted] to clear the area south of RTE Cannucks. The trucks remained in place to block traffic coming from the east. The Scout sniper team remained on the trucks to provide additional security and cover for the dismounts.

Ex 6

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SUBJECT: AR 15-6 BC 1 No: _____ (Possible Shooting of Local National by Estonian Platoon on Rte. Cannucks)

After the patrols departed, CPT [REDACTED] and others still in the vehicles observed Iraqi nationals leaving the house to the north and moving into the field. The group consisted of one or two males and an undetermined number of females, not more than ten. The soldiers also heard yelling and what sounded like crying. They watched the group move to the field and pick up something that was wrapped/dressed in white and looked like a body. The Iraqis left the scene and moved back towards the house carrying the object.

CPT [REDACTED] ordered Sergeant First Class [REDACTED] squad to move to the house and search it again. The squad did so and reported that they saw no evidence of a body at the house. Also, they did not observe any blood trail on the road leading to the house. Ex 6

During the next Estonian mission in the area on 19 November 2005, CPT [REDACTED] stopped at the house again to talk to the occupants. They showed him documents written in Arabic. The interpreter read the papers and told CPT [REDACTED] that the document was a death certificate relating to the death of a 13 year old Iraqi girl on 12 November 2005. The cause of death was shooting.

3. FACTS:

- a) [REDACTED] Ex 1
- b) The Estonians sent out dismounted patrols to clear the area, search for trigger men, and set up their cordon in accordance with SOP.
- a. One dismounted patrol searched a nearby house and reported nothing out of the ordinary.
 - b. None of the dismounted patrols identified any blood trail or evidence of a casualty.
- c) A group of Iraqis left the house and moved into the field, picked up something wrapped in white that looked like a body, and carried it away towards the house. CPT [REDACTED] thought it might be a body and subsequently dispatched a second patrol to the house. This patrol found no evidence of a body or blood either on the road to the house or in the house. Ex 6
- d) Of his own accord, CPT [REDACTED] returned to the house a week later to ask about the incident and conduct his own independent investigation.
- a. The occupants of the house produced a death certificate in Arabic. (Exhibit 11)
 - b. CPT [REDACTED] interpreter read the document.
 - The document identified the deceased as a 13 year old girl.
 - The time of death was 12 November 2005.

[REDACTED] FDUO

SUBJECT: AR 15-6 BUI No: _____ (Possible Shooting of Local National by Estonian Platoon on Rte. Cannucks)

- The cause of death was shooting.

e) The terrain at the site of the shooting prohibited the Estonians from seeing a person in the field prior to the shooting. The area where the "body" was found is depressed and bordered with weeds. Between the road and the field there exist a canal, a berm, a ditch, and a smaller berm. All of these terrain features obstruct the view of the field from the road, creating dead space. Additionally, trees and other vegetation (weeds, etc.), present at the time of the incident and visible from the imagery but since removed, blocked the view of the field from the trucks at the time of the incident (Exhibits 15-20).

4. FINDINGS:

a) [REDACTED]

Ex 1

b) CPT [REDACTED] suspected that his platoon had killed someone. He returned to the house seven days later on his own in order to ensure that the incident was reported correctly. On the day of the IED, he should have reported the possible killing to Thunder X-Ray and reacted more quickly to determine whether or not a body was actually present. If he had acted more quickly, his soldiers would have found the body before it was taken away and removed all doubt as to whether or not someone was killed by Coalition Forces.

Ex 2

c) There was a critical communication breakdown due to the existing language barrier between U.S. and Estonian forces. SSG [REDACTED] from the Scout Platoon, who was in the second Unimog, reported that before the group of Iraqis left the house, he observed the object lying in the field and identified it as a female body. He mentioned it to the Estonian gunner still in the Unimog and asked if he should go investigate it. The gunner responded that CPT [REDACTED] had instructed that the Americans remain in the trucks to provide cover and security for his dismounted patrols. I do not think the gunner actually understood what SSG [REDACTED] meant, only

[REDACTED] FDUO

2-3

SUBJECT: AR 15-6 BUI No: _____ (Possible Shooting of Local National by Estonian Platoon on Rte. Cannucks)

that he wanted to dismount the truck. SSG _____ also reported that after the Iraqis arrived at their house, he observed a pickup truck leave the area. If the body was put in the pickup and taken to the hospital, it would explain why there was no evidence of a body at the house when the second Estonian dismounted patrol arrived there.

d) The Estonians ride low in their trucks to decrease their chances of being hurt in the event of an IED blast. Riding low prevented them from being able to look down and see the person in the field. SSG _____ is over six feet tall and he did not see the body in the field until he stood up in the bed of the truck. It is probable that while suppressing the area, someone aimed at the berm or into the trees and unknowingly penetrated them, thereby killing the unseen girl who was hiding on the other side.

e) _____

Ex 6

Ex 1

f) _____
_____ here is no evidence to suggest that the killing was intentional. Members of the patrol did identify civilians in the area during the shooting and purposely avoided engaging them with direct fire in accordance with orders (Exhibit 9). The terrain was rural so there was no reason to believe that rounds not aimed at a person would strike someone. The girl probably hid in fear after the initial IED blast. Had she made her presence known to the patrol, she would probably have survived.

5. RECOMMENDATIONS:

a) _____

Ex 1

b) When Coalition Forces are riding as part of an Estonian Patrol, they should have direct communications with the Estonian OIC, CPT _____ CPT _____ M1114 is equipped with a

[REDACTED]

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SUBJECT: AR 15-6 BCT No: _____ (Possible Shooting of Local National by Estonian Platoon on Rte. Cannucks)

SINGGARS radio. In the absence of SINGGARS communication capabilities, iCom communication between the American OIC/NCOIC and CPT [REDACTED] or his American driver should be used.

- c) TF 2-70 AR should make a condolence payment to the family of the victim.

Ex 6

[REDACTED]

CPT, AR
INVESTIGATING OFFICER

[REDACTED]

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2-5

[Redacted] Four

DEPARTMENT OF THE ARMY
2d Battalion, 70th Armor Regiment,
1st Armored Division
Camp Taji, Iraq

AFZN-BB-DH

05 December 2005

MEMORANDUM FOR Commander, 3rd Brigade Combat Team, 1st Armored
Division, Camp Taji, Iraq

SUBJECT: 15-6 Investigation Index of Exhibits for Investigation of Possible
Shooting of Local National by Estonian Platoon on RTE Cannucks

1. The following exhibits are included as a part of the investigating officer's
report:

- Exhibit 1: Appointment Orders of Investigating Officer
- Exhibit 2: Summary, Facts, Findings, Recommendations
- Exhibit 3: Serious Incident Report
- Exhibit 4: CPOF Report
- Exhibit 5: Sworn Statement of CPT [Redacted]
- Exhibit 6: Interview with CPT [Redacted]
- Exhibit 7: Sworn Statement of SGT [Redacted]
- Exhibit 8: Sworn Statement of SSG [Redacted]
- Exhibit 9: Interview with SSG [Redacted]
- Exhibit 10: Diagram of Incident
- Exhibit 11: Copy of "Death Certificate/Coroner's Report"
- Exhibit 12: Translation of Death Certificate
- Exhibit 13-20: Photos of Scene
- Exhibit 21: Battalion Level Appointment Orders
- Exhibit 22: Summary, Facts, and Findings from Battalion Level 15-6.

Ex 6

2. POC for this memorandum is the undersigned at 242-6536.

[Redacted Signature]

CPT, AR
Investigating Officer

[Redacted] Four

[Redacted] Fouo



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3RD BRIGADE, 1ST ARMORED DIVISION
CAMP TAJI, IRAQ
APO AE 09378

REPLY TO
ATTENTION OF:

AFZN-BB-CO

30 November 2005

MEMORANDUM FOR CPT [Redacted] HHC, 2nd Bn, 70th AR, 3d Bde, 1st AD, APO AE 09378

Exle

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 engagement of suspected IED triggerman sites by Estonian and American forces from TF 2-70 Armor on 12 November 2005 that may have resulted in the death of a local national civilian.

2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.

3. In your investigation, you need to answer the following questions:

- a. What was the sequence of events that led up to the incident?
- b. Did the soldiers involved properly escalate the use of force?
- c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?
- d. Was deadly force authorized?
- e. Were there any Law of War violations?
- f. Are there any operational lessons that should be captured and disseminated?
- g. Were there any other contributing factors that, if changed, could have altered the outcome?

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

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[Redacted]

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AFZN-BB-CO

SUBJECT: Appointment as Investigating Officer

you become aware of information that needs command attention, immediately notify the appointing authority for guidance.

5. Contact the Command Judge Advocate, CPT [Redacted] for legal guidance prior to starting your investigation. CPT [Redacted] located in Bldg 72 and his phone number is VOIP: 242-6045.

Ex 60

6. Submit your findings and recommendations on DA Form 1574 to CPT [Redacted] for legal review no later than 7 December 2005.

[Redacted]

[Redacted]

COL, AR
Commanding

[Redacted]

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1-2

[Redacted] F40 Exhibit 3

COMMANDER'S INCIDENT REPORT:

LINE 1: Unit reporting: Estonian Platoon 11 (Attached to 2-70 AR)

LINE 2: Incident: Shooting of Local National

LINE 3: Date/time group (DTG) incident occurred: 120851NOV05

LINE 4: Location of incident: RTE Cannucks MB13604 97968

LINE 5: Personnel involved:

Name	Rank	Unit	SSN	Sex	Age	Race
[Redacted]	CPT	EST PLT 11	[Redacted]	M	32	[Redacted]
[Redacted]	SGT	HHC/2-70	[Redacted]	M	26	[Redacted]
[Redacted]	SSG	HHC/2-70	[Redacted]	M	26	[Redacted]
[Redacted]	SFC	EST PLT 11	[Redacted]	M	24	[Redacted]
[Redacted]	SFC	EST PLT 11	[Redacted]	M	24	[Redacted]

ExCe

LINE 6: SUMMARY:

On 12 November 2005 Estonian Platoon 11 conducted an extraction of a Scout Sniper/Ambush Team near RTE Northstars. After extracting the team the Estonian Platoon, consisting of 1 x M1114 and 2 x Estonian Unimog trucks, continued on its patrol. On 120850NOV05 the M1114 (third in the order of march) was attacked by an IED while traveling east on RTE Cannucks at grid MB [Redacted]. The IED caused no injuries to Coalition Forces and caused minor damage to the M1114.

[Redacted] Once he ascertained that no one was injured and that no follow-on attack was imminent, CPT [Redacted] led a squad from the second truck under the leadership of Sergeant First Class [Redacted] dismount, clear the field and house to the north, and circle back west to set up a cordon behind the IED engagement area. He sent a second patrol from the first truck under the leadership of Sergeant First Class [Redacted] clear the area south of RTE Cannucks.

Ex1

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After the patrols departed, CPT [Redacted] and others still in the vehicles observed Iraqi nationals leaving the house to the north and moving into the field. The group consisted of one or two males and an undetermined number of females, not more than ten. The soldiers also heard yelling and what sounded like crying. They watched the group move to the field and pick up something that was wrapped/dressed in white and looked like a body. The Iraqis left the scene and moved back towards the house carrying the object. SSG [Redacted] from the Scout Platoon who was in the first truck reported that shortly after the group reached the house he saw a pickup truck leave the house. CPT [Redacted] ordered Sergeant First Class [Redacted]

[Redacted] F40

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Appendix 1 (CIR BLUE 2 REPORT) to Annex C to FRAGO 46 to OPOD 05-007 (RSOI)

squad to move to the house and search it again. The squad did so and reported that they saw no evidence of a body at the house. Also, they did not observe any blood trail on the road leading to the house.

During the next Estonian mission in the area on 19 November 2005, CPT [REDACTED] stopped at the house again to talk to the occupants. They showed him documents written in Arabic. The interpreter read the papers and told CPT [REDACTED] that the document was a death certificate relating to the death of an Iraqi girl on 12 November 2005. The cause of death was shooting.

Following a Commander's Inquiry an AR15-6 investigation has been initiated into the incident to determine whether a local national was killed and if so the cause of death.

LINE 7: Injuries or damage to government and/or civilian property: Death of local national female, possibly from coalition fires.

Excl

LINE 8: Commander reporting: CPT [REDACTED] CDR, EST PLT 11, TF 2-70 AR.

[REDACTED]
LTC, AR
Commanding

C-1-2

3-2

[REDACTED]
13497

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Exhibit 4

Portal



Home | SigActs | Spot Reports | Products | Log out (logged in as: guest)

list <previous | next>

Sigact ◆	
Name	120840
Event Type	IED
Time Observed	11/12/05 08:51
Grid Coords	38SMB 13600 97900
Affiliation	HOSTILE
Color	Red
Outcome	
Place Name	DA MNF
Zone	ZONE 88
Quantity	
Comments	SIGACT 6 ESTONIAN PATROL FROM TF 2-70 AR WAS STRUCK WITH AN IED ON RTE CANNUCKS. THE IED DETONATED ON THE LAST VEHICLE (M1114) IN THE PATROL. THE PATROL CONSISTED OF 3 X UNIMOGS AND 1 X M1114. THE PATROL HAD A WARLOCK ICE. NO INJURIES. COSMETIC DAMAGE TO THE M1114. THE AREA HAS BEEN SECURED AND EOD HAS BEEN NOTIFIED. 1020: EOD ON SITE. 1106: PBA 1 X 122, COMMAND DET, BURIED. SUMMARY: 1 X IED STRIKE COSMETIC DAMAGE TO AN M1114 CLOSED
Created	3-1AD:OPS
Modified	3-1AD:CDR



FWS

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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 PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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) 2005 11 22	3. TIME 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS CPT	
8. ORGANIZATION OR ADDRESS TF 2-10 AR / ESTPLA-11			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON the 12th of November, 2005
MY PLATOON, ESTPLA-11, BEING IN QRF WAS CONDUCTING
SNIPERS EMERGENCY EXFICATION NEAR RTE NORTHSTAR
SNIPERS WERE FROM SCOUTS PLATOON AND MOVED
ON THE BOTH OF OUR VEHICLES. AFTER EXFICATION
TRAVELLING ON RTE CANNICES THE LAST VEHICLE
(MILITARY) IN THE PLATOON PATROL (2 UNIMOGS, 1 MILITARY)
WAS STRUCK WITH AN IED. [REDACTED]

[REDACTED]

THEN 1ST SQUAD DISMOUNTED AND WENT TO
PATROL NORTH SIDE AREA OF CANNICES THEY DIDN'T
SEE ANY MOVEMENT OR OTHER ACTIVITY ON A
FIELD NEAR CANNICES AND NEAR A HOUSE. AFTER
ABOUT 15 MINUTES THE MOUNTED PART OF THE
SQUAD, STAYING ON CANNICES, SAW HOW THE PEOPLE
FROM THIS HOUSE MOVED ON THE FIELD CARRYING
SOMETHING ^{DRY} TO WASH CLOTHES ON THEIR HANDS
THE OTHER SQUAD WAS SENT TO THE FIELD
TO CHECK THE SITUATION (IN ABOUT 15-20 MIN)
BUT HAS NOT ~~FOUND~~ FOUND ANYTHING ON THE FIELD
AND IN THE HOUSE. NEXT DAY WE SAW A LOT OF

10. EXHIBIT 5	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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.

[REDACTED] Fouo

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT CAMP TAY DATED 22 NOV 2005

File

9. STATEMENT (Continued)

CARS NEAR THE HOUSE AND PEOPLE. DURING MY NEXT PATROL IN THE AREA (18 NOV 2005) I STOPPED AT THIS HOUSE AND ASKED A MAN ABOUT THIS EVENT. HE SHOWED ME A PAPER IN ARABIC. AN INTERPRETER READ IT TO ME. IT WAS A DOCUMENT THAT CERTIFIED DEATH OF ~~PEOPLE~~ A 13 YEAR OLD GIRL, WHO DIED ON 12 NOV 2005 BECAUSE OF SHOOTING.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

[REDACTED] Fouo

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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 PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 Camp Taji Iraq	2. DATE (YYYYMMDD) 2005 11 22	3. TIME 1710	4. FILE NUMBER
5. LAST NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS CPT	
8. ORGANIZATION OR ADDRESS TF 2-70 AR / ESTPLA-11			

Ex 6

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

Q - Did you observe people moving to the field, picking something up, and returning to the house? Did you just observe people carrying something to the house?

A - They moved to the field, and then carried something away. S.G.

Q - Did your men search the house?

A - Yes. No one was there. They conducted a ^{very} ~~errory~~ brief search and found no evidence of a body. S.G.

Q - Did your men find any evidence of a shooting victim (ie, blood) in the field?

A - No. There were no traces of blood or anything. S.G.

10. EXHIBIT 6	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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 BE INDICATED.

[REDACTED] Fouo

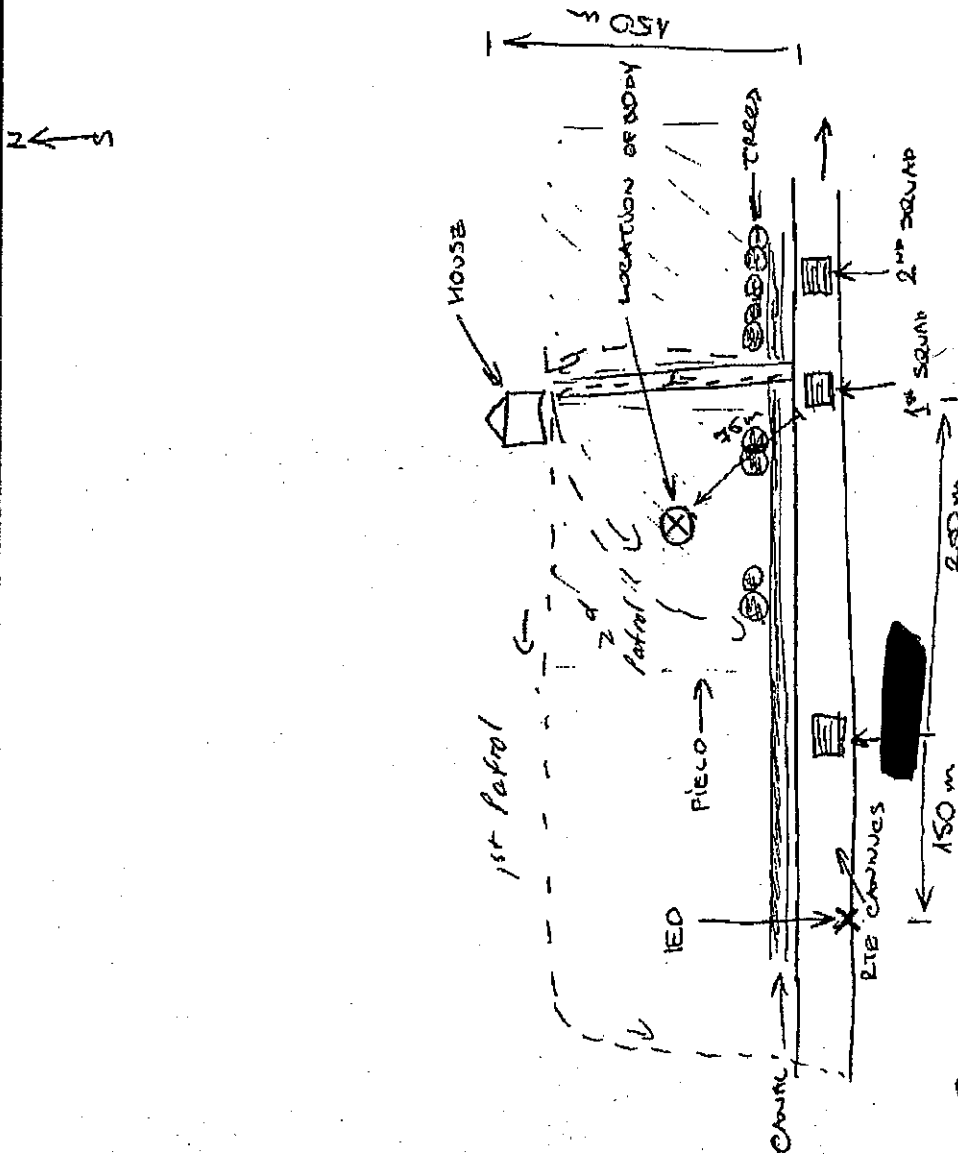
Fouo

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Taji DATED 22 NOV 05 Ex 6

9. STATEMENT (Continued)

Q- Draw a diagram depicting your patrol, direction of movement, your route, IED Blast, the field, the house, your dismounted squad's route, and approximate location of alleged body.



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

[REDACTED] Fouo

6-2

Fours

STATEMENT OF [REDACTED] TAKEN AT Camp Taji DATED 22 NOV 05

9. STATEMENT (Continued)

Q- what level of weapons did you fire?

A- personal weapons only. [REDACTED]

Q- ~~Are~~^{How} many shots were fired? In which direction(s)?

A- [REDACTED]

Ex 1
Ex 6

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 22 day of November, 2005 at Camp Taji

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

[REDACTED] Fours

[Redacted]

Fours

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 PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 CAMP TADJ IRAQ	2. DATE (YYYYMMDD) 20051124	3. TIME 1045	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [Redacted]	6. SSN [Redacted]	7. GRADE/STATUS E-5 ACTIVE	
8. ORGANIZATION OR ADDRESS AHC 2/76th AB, 3rd BCT, 1st AD			

9. [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 12 NOV 2005 OUR CONVOY WAS STRUCK WITH AN IED THE [Redacted] VEHICLE,
 WHICH I WAS DRIVING, WAS THE VEHICLE THE WAS STRUCK WITH THE IED. WE WERE
 TRAVELING EAST ON RTE CANUCKS ENROUTE BACK TO OUR TAC AFTER EXFILTRATING
 SNIPERS FROM THE SABER ELEMENT. A [Redacted]

Ex1
Ex10

[Redacted] REPORTED TO ME BY THE
 PLATOON LEADER OF THE ESTONIAN PLATOON, CPT [Redacted], THAT AN IRAQI LOCAL
 NATIONAL WAS SHOT DURING THE SURPRESSIVE FIRE. WE SENT A COUPLE OF DISMOUNTS
 TO THE RESIDENCE TO LOOK FOR A BODY AND WHEN THEY ARRIVED THERE WAS NO BODY.
 WE WAITED ON SITE UNTIL EOD ARRIVED TO CLEAR THE AREA. AFTER EOD WAS
 COMPLETE WE PROCEEDED ON TO OUR TAC. ON 11 NOV 2005 WE RETURNED TO THE
 SITE OF THE INCIDENT AND THE RESIDENTS OF THE HOUSE SHOWED OUR
 INTERPRETER AND PLATOON LEADER, CPT [Redacted] DEATH PAPERS. I, MYSELF, DID NOT
 SEE THE PAPERS SO I HAVE NO INFORMATION ON THEM.

Q- Which vehicle were you in and where was located in the convoy?

A- M1114, it was the third and last vehicle in the order of march [Redacted]

Q- Did you see Iraqi Nationals leave a house, go to the field, pick something up, and carry it away?

A- No. I could see the house but did not see any people [Redacted]

10. EXHIBIT 7	11. INITIALS OF PERSON MAKING STATEMENT [Redacted]	PAGE 1 OF 3 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.

[Redacted]

Fours

[REDACTED] Four

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

Ex 6

STATEMENT OF [REDACTED]

TAKEN AT 1045

DATED 24 NOV 2005

9. STATEMENT (Continued)

Q- Could you see the road leading to the house?

A- No. I could see the house but not the road. [REDACTED]

NOTHING
FOLLOWS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

[REDACTED] Four

[Redacted] Fouo

STATEMENT OF [Redacted] TAKEN AT 1045 DATED 24 NOV 2005

9. STATEMENT (Continued)

[Large redacted area with handwritten text: NOTHING FOLLOWS]

ExCo

AFFIDAVIT

I, [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] (Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of November, 2005 at Camp Taji

[Redacted Signature] (Signature of Person Administering Oath)

[Redacted Name] (Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 3 OF 3 PAGES

[Redacted] Fouo

F400

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 PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 <i>CAMP TAY</i>	2. DATE (YYYYMMDD) <i>2005 11 25</i>	3. TIME <i>1155</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS <i>E-6</i>	
8. ORGANIZATION OR ADDRESS <i>HHC 2-70th</i>			

Ex C

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 12 NOV 05 AT APPROX 0845 HRS I WAS EXTRACTED FROM A SNIPER POSITION BY THE ESTONIAN ELEMENT. ON THE WAY BACK TO THE TRAC WE WERE STRUCK BY AN IED. THE IED HIT THE THIRD VEHICLE IN THE CONVOY, A M1114. I WAS IN THE BACK OF THE SECOND VEHICLE, A STONE TRUCK. [REDACTED]

Ex 1

[REDACTED] Two ladies ran from a nearby house into the field and started yelling. At that point I could see someone lying in the field. I ask the stone gunner for my vehicle if he wanted me to dismount and see if it was a casualty. He told me to stay in the vehicle with the rest of my team, which was my driver and gunner. I saw a man, possibly the husband, walk into the field and carry away the woman. After about 10 to 15 minutes I saw a white pickup driving away from the house on a secondary road possibly taking the woman to a hospital.

Nothing follows [REDACTED] *Nothing follows* [REDACTED] *Nothing follows*

10. EXHIBIT <i>8</i>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>3</i> 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 BE INDICATED.

[REDACTED]

Fours

13507

[Redacted]

Fouo

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [Redacted] TAKEN AT Camp Taji DATED 25 NOV 05

Ex 6

9. STATEMENT (Continued)

nothing follows

[Redacted]

INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 2 OF 3 PAGES

[Redacted]

Fouo

[Redacted]

Fouo

STATEMENT OF [Redacted] TAKEN AT Camp Taji DATED 25 NOV 05

9. STATEMENT (Continued)

[Large area crossed out with a large X. Handwritten text: "Nothing Follows" written diagonally across the X.]

Ex 6

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 25 day of November, 2005 at Camp Taji

ORGANIZATION OR ADDRESS

[Redacted Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

PAGE 3 OF 3 PAGES

[Redacted]

Fouo

Fouo

SWORN STATEMENT

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

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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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION <i>Camp Taji</i>	2. DATE (YYYYMMDD) <i>2005 11 25</i>	3. TIME <i>1155</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS <i>E-6</i>	
8. ORGANIZATION OR ADDRESS <i>HHC 2-70th</i>			

ExCe

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

Q- Could you tell that the object in the field was a body?

A- When the man picked her up from the field I could tell that it was a body. He carried her to their house. [REDACTED]

Q- At what point did you see the body?

A- I saw the body once the two women approach it in the field, but could not make it out until the man came to carry her away. [REDACTED]

Q- Was the person visible from your truck at the time of the IED and the shooting?

A- From my position I could not see her. We were sitting low in the bed of the stone vehicle. From the sitting position there was a canal berm in between our sectors of fire and the field where the body was. [REDACTED]

10. EXHIBIT <i>9</i>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>3</i> 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.

[REDACTED] Fouo
15310

[Redacted]

Fouo

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [Redacted] TAKEN AT Camp Taji DATED 25 November 05

9. STATEMENT (Continued)

Q- [Redacted]

A- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

EXC

EX 1

nothing follows

INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 2 OF 3 PAGES

[Redacted]

Fouo

[Redacted] Fouo

STATEMENT OF [Redacted] TAKEN AT Camp Taji DATED 25 Nov 05

9. STATEMENT (Continued)

[Large area with a large 'X' drawn through it. Handwritten text: "Nothing follows".]

Ex 6

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 25 day of November, 2005 at Camp Taji, Iraq

ORGANIZATION OR ADDRESS

[Redacted Signature] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name] (Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

[Redacted] Fouo



Fous

ExCe

Fous

JED Blast

M114

BERN

UNIMOG

10

FOUO

DEPARTMENT OF THE ARMY
2d Battalion, 70th Armor Regiment,
1st Armored Division
Camp Taji, Iraq

AFZN-BB-DH

05 December 2005

MEMORANDUM FOR Commander, 3rd Brigade Combat Team, 1st Armored
Division, Camp Taji, Iraq

SUBJECT: 15-6 Investigation of Possible Shooting of Local National by Estonian
Platoon on RTE Cannucks Exhibit 12: Translation of Key Information on Death
Certificate

NAME

EXC

1. The following information is hand-written in Arabic on the Death Certificate presented to [REDACTED] by the family of the victim.
 - a. Name of Deceased: [REDACTED]
 - b. Sex: Female *Ibtihad Talib Yaseen*
 - c. Nationality: Iraqi
 - d. Religion: Muslim
 - e. Occupation: No Employment
 - f. Age/Date of Birth: 13 Years
 - g. Place of Birth: Blank
 - h. Address: Blank
 - i. Date of Death: 12 November 2005
 - j. Name of Father: [REDACTED] *Talib Yaseen*
 - k. Name of Mother: [REDACTED] *Widad Mahmoud*
 - l. Name of Doctor Performing Autopsy and Examining the Body: [REDACTED]
 - m. Doctor's Specialty: Coroner/Medical Examiner
 - n. Date of Examination: 13 November 2005
 - o. Date of Form: 13 November 2005
 - p. Cause of Death: This line is left blank, however another line contains the words "Shooting/ Firing". I think the doctor or whoever filled out the form wrote in the wrong block.

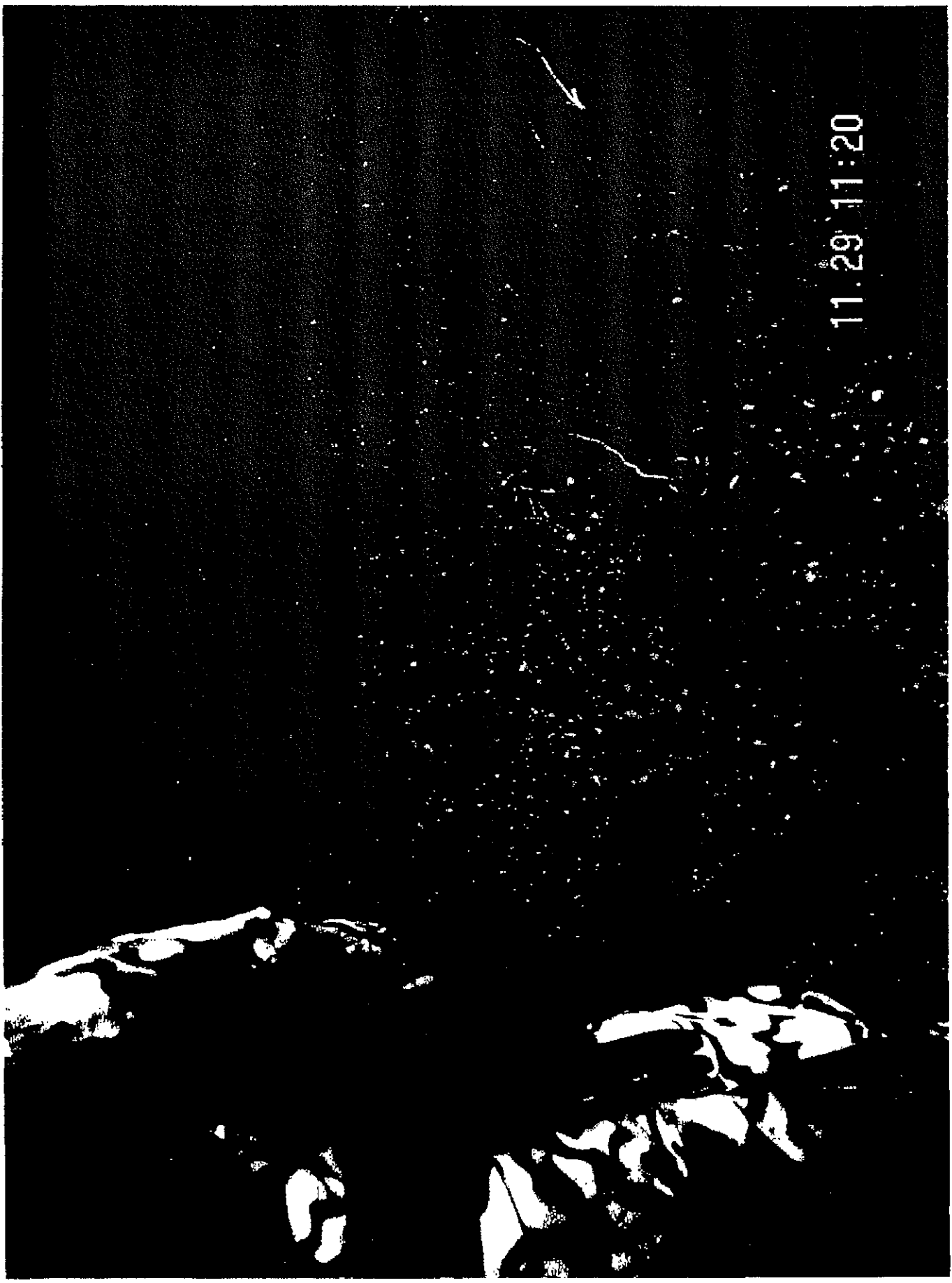
EXC

2. POC for this memorandum is the undersigned at 242-6536.

[REDACTED SIGNATURE]
[REDACTED]
CPT, AR
Investigating Officer

12

FOUO



11.29 11:20

FOUO



Favo



VIEW FROM IED SITE TOWARDS HOUSE

11.29.11:21

Favo



Foto

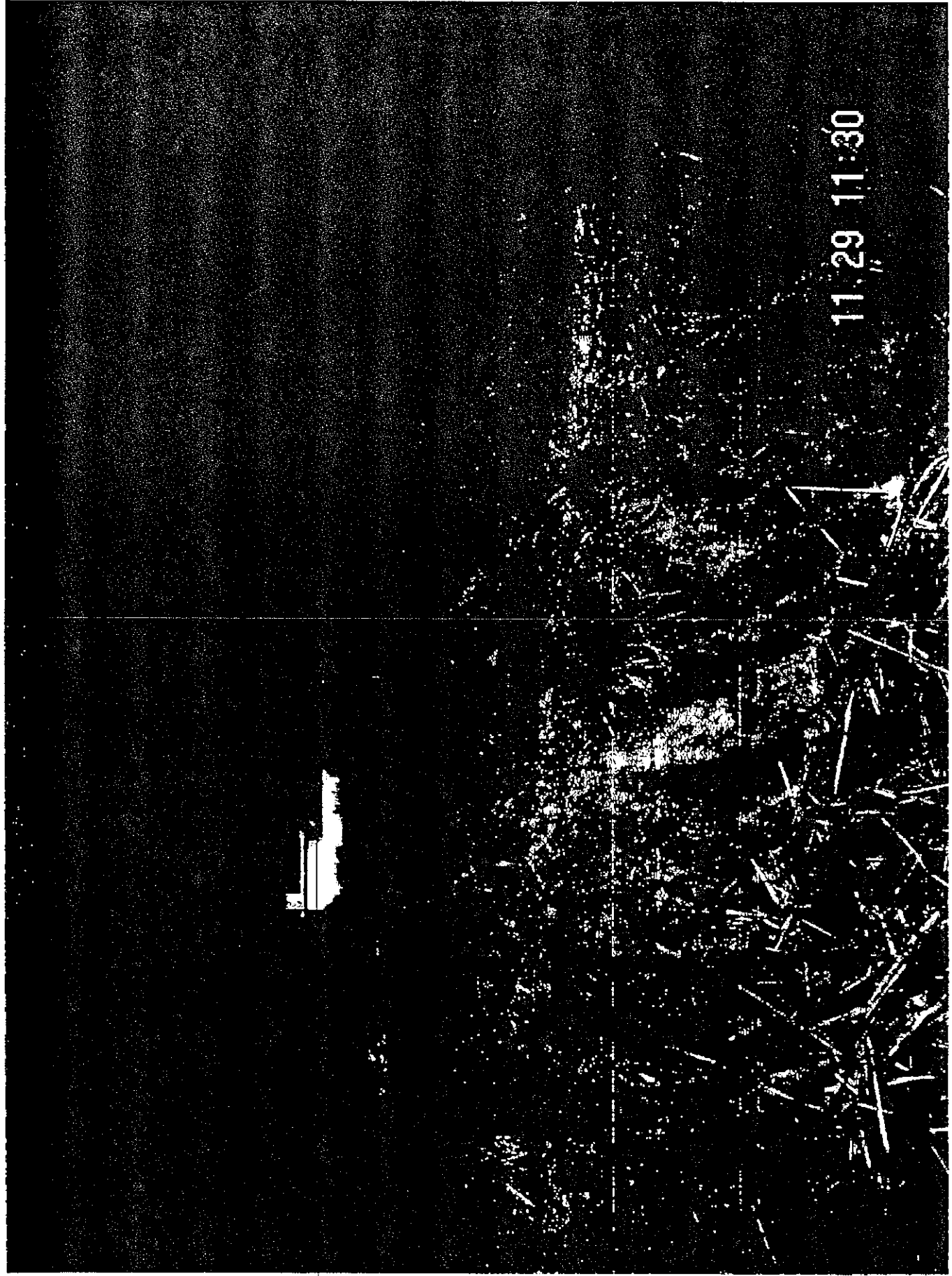


11.29 11:26

Foto



Foto



Foto

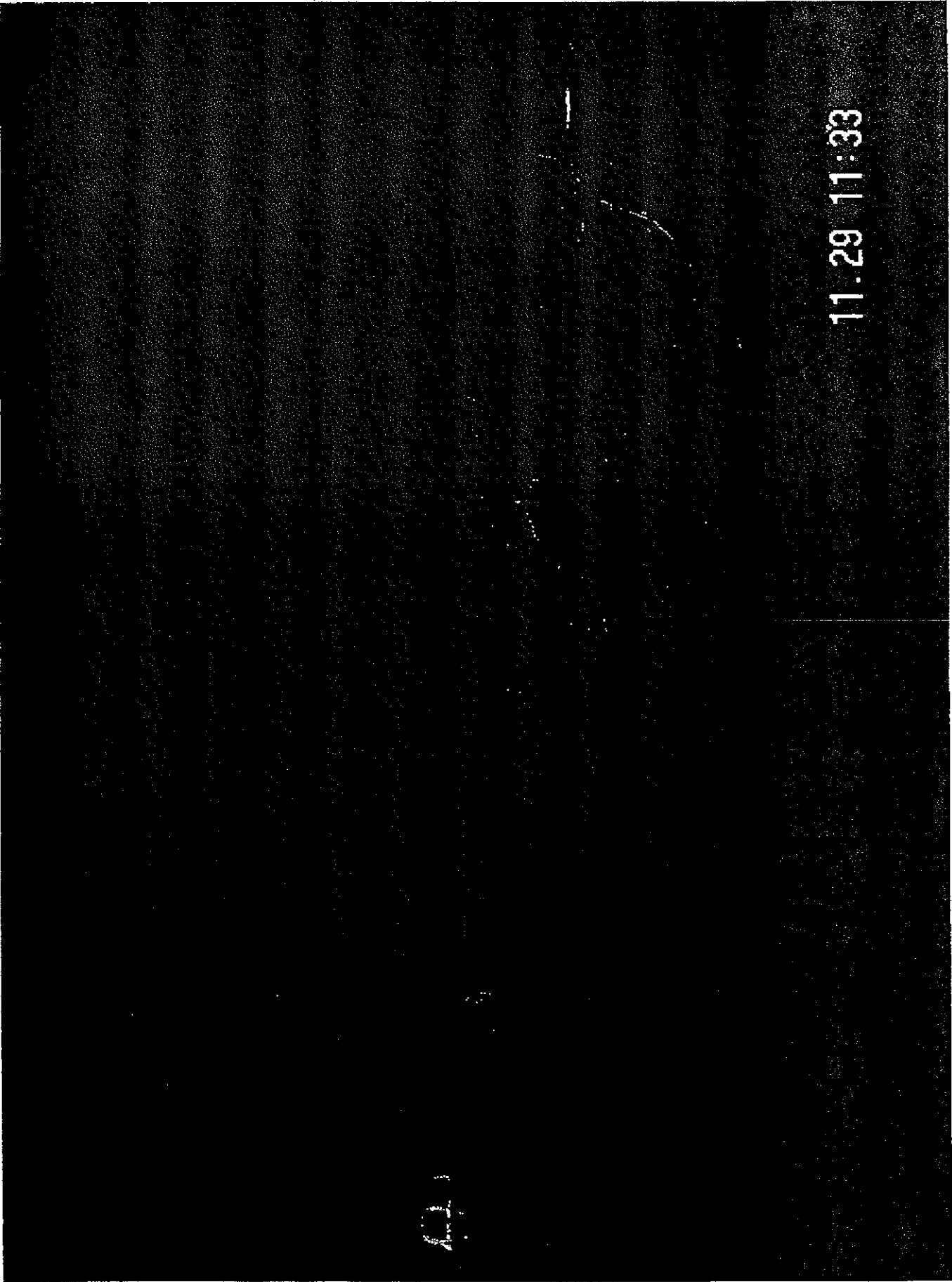


Foto



Foto

Foto



11.29 11:33

Foto



Foto

EXHIBIT 19

VIEW FROM FIELD TOWARDS ROAD

2D UNIMOG

BERM A

BERM B

M1114

11.29 11:37

Foto

Fou

2D VIEW FROM FIELD

1ST UNIMOG

2D UNIMOG

CUT DOWN TREES

DRIVEWAY

11.29 11:37

Fou



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

HEADQUARTERS, 2ND BATTALION, 70TH ARMOR
3D INFANTRY DIVISION
TAJI, IRAQ APO AE 09738

[Redacted] Fouo

Exhibit 21

AFZN-BB-DP

S: 25 NOV 2005
18 NOV 2005

MEMORANDUM FOR Commander, Headquarters and Headquarters Company, 2nd Battalion, 70th Armor, ATTN: CPT [Redacted] Taji, Iraq 09378

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an Investigating Officer pursuant to conduct a Commanders Inquiry, to investigate the circumstances surrounding the possible shooting of a local national by Stone 11 on 13NOV05.
2. In your investigation, all witness statements will be sworn and Privacy Act Statements taken. From the evidence, you will make specific findings into the circumstances behind the incident and the potential for criminal or administrative liability. You will also make recommendations for corrective action to prevent similar acts or incidents and for administrative and/or disciplinary action, if appropriate.
3. You may obtain advice and assistance from the Administrative Law Division, Office of the Staff Judge Advocate. Administrative support will be provided by CPT [Redacted] the Brigade Legal Office located at Taji, 242-6306.
4. Prior to interviewing any service member whom you suspect may have violated the UCMJ, you must provide an Article 31 rights warning. The Article 31 rights warning should be done using DA Form 3881. Please consult with your legal advisor for more information.
5. Coordinate and report to the Task Force Executive Officer upon receipt of this order for an initial briefing.
6. Submit your findings and recommendations, with continuation sheets, enclosures, and exhibits to the S1 Office upon completion. Point of contact for this memorandum is CPT [Redacted] at 242-6536.

ExCe

[Redacted signature block]

LTC, AR
Commanding

[Redacted] Fouo

[Redacted] Four

SUBJECT: AR 15-6, No: _____ (Possible Shooting of Local National by Estonian Platoon on RTE Cannucks)

After the patrols departed, CPT [Redacted] and others still in the vehicles observed Iraqi nationals leaving the house to the north and moving into the field. The group consisted of one or two males and an undetermined number of females, not more than ten. The soldiers also heard yelling and what sounded like crying. They watched the group move to the field and pick up something that was wrapped/dressed in white and looked like a body. The Iraqis left the scene and moved back towards the house carrying the object.

CPT [Redacted] ordered Sergeant First Class [Redacted] squad to move to the house and search it again. The squad did so and reported that they saw no evidence of a body at the house. Also, they did not observe any blood trail on the road leading to the house.

Ex C

During the next Estonian mission in the area on 19 November 2005, CPT [Redacted] stopped at the house again to talk to the occupants. They showed him documents written in Arabic. The interpreter read the papers and told CPT [Redacted] that the document was a death certificate relating to the death of a 13 year old Iraqi girl on 12 November 2005. The cause of death was shooting.

3. FACTS:

a) [Redacted]

Ex I

b) The Estonians sent out dismounted patrols to clear the area, search for trigger men, and set up their cordon in accordance with SOP.

- a. One dismounted patrol searched a nearby house and reported nothing out of the ordinary.
- b. None of the dismounted patrols identified any blood trail or evidence of a casualty.

c) A group of Iraqis left the house and moved into the field, picked up something wrapped in white that looked like a body, and carried it away towards the house. CPT [Redacted] thought it might be a body and subsequently dispatched a second patrol to the house. This patrol found no evidence of a body or blood either on the road to the house or in the house.

Ex C

d) Of his own accord, CPT [Redacted] returned to the house a week later to ask about the incident and conduct his own independent investigation.

- a. The occupants of the house produced a death certificate in Arabic. (Exhibit 11)
- b. CPT [Redacted] interpreter read the document.
 - The document identified the deceased as a 13 year old girl.
 - The time of death was 12 November 2005.

22-2

[Redacted] Four

Four

SUBJECT: AR 15-6, No: _____ (Possible Shooting of Local National by Estonian Platoon on RTE Cannucks)

- The cause of death was shooting.

e) The terrain at the site of the shooting prohibited the Estonians from seeing a person in the field prior to the shooting. The area where the "body" was found is depressed and bordered with weeds. Between the road and the field there exist a canal, a berm, a ditch, and a smaller berm. All of these terrain features obstruct the view of the field from the road, creating dead space. Additionally, trees and other vegetation, present at the time of the incident and visible from the imagery but since removed, blocked the view of the field from the trucks at the time of shooting (Exhibits 15-20).

4. FINDINGS:

a) [REDACTED]

Ex 1

b) CPT [REDACTED] suspected that his platoon had killed someone. He returned to the house seven days later on his own to find out for sure. On the day of the IED, he should have reported the possible killing to Thunder X-Ray and reacted more quickly to determine whether or not a body was actually present. If he had acted more quickly, his soldiers would have found the body before it was taken away and removed all doubt as to whether or not someone was killed by Coalition Forces.

Ex 6

c) There was a critical communication breakdown due to the existing language barrier between U.S. and Estonian forces. SSG [REDACTED] from the Scout Platoon, who was in the second Unimog, reported that before the group of Iraqis left the house, he observed the object lying in the field and identified it as a female body. He mentioned it to the Estonian gunner still in the Unimog and asked if he should go investigate it. The gunner responded that CPT [REDACTED] had instructed that the Americans remain in the trucks to provide cover and security for his dismounted patrols. I do not think the gunner actually understood what SSG [REDACTED] meant, only that he wanted to dismount the truck. SSG [REDACTED] also reported that after the Iraqis arrived at their house, he observed a pickup

22-3

Four

[Redacted] Fouo

SUBJECT: AR 15-6, No: _____ (Possible Shooting of Local National by Estonian Platoon on RTE Cannucks)

truck leave the area. If the body was put in the pickup and taken to the hospital, it would explain why there was no evidence of a body at the house when the second Estonian dismounted patrol arrived there.

d) The Estonians ride low in their trucks to decrease their chances of being hurt in the event of an IED blast. Riding low prevented them from being able to look down and see the person in the field. SSG [Redacted] didn't see the body in the field until he stood up in the bed of the truck. It is probable that while suppressing the area, someone aimed at the berm and unknowingly penetrated it, thereby killing the unseen girl who was hiding on the other side.

e) [Redacted]

Ex Co
Ex 1

5. RECOMMENDATIONS:

a) [Redacted]

Ex 1

b) TF 2-70 AR should make a condolence payment to the family of the victim.

[Redacted Signature]

CPT, AR
INVESTIGATING OFFICER

22-4

[Redacted] Fouo