



16545

Exhibit C

[REDACTED] Summary



DEPARTMENT OF THE ARMY
 BRAVO COMPANY
 TASK FORCE 2-121, 48TH BCT, 3ID
 APO AE 09372



REPLY TO
 ATTENTION OF

WPDBBO

9 July 2005

MEMORANDUM FOR SEE DISTRIBUTION

Subject: ██████████ Summary

1. **Purpose:** To ensure chain-of-command and members of Bravo Company are aware of all issues identified during ██████████
2. **Applicability:** This applies to chain-of-command and all members of the Bravo Company.
3. **Mission:** B CO / 2-121 IN Conducted a Cordon and Search on 6 July 05 along RTE ██████████ IOT Defeat Remaining AIF, Seize Caches, and gather information on AIF IOT provide a safe and secure environment for CF and the local populace.

Summary: The mission was a complete success. The unit's composition consisted of 197 pax and 37 vehicles (HQ section, 2ea mechanized platoons, 1 ½ motorized platoons, 1 scout platoon, 4ea DPED Dog Teams, 2ea CA Teams, 1ea PSYOPs Team, 1ea Combat Camera team, 1ea civilian reporter (██████████)).

The key to accomplishing our mission was our ability to surprise the enemy by entering the battlefield from 360° simultaneously and encircling his positions. We had 9 ██████████ establish around Objective ██████████, in order to deny anyone from leaving or entering the objective. We conducted time rehearsals to see how long it took to get from FOB ██████████ to the various positions leading up to the mission to ensure we could SP the various units at the right time to synchronize the blocking positions emplacement.

The first unit SP at 0800 and the last element SP at 0920. The various elements immediately stopped all traffic and built the ██████████ to establish the Outer Cordon approximately 500 – 750 meters outside the areas that were being searched. This is the first time that I felt we got into the enemy's decision cycle, because he tried to escape through several of our ██████████. The enemy quickly tested our perimeter on all sides to find if there were any gaps, and when he couldn't find one he tried to break through one of our southern ██████████ and was stopped and detained by the ██████████ guards. We had one vehicle at ██████████ that passed the sign informing him to stop for the Coalition Forces ██████████ ahead, but he wouldn't stop. The guard PFC ██████████ motioned for the driver to stop and he wouldn't. He then pointed his weapon at the driver and he still wouldn't stop, finally he fired a warning shot, but the driver wouldn't stop. After using the escalation of force rules he engaged the car with two rounds of ██████████ and killed the driver. The guards attempted to administer first aid, however the driver was already dead. The enemy had emplaced an IED on RTE ██████████, but my gunner (SSG ██████████) observed the trigger man in the chicken coop across the street with an AK47 and immediately engaged him with the ██████████ from our Bradley. We searched the area and had CAS (██████████) assist in the search, but didn't find anyone in the coop. The chicken coop was used as a trigger point against us three week ago, so we had the engineer unit bulldoze the Chicken Coop so it can't be used against us again. We established a command post in the government building on RTE ██████████ to control the battle.

Our two mechanized platoons, along with scouts and some additional dismounts prepared to assault across the objective with 1st platoon on the south side of RTE ██████████ and 2nd platoon on the north. The PSYOPS team led and gave the message to stay inside until CF arrived, which assisted in clearing the battlefield of personnel loitering. The platoons used their M20DS Bradleys to build the inner cordons, and dismounts to search the homes. Each platoon had 2ea DPED dog teams to assist in the search.

We searched approximately 150 buildings to include dwellings, businesses, canals, and the grounds. We asked everyone why they were there, how long they had lived their, where they worked, and since it



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was a rural area with mostly farmers we asked them numerous questions about farming to ensure they weren't lying.

The search resulted in the following; 4 x AK series weapons, 1 x SKS type weapon, approximately 15 magazines of 7.62mm ammunition, numerous 9mm rounds, wire, timers, disassembled electronics, batteries, and 5ea duffle bags of various other items associated with the construction of IEDs. In addition we seized close to 1,000,000 Iraqi Dinar from the detainees, with the bulk being found one two detainees, one with 644,000 Dinar and one with appx 115,000 Dinar. We also discovered several documents that are believed to be associated with IED construction. We initially took 20 Iraqi males into custody. 3 persons were released at the Govt Center and 17 were transported to [REDACTED]. We had one individual that tried to run our [REDACTED] and after utilizing the escalation of force the driver didn't stop, so the guard shot and killed the driver. We turned the body over to the Iraqi Police. After the searching was complete we had the CA teams to enter the area and conduct consequence management. The locals didn't seem to have a problem, and liked the security that our patrols brought to the area.

Upon completion of the mission we built TCPs on the western and eastern ends of RTE [REDACTED] to control the area that we've received numerous IEDs since our arrival. This has allowed us to take ownership of the area instead of the enemy.

Things to Improve:

- 1) Issue: For large operations like this we need to have MP elements with us to process the detainees. 17 detainees strained our searching efforts, which could have caused us to stop if we had taken many more.
- 2) Issue: Interpreters, our interpreters were allowed to go on leave the day before our mission without the chain-of-command having any knowledge. This caused me to not have an interpreter at the CP, and I less in the search team. The chain-of-command must have total control of the interpreters in order to ensure we have coverage at all times.

[REDACTED]
CPT, IN, USA
Commanding

Distribution:
LTC [REDACTED]
MAJ [REDACTED]
CSM [REDACTED]
Bravo Company

Exhibit D

IO Witness Questions

IO Witness Questions

Witness: ██████████
Date: 09 JUL 2005
Position: Gunner

Rank: SGT
Location: B Co TOC

Unit: A Co, 2-121 En Bn

1. Were you in a position to see the actions that PFC ██████ took when the shooting occurred?
Yes

2. What was your position when the incident occurred?
I was manning the 240 in B35.

3. How fast were the vehicles going when you first observed them?
The vehicle was going pretty fast, I'd say 45-50 mph.

4. What did SGT ██████ and PFC ██████ do when they saw the vehicle approach?
Both of them were dismounted. They were waving their hand in the air yelling "STOP!" When they got within 50 meters they brought their weapons up. Mann had a better shot from where he was.

5. Do you have anything that you want to add to your written statement submitted on 09 JUL 05?
No

Witness: ██████████
Date: 09 July 2005
Position: Truck Commander

Rank: SGT
Location: B Co TOC

Unit: A Co, 2-121 In Bn

1. Were there any warning shots fired as the two trucks approached the BP?
I had just called in the white car when the trucks came. SGT ██████ shot a few warning shots in front of the first one.

2. Did both vehicles stop?
No, the first one did and the back one swerved around and that is when ██████ engaged it.

3. Was there time for a warning shot?
No, I don't think so. The other truck knew what was going on before tried to pass the front one. We were yelling for him to stop and he did pay us any attention.

4. Do you have anything that you want to add to your written statement submitted on 09 JUL 05?
No

Exhibit E

Witness DA Forms 2823 (Sworn Statements)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 8 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) 3. TIME 4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9.

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

At the time of the incident I called for [redacted] to inform him that two vehicles was about to overrun our position which was [redacted] and that warning shots were fired. My Gunner (Sgt [redacted]) fire about 4 or 5 rounds at the last pickup truck the driver finally pulled

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

STATEMENT OF

TAKEN AT

1510

DATED

09 JULY 05

9. STATEMENT (Continued)

WHEN WE WERE SET IN POSITION. WE WERE MONITORING TRAFFIC FROM 11 TO 6 O'CLOCK POSITION. THE FIRST VEHICLE TO APPROACH THAT WAS ENGAGED WOULD NOT STOP EVEN AFTER SHOTS WERE FIRED. AFTER HIS BACK WINDOW WAS SHOT OUT HE FINALLY STOP, TURNED AROUND AND LEFT THE SCENE. THE SITUATION WAS BEING REPORTED. AS I WAS GIVING THE REPORT 2 P/M TRUCKS WAS APPROACHING OUR POSITION AT A HIGH RATE OF SPEED, I WOULD GUESS ABOUT 45 TO 50 MPH. WE PLACE WIRE AND 2 STOP SIGNS ON THE ROUTE THAT WAS BEING BLOCKED. AS THEY WERE GETTING CLOSER MYSELF AND PVT. [REDACTED] EXITED OUR VICTOR AND WAS WAVING FOR THEM TO TURN AROUND. AT THIS TIME PVT [REDACTED] FIRED A COUPLE OF WARNING SHOTS. THEN SGT. [REDACTED] FIRE A FEW SHOTS. THE FRONT VEHICLE SWERVED TO THE LEFT SIDE OF THE ROAD AND THE PERSONS INSIDE LAID DOWN IN THEIR SEAT. THE SECOND VEHICLE BYPASS THE FIRST ONE AND PRESSED THE GAS A LITTLE HARDER. PVT. [REDACTED] FIRED ONE SHOT AND THE DRIVER ~~[REDACTED]~~ STAMMED THE TRUCK

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

9. STATEMENT (Continued)

IN REVERSE AND PROCEEDED TO BACK UP. AT THIS TIME HE BACKED INTO A DITCH. WE CALLED TO [REDACTED] GAVE THE REPORT. AND WAITED FOR FURTHER INSTRUCTIONS. ABOUT 45 MINUTES TO AN HOUR MYSELF AND PRT [REDACTED] APPROACHED THE VEHICLE PRT. [REDACTED] CHECKED FOR A PULSE. CASUALTY WAS NOT BREATHING AND DID NOT HAVE A PULSE. WE WENT BACK TO OUR VICTOR CALLED IN THE SITUATION AND WAITED FOR SOME TO COME AND PICK UP THE BODY.

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.

[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 _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9. SGT. [redacted]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 7 July 2005 after setting up [redacted] we observed a white sedan heading our way at a high rate of. SGT [redacted] + Pvt [redacted] were dismounted after shouting & giving hand gestures the vehicle did not slow down Shots were fired one round impacted and broke the glass the vehicle stopped & the driver placed his hands up seeing that he was alright we gestured that he move out.

About 5-10 minutes later we observed another vehicle with 2-3 or three occupants with another vehicle (a truck) close behind the vehicles were approaching at a high rate of speed. SGT. [redacted] & private [redacted] were dismounted They again shouted and made a gesture that they stopped When they first vehicle did not shots were fired the second pulled almost parrallel to the first vehicle maintaining speed

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT 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.

STATEMENT OF SGT [REDACTED] TAKEN AT 1510 DATED 9 July 05

9. STATEMENT (Continued)

seeing this I fired my 240 in front of both vehicles about 100 m out from our position both vehicles stopped the first vehicle slammed on the breaks and came to a complete stop. the second vehicle with the single male occupant the guy who was shot slammed on the breaks and immediately backed about 100-150 m away from our position. The incident was called up to higher.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

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 OF PAGES

Exhibit F

IO Questions for Alleged Shooter

Exhibit G

Offender DA Form 2823 (Sworn Statement)

IO Questions for Offender

1. You said the truck was approaching at a high rate of speed. How fast was it going when you first noticed it and how far away was it at that point?
It was probably about 100-150 meters away and going 45-50 mph. We had just finished dealing with the car and then they started coming.
2. What were you doing as they approached?
I had my weapon at the low ready and was waving my hand like this. We both were. The truck kept coming so we brought up our weapons and it still kept coming. So then we fired at it.
3. When did you actually engage the truck? How far away was it?
It was only about 50 meters away. I aimed at it when it started to come around the other truck. Once it got here (pointed at sketch) I fired.
4. Did you fire warning shots?
We fired warning shots at the car that came up first, then we shot at it. When the trucks came up we fired in front of them. That's why the first one stopped. The back one just came around him toward us.
5. What was his speed as it came around the other truck?
It seemed like he sped up around the truck. So we shot at him. The commander said we didn't need to fire warning shots and to not let them break through. Once I shot at him, he threw the truck in reverse and ended up in the ditch.
6. Did anyone search the body or the vehicle?
No, not before I left. We went and checked him out but he was dead. Then Top came and picked up the body and left. I think second or fourth squad searched the truck.
7. Do you know what happened to the truck?
It was still there when we left. I don't know.
8. How many shots did you fire?
28 I think.
9. Were you the only one that fired on that vehicle?
I think so, but I wasn't paying attention to the others. They had fired warning shot.
10. Was he going to make it into the [REDACTED] if you didn't fire on the truck?
Yeah, I think he increased speed until he slammed on the brakes to go in reverse.
11. Did he go in reverse before or after you fired at the vehicle?
He was speeding up until I fired at him and then he put it in reverse.
12. Would you like to add or change anything on the DA Form 2823 you provided?
No.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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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 (YYMMDD) 7/6/05	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS PFC/E-3	
8. ORGANIZATION OR ADDRESS B Co 2/121			

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

While on [REDACTED] on July 6 2005 my vehicle was pulling a [REDACTED]. There were only three of us in that vehicle ~~that~~ we had just put up our white cones and stop signs when we encountered our first vehicle it was a white car one passenger we shot one warning shot car stopped and went home, we called up the car and warning shot, that is when Capt [REDACTED] told us we do not fire warning shots, and we were to annihilate any vehicle trying to break through our [REDACTED] not 5 min. had passed when the white truck approached at about 100 meters. we put our hands out and was yelling for ~~it~~ to stop the truck continued moving forward at about 75 meters we ~~the~~ raised our weapons the truck continued to move forward, at about 50 meters I started firing upon the vehicle at that time he started to speed up. I then changed my aim to the driver side window and continued to fire with the vehicle ~~behind~~ behind him. The truck in reverse and almost ~~collided~~ collided I still fired the truck hit a ditch and I stopped firing.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 13 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____

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STATEMENT OF PFC [REDACTED] TAKEN AT 14:45 DATED 9/7/05

9. STATEMENT (Continued)

my TC Sgt [REDACTED] called higher and reported the incident we waited for about 3 min. Then we were told to go examine the truck we did I took my C/S Bag just in case he was wounded when we reached the truck I saw the body I was careful when I checked for breathing and a pulse I then came to the conclusion the driver was dead after about 30 min. after checking the truck Sgt [REDACTED] and his con leg showed up to take the body.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

1. PFC _____, 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 _____

(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 3 OF 3 PAGES

Exhibit H

DA Form 1574 (Report Proceedings By Investigating Officer)

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-2; the proponent agency is CJTAG.

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

SECTION I - APPOINTMENT

Appointed by B6 [REDACTED]
(Appointing authority)

on 08 JUL 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 (Investigating) board commenced at Camp [REDACTED], Iraq at 1830
(Place) (Time)

on 08 JUL 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.)

N/A

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/bearing evidence at 1630 on 10 JUL 05
(Time) (Date)
and completed findings and recommendations at 1500 on 11 JUL 05
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO	NA ²
1. Inclosures (para 3-15, AR 15-6)			
Are the following included and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?			
b. Copy of notice to respondent, if any? (See item 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 in an attached sheet.
² Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO	NA ²
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			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 NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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


- Finding pertaining to the site of the incident and the location of individual soldiers at [REDACTED] can be found in Exhibit I, Sketch of [REDACTED] (attached)
- Specific findings of the actions of PFC [REDACTED] on the morning of 06 JUL 05 can be found in Exhibit J, IO Findings Summary (attached)

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

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

- Recommendation can be found in Exhibit K, IO Recommendation Summary (attached)

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)	
(Member)	(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)
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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.)



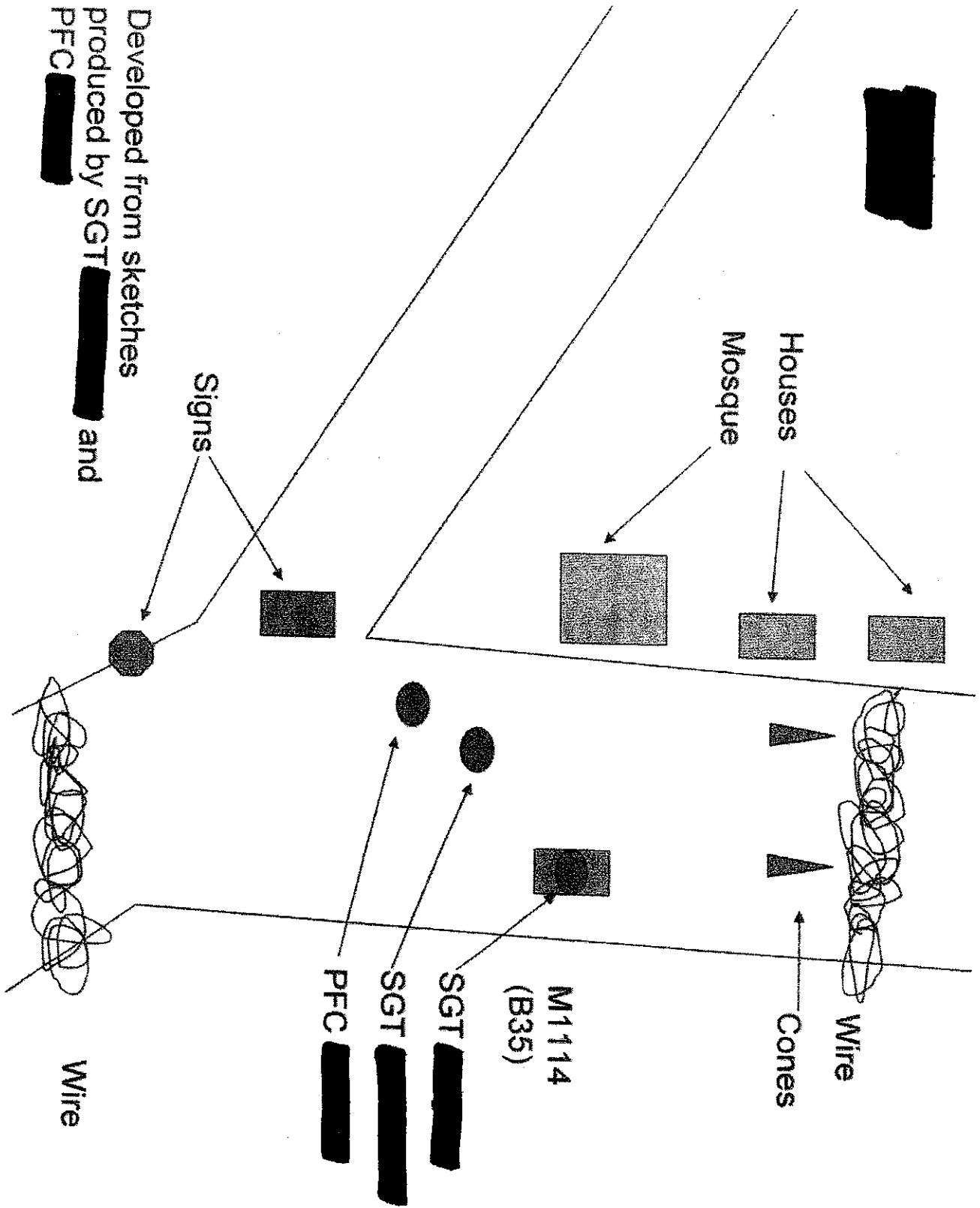

 R
 BG, LINE, USA
 Commanding

Exhibit I

Sketch of



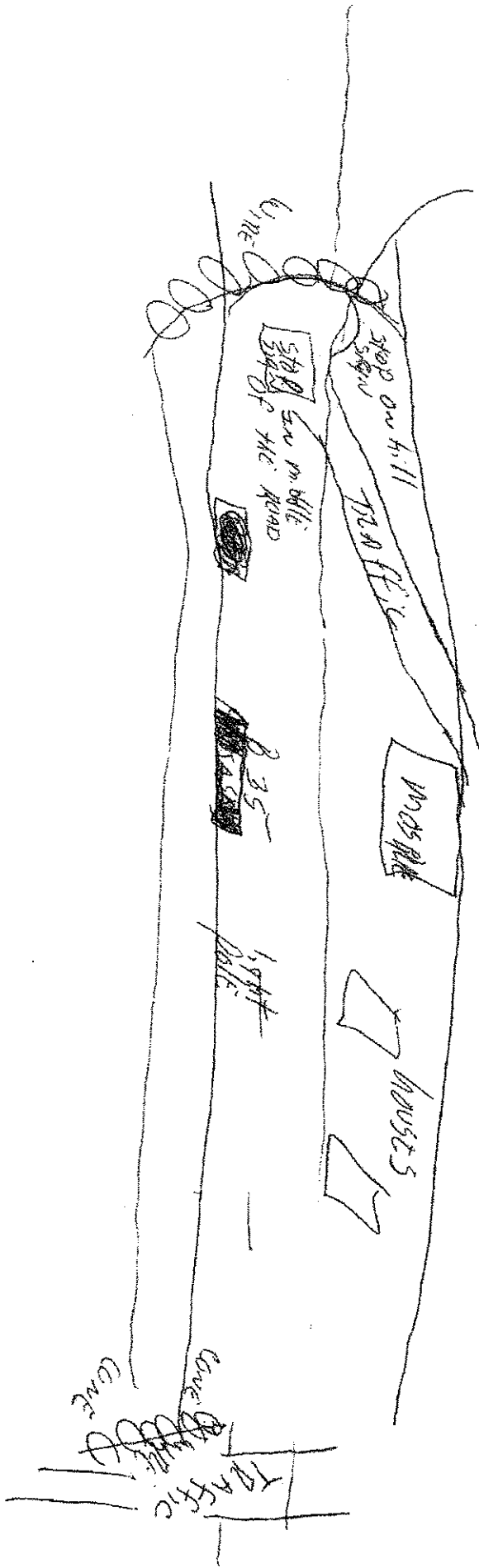


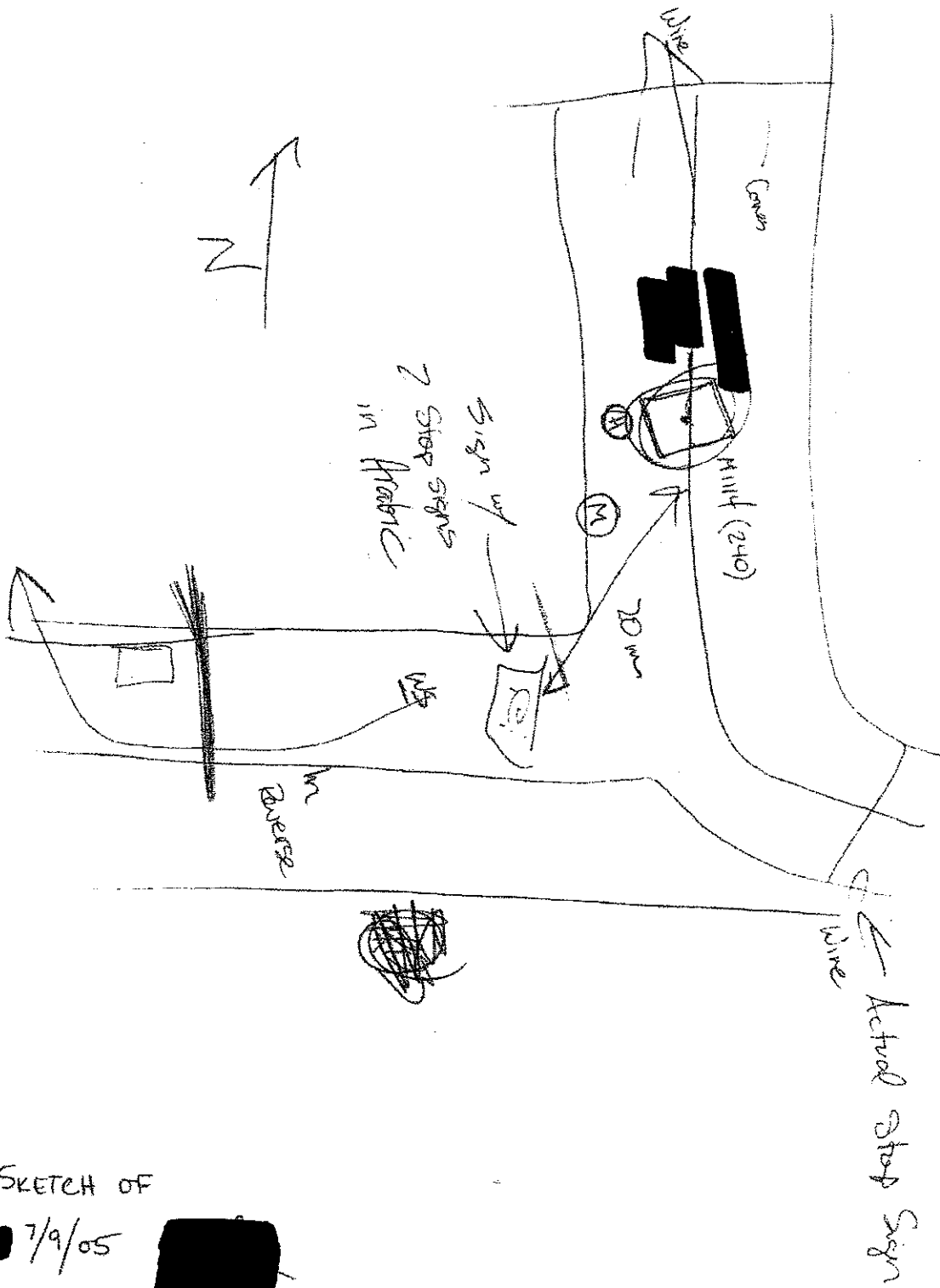
Developed from sketches
 produced by SGT [redacted] and
 PFC [redacted]

ORIGINAL SKETCH OF

SGT

7/9/05





ORIGINAL SKETCH OF

PFC [REDACTED] 7/9/05 [REDACTED]

Exhibit J
IO Findings Summary

IO Findings Summary

In our current situation, the enemy is difficult to distinguish from the civilian population. In many cases soldiers have only a split second to determine their course of action. Their decisions, if wrong could lead to catastrophic consequences. Decisions are made everyday and people are killed. We establish rules of engagement in order to prevent undue loss of life (a soldier's or a civilian's); however, their implementation is never going to be perfect.

██████████ and ██████████ are established everyday in this sector and many are never tested. In this case, from its establishment, ██████████ was tested repeatedly for the first hour of its existence. According to the ██████████ Summary of CPT ██████████ "The enemy quickly tested our perimeter on all sides". In this climate it becomes easier to understand the actions of the three soldiers that manned ██████████. Within the first hour, SGT ██████████, SGT ██████████ and PFC ██████████ had fired towards three different vehicles.

The traffic approaching from the inside of the cordon did so at a high rate of speed; however that is not necessarily abnormal for civilian traffic in Iraq. This allowed the soldiers of ██████████ very little time to make a decision. Part of this may have been due to the location and configuration of the ██████████.

The only heavy weapon on site was a ██████████ mounted atop the only vehicle at the site, a M1114 HMMWV. According to the testimony of SGT ██████████ and the sketch he produced of the ██████████ the M1114 was not parked in plain view of approaching traffic. The vehicle was situated behind a mosque in an overwatch position of the intersection. There was neither a visible signature present nor a significant deterrence for oncoming traffic.

There are varying accounts as to the position of the signs that announced the presence of ██████████ at that specific intersection. The soldiers at the scene reported they had two sign that instructed traffic to stop. The traffic coming from the inside of the cordon had a large sign with two red octagons (stop signs) on it placed in middle of the road less than 50 meters from their position. The other stop sign (traditional stop sign) was placed in the corner of the intersection on a small hill. All three vehicles were engaged prior to this sign because of their rapidity of approach.

As first vehicle approached the blocking point, a white four door sedan, SGT ██████████ and PFC ██████████ dismounted their vehicle and motioned by waving their left hand in the air side to side while their right arm was holding their weapon at the low ready. Both soldiers were yelling "STOP" before bringing their weapons to bear on the approaching vehicle. The vehicle did stop after being fired upon (breaking a window out). The driver stopped the car and raised his hands. SGT ██████████ and PFC ██████████ made hand gestures for the vehicle to turn around. The vehicle then turned around and left.

Approximately 10-15 minutes later, two white pick-up trucks approached the BP; again at a high rate of speed (50 mph). The vehicles were first seen at one hundred to one hundred and twenty meters out from the blocking point. The vehicles were traveling one in front of the other. Again SGT ██████████ and PFC ██████████ were making hand gestures and yelling for the vehicles to stop. At

approximately 50 meters from the BP, SGT [REDACTED] fired two to four shots directly in front of the vehicle with a M240 and PFC [REDACTED] fired at the front of the vehicle with his M4.

The front vehicle moved to the left, stopped and the occupants laid down inside. The second vehicle continued on to pass the first to the right. As the second vehicle passed the first, it was engaged with aimed shots toward the driver by PFC [REDACTED]. The driver then put the truck in reverse and attempted to back-up as PFC [REDACTED] continued to engage until the vehicle was back behind the first vehicle. PFC [REDACTED] reported firing 28 shots at the vehicle. The driver was struck and the truck entered a ditch in reverse on the left side of the road behind the first vehicle to approach the [REDACTED].

The incident was immediately reported higher ([REDACTED], CPT [REDACTED]) by SGT [REDACTED]. The first vehicle departed in the same direction from which it came. The three soldiers awaited further instruction while maintaining their position at the blocking point. They were then told to approach the pick-up truck in the ditch to see if the driver was wounded. Somewhere between half an hour and 45 minutes passed before they approached the vehicle. SGT [REDACTED] and PFC [REDACTED] (with his CLS bag) approached the vehicle. The drivers breathing and pulse were checked and he was determined to be dead at that point. Due to the lack of personnel available on site, they did not search the body or the vehicle and returned to their position at the blocking point.

ISG [REDACTED] then arrived and picked up the body in his vehicle and eventually dropped it at [REDACTED] with A CO/2-121. Whether or not the vehicle or body was searched is unclear. The Debriefing notes report the vehicle was searched with no contraband found but who exactly searched the vehicle is still in question. No reports have been made available to this point of any specific findings of a search. The driver did have identification on his person, as is seen in the picture of the body taken by a member of B CO/2-121 IN. The disposition of the truck is not known by the soldiers who manned [REDACTED], ISG [REDACTED], CPT [REDACTED], MAJ [REDACTED] or LTC [REDACTED].

The body was eventually brought back to Camp [REDACTED] by SFC [REDACTED] where it was given to the father. CPT [REDACTED] reports, and LTC [REDACTED] concurs, that the father did not appear distraught or even surprised at the result of his son's actions.

The various reports of the incident: 48th BCT CIR (LTC [REDACTED], 07 JULY 05 Debrief Roll-up (2-121 IN TOC), and [REDACTED] Summary (CPT [REDACTED]), have various accounts of the incident. There is neither an official internal (2-121 IN) report of the action, nor an Iraqi police report of the incident to the knowledge of those I spoke to. This lack of documentation led me to base my recommendation almost totally on the eye witness statements of the three soldiers who manned [REDACTED].

Exhibit K
IO Recommendation Summary

IO Recommendations Summary

Based upon my findings, it is my belief that the soldiers of [REDACTED] acted within the rules of engagement considering their position and the circumstances surrounding the incident. All three soldiers, including the shooter PFC [REDACTED], followed the procedure for an escalation of force from their specific vantage points. However, the circumstances were determined by the manner in which they established their [REDACTED] and the guidance received from higher.

There was not a warning shot fired at the vehicle in which the driver was killed. This was due only to the proximity of this vehicle to the truck in front of it and the decision of that driver to pass the truck in front of it at a high rate of speed within 75 meters of the blocking point perimeter. Therefore, I see PFC [REDACTED] decision to engage the driver of that vehicle with deadly force to be reasonable. PFC [REDACTED] appears to have ceased fire as the vehicle reversed its direction without undue engagement of the other vehicle which had stopped.

Again based on my findings and the documentation produced, I furthermore believe the situation was not reported accurately nor the aftermath responded to appropriately. The initial CIR sent to brigade had the civilian who was shot driving a four door white sedan. According to the soldiers at [REDACTED] the civilian that was shot and killed was driving a white pick-up truck, possibly an old Toyota type model. The [REDACTED] Summary had the vehicle "passing" a sign that informed him to stop. According to the soldiers at [REDACTED] the only signs were at the intersection of the [REDACTED] and no vehicle made it past the sign - all three vehicles mentioned were engaged prior to reaching the sign. There was not an official incident report, dealing specifically with the death of the civilian, produced by the unit (B CO or 2-121 IN BN) to help clarify actions taken at [REDACTED]

My recommendation is that the individuals involved in this incident and the unit as a whole receive additional training as to the establishment of a [REDACTED] or [REDACTED] as the configuration of this [REDACTED] may have contributed to the incident. If the M1114 was not in plain view of the oncoming traffic (possibly due to the positioning of it behind the mosque) and there were not signs that announced the [REDACTED] ahead (only one that was placed at the intersection), it is possible that the vehicle in question did not observe the military presence at the intersection until it passed the vehicle in front of it (at which point it was engaged).

Additional signs should be available so that traffic has advanced warning on its approach to a military [REDACTED]. Additional personnel at the blocking point would have also allowed them to follow up on the shooting with a quicker medical response and an immediate search of the person and vehicle. With only three soldiers at the [REDACTED], they did not have the security necessary to approach the vehicle and take any significant amount of time to perform a search.

Actions following an engagement need improvement as well. There were no body bags available and there was not a predetermined point to take civilian casualties. There needs to be an established procedure for disposition of civilian remains that does not violate the sensitivities of the Iraqi population.

Iraqi Police reports should be obtained in all instances where they become involved in our activities. The absence of a police report in this instance allows for our soldiers to be perceived in a negative light as they attempted to relinquish custody of the remains. Based on my findings, I do not believe that the remains were in any way intentionally desecrated; however, necessity required the body to be wrapped in a shower curtain and left at a manned [REDACTED] for an extended period of time.

The disposition of the vehicle is another shortcoming apparent in this incident. To my knowledge no documentation was produced pertaining to the vehicle in question. I was unable to obtain any information on the vehicle itself or anything found in the vehicle when it was searched. Not having any information on who specifically searched the vehicle, pictures of the vehicle following the incident or knowledge of the vehicles current location or disposition leaves this investigation relying totally on the eye witness accounts of the three soldiers at the scene.

Because of the lack of official documentation, attaching specific soldiers to specific tasks, I recommend that policies and procedures for reporting incidents (specifically those which have the potential for American soldiers to be viewed negatively by the civilian population) be reviewed and reinforced among the units in the field. Initial reporting may require follow-up clarification due to the rapidity in which events occur on the battlefield.

The availability of digital cameras on the battlefield is unquestioned as is proof by the photographs taken of the body. I recommend that pictures be required of locations and vehicles that are involved in reportable incidents be taken by those within the unit assigned to report on events which occur on the battlefield. Positions are changed on a daily basis, with hasty checkpoints being established and removed. Photographs would allow leaders to conduct AARs on events within this changing environment. Photographs would also provide an invaluable tool with which soldier's actions could be evaluated and easily exonerate them of any wrong doing or questionable actions.

In conclusion, I find no fault among the soldiers at [REDACTED] for their actions which followed the proper escalation of force. They three soldiers at [REDACTED], including PFC [REDACTED], had only a split second to determine a course of action. However, reporting of such high profile and potentially sensitive incidents needs to be improved so that the actions of American soldiers can be quickly and effectively defended.