**SECTION VI - AUTHENTICATION** *(para 3-17, AR 15-6)*

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. *(If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)*

(b)(3)(b)(6)

*(Recorder)*

*(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)*

APPROVAL

**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.)*~~

I ratify the appointment of the investigating officer, MAJ (b)(3)(b)(6)

I approve the "Facts" and "Findings."

Recommendation 4a (b)(2)High is (approved) (~~disapproved~~) (~~remanded to the BCT~~ Cdr).

Recommendation 4b (b)(2)High is (approved) (~~disapproved~~) (~~remanded to the BCT~~ Cdr).

Recommendation 4c (b)(2)High is (approved) (~~disapproved~~) (~~remanded to the BCT~~ Cdr).

Recommendation 4d (b)(2)High is (approved) (~~disapproved~~) (~~remanded to the BCT~~ Cdr).

Recommendation 4g (condolence payments for victim's NOK) is (approved) (~~disapproved~~) (~~remanded to the BCT Cdr~~).

With respect to (b)(2)High, (b)(3)(b)(6) (b)(3)(b)(6) : (~~withhold jurisdiction~~) (remand jurisdiction to the BCT Cdr).

I remand the matter to the BCT Cdr for appropriate action, including possible disciplinary action against other Soldiers involved in this incident.

(b)(3)(b)(6)

30 JUN 2007

JOSEPH F. FIL, JR.
Major General, USA
Commanding

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st BRIGADE COMBAT TEAM
1ST CAVALRY DIVISION
CAMP TAJI, IRAQ
APO AE 09378

AFVA-1BDE-CDR

5 June 2007

MEMORANDUM FOR Commander, 1st Brigade Combat Team, Camp Taji, Iraq APO AE 09378

SUBJECT: AR 15-6 Investigation Concerning the Escalation of Force at CP 57A of a suspected VBIED

1. On 5 June 2007, I was appointed as the AR 15-6 Investigating Officer (IO) for the EOF that resulted in the death of one local national on 3 June 2007. I have conducted a thorough investigation of the circumstances surrounding this accident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. FACTS.

The following is a report on the incident that occurred on 3 June 2007. These are the facts in accordance with the patrol trip ticket, briefs, sworn statements, and interviews conducted 6 - 9 June 2007. I have attached exhibits to support the facts, findings, and recommendations.

a. At 030755JUN07, A Company, 115th BSB reported Escalation of Force IVO (b)(2)High (b)(2)High. Prior to leaving the FOB, the patrol received a brief from the Battalion S2 who covered enemy activity in the past 24-48 hours (b)(2)High

(b)(2)High (b)(2)High

(b)(2)High During the movement, the patrol (b)(2)High convoy encountered a suspected vehicle approaching toward their direction and performed EOF measures on the approaching vehicle. The QRF was traveling south in the Northbound lane on (b)(2)High due to the HET not being able to pass thru the IA TCP vicinity (b)(2)High The LN van was traveling North on the Northbound land on route (b)(2)High in the middle of the road. **(See Exhibit 2 – 030755 JUN 07 Event EOF, Exhibit 10a-b)**

b. As the patrol continued traveling on the Northbound lane going south, the lead vehicle observed a group of oncoming vehicles pulling over to the shoulder immediately in order to allow the US convoy to pass. One grey van (the suspected VBIED) within the group of vehicles did not pull over and continued traveling toward the convoy. The lead vehicle crew (SGT (b)(3)(b)(6) SGT (b)(3)(b)(6) and SPC (b)(3)(b)(6) immediately assessed the vehicle to be a possible threat. SGT (b)(3)(b)(6) (driver) repeatedly flashed his headlights, honked his horn to signal the vehicle to pull over. The gunner (SPC (b)(3)(b)(6) waved his arms when the van was approximately (b)(2)High from the convoy. The lead vehicle made every attempt to halt the oncoming vehicle but the van did not comply. **(See Exhibit 2, Sworn Statement 1, 2, 2a, 3, 3a, Exhibit 10a-b)**

c. The TC (SGT (b)(3)(b)(6) and Driver (SGT (b)(3)(b)(6) of the vehicle gave the order for the gunner (SPC (b)(3)(b)(6) to shoot warning shots in front of the vehicle (vicinity of the threat IAW MNC-I Policy Letter #15 – Reducing Escalation of Force (EOF) incidents [EOF card]) with (b)(2)High Even after warning shots were fired, the LN vehicle continued forward. SGT (b)(3)(b)(6) gave the order to fire shots into the front hood of the vehicle in order to disable the truck. At approximately 2) meters, the lead vehicle gunner (SPC (b)(3)(b)(6) fired (b)(2)High into the front hood of the vehicle. In the course of disabling the van,

the front passenger tire blew on the van causing the van to swerve to the side of the road and stop. SGT (b)(3), b(6) then sent the report to the convoy commander after the vehicle was disabled. His attempts in contacting the 2LT (b)(3)(b)(6) were unsuccessful and tried calling the assistant convoy commander, SFC (b)(3)(b)(6) SFC (b)(3)(b)(6) only heard a call on the radio stating there was a "possible VBIED, shots fired". He did not know whether warning shots were fired or shots were fired on the vehicle. At the time of receiving the call on the radio, SFC (b)(3)(b)(6) truck drove past the disabled van and observed approximately 20 people gathered around the accident. He also claimed a few local nationals attempted to stop his convoy by running toward his truck. At this time, SFC (b)(3)(b)(6) saw this as a possible threat and proceeded. **(See Exhibit 2, 10a-b, Sworn Statement 1, 2, 2a, 3, 3a)**

d. After the engagement, the lead vehicle continued forward and did not stop and to assess the situation once the van was disabled. The convoy commander (2LT (b)(3)(b)(6) was not aware of the current situation and the VBIED threat. She and her crew did not see the incident occur. She did notice a disabled vehicle on the side of the road after her vehicle had past but did not further investigate or develop the situation from the lead truck. SFC (b)(3)(b)(6), the assistant convoy commander, did not have a full understanding of the situation and assumed the vehicle was run off the road. The Battalion TOC operator, SSG (b)(3)(b)(6) only heard "possible VBIED, shots fired" on the radio and moments later, he heard the QRF was continuing mission. Subsequent to this incident, SSG (b)(3)(b)( left because he was off-duty. No updates came over the net by the convoy commander or assistant convoy commander after the incident. After arriving on their objective at (b)(2)High (1-37 FA destroyed (b)(2)High site), 2LT (b)(3)(b)(6) and SFC (b)(3)(b)(6) approached SGT (b)(3)(b)( to get the full story of the incident that occurred on (b)(2)High At this time, SGT (b)(3)(b)( explained the incident and his actions to mitigate the VBIED threat. **(See Exhibit 2, Sworn Statement 10-13)**

e. Local Nationals on the scene attempted to halt the convoy after they assessed the disabled van and condition of the occupants. SFC (b)(3)(b)(6) and his crew observed this from his vehicle. As mentioned previously, his crew was unaware of the events that occurred and assumed the van was disabled. The Convoy Commander and Assistant Convoy Commander did not fully understand the situation with respect to the limited report voiced by SGT (b)(3)(b)( They were still unaware of the EOF measures or actions taken at the time of the incident. The lead vehicle failed to properly report the situation and wait for a response from their leadership. **(See Exhibit 2, Sworn Statement 5-13)**

f. 2-9 IA reported that a U.S. convoy shot at a minibus vi (b)(2)High This report was sent to the 2/9 IA HQ and MiTT. The 2-9 IA's that reported the incident were located at (b)(2)High An ambulance was dispatched and delivered a wounded LN male with a gun shot wound to the chest to the Taji Clinic. The injured local national was traveling with another male and two females from (b)(2)High (b)(2)High They arrived at the clinic at approximately 0830hrs. The local national died of wounds at approximately 0850hrs at the clinic. Cause of death is assumed to be from the gunshot to the chest. There is no report of an autopsy. This report was generated by 1LT (b)(3), b(6) the battle captain for 2/9 MiTT, and sent to the 115BSB S3. **(See Exhibit 2,4,7a)**

3. FINDINGS.

The findings below are in response to the appointment memorandum for this investigation and in accordance with the facts stated above. Each finding is supported by an exhibit or sworn statement found in the report.

a. I find that the composition of the affected patrol (patrol departing 030755JUN2007 enroute to (b)(2)High had a total of (2)H vehicles ( (b)(2)High ). (b)(2)High U.S.

military members. (b)(2)High

(b)(2)High **(See patrol trip ticket Exhibit #5, 5a and Story Board Exhibit 3).**

b. I find the patrol had a clear task and purpose which was briefed to all patrol members by the patrol leader, 2LT (b)(3)(b)(6) and Battalion S2. The patrols task was to (b)(2)High (b)(2)High vicinity (b)(2)High (b)(2)High (b)(2)High to Camp Taji **(See Exhibit 1, Sworn Statement 12).**

c. I find the enemy threat in the area to be low as briefed by the Battalion S2. There was not a suspected VBIED threat on (b)(2)High The members of the involved patrol believed the primary threat were IED's emplaced along the routes and culverts (b)(2)High (b)(2)High **(See Exhibit 1, Exhibit 6 – SFC (b)(3)(b)(6) received convoy brief to include threat summary, Sworn Statement 12)**

d. I find the gunner saw a grey van approaching the convoy at a high rate of speed after repeatedly trying to halt the approaching vehicle through the use of (b)(2)High (b)(2)High signals to wave the vehicle to pull over. The vehicle failed to obey these signals which led SPC (b)(3)(b)(6) to employ his direct fire weapon. There were multiple vehicles that pulled to the side of the road as the convoy was traveling south in the Northbound lane. This van continued toward the convoy even after non-lethal attempts (b)(2)High were made to stop the vehicle. **(See Exhibit 2, Sworn Statement 1-3)**

f. I find the local national suffered a fatal gunshot wound to the chest. I find the time passed from the incident until the local national expired was approximately 40 minutes. I find the possibility or likelihood of the local national surviving the wounds if the patrol would have stopped to render aid was very unlikely. It is determined the local national died at the clinic. The casualty was evacuated to the (b)(2)Low Clinic evidently by an ambulance dispatch by 2-9 IA soldiers where he was pronounced dead at 0840hrs. The incident occurred on or about 0800hrs. **(See Exhibit 2, 4, 7)**

g. The extent of damages to the local national's vehicle is ~~undermined~~ undetermined. The whereabouts of the vehicle or the victims NOK is unknown. It is known the van had several bullet holes in the hood as described by SPC (b)(3)(b)(6). It is known the van had a flat tire as described by SFC (b)(3)(b)(6) and SPC (b)(3)(b)(6) The convoy did not stop after the engagement to assess the damages of the vehicle and personnel which is a violation of MNC-I Policy Letter #15 – Reducing Escalation of Force (EOF) Incidents. **(See Exhibit 2, 10 and Sworn Statements 1-11)**

h. I find the soldiers involved complied with the current EOF procedures in accordance with (b)(2)High (b)(2)High The convoy was approximately (b)(2)High away when they notice the approaching vehicle. As the vehicle continued to approach, the lead vehicle flashed their lights and honked their horn. At approximately (b)(2)High SGT (b)(3)(b)(6) gave the order to fire warning shots in front of the vehicle. Once the vehicle failed to respond to the warning shots, the SGT (b)(3)(b)(6) gave SPC (b)(3)(b)(6) the order to fire shots into the hood of the vehicle only. The lead gun truck crew of the convoy used proper measures of Escalation of Force. The gunner attempted to shoot the vehicle in the engine block and tires in order to disable it without any intention to engage the driver. Consequently, the driver was killed by the engagement. **(See Exhibit 9, Sworn Statement 1-3)**

i. I find that the convoy failed to stop and assist the disabled vehicle and cordon the area after the suspected VBIED was neutralized. The lead gun truck commander (SGT (b)(3)(b)(6)) did not articulate clearly over the radio the situations that occurred until after the engagement. The convoy commander

(2LT (b)(3)(b)(6) did not have communications (FM) with the lead vehicle at the time of the incident. As a result, the convoy continued past the damaged vehicle suspecting nothing significant happened. The assistant convoy commander (SFC(b)(3)(b)(6) only heard via radio there was a "possible VBIED and shots were fired". At this time during this transmission, the assistant convoy commander's vehicle continued past the disabled vehicle; thinking the vehicle was run off the road. They noticed a large crowd forming and a few men attempting to stop the convoy. There were not signs of a VBIED nor did the convoy commander or assistant see anyone injured in the vehicle at the time. A crowd had gathered around the vehicle once it was disabled. This was observed by SFC(b)(3)(b)(6) and 2LT (b)(3)(b)(6) s crew. **(See Sworn Statement 10-11)**

4. RECOMMENDATIONS.

(b)(5), (b)(2)High, (b)(3)(b)(6)



CE 2013

(b)(5), (b)(2)High, (b)(3)(b)(6)

5. The POC for this memorandum is the undersigned at VOIP 242-6327.

(b)(3)(b)(6)

MAJ, QM
Investigating Officer





C (b)(3)(b)(6) 2014

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
1ST CAVALRY DIVISION
FOB TAJI, IRAQ APO AE 09378

REPLY TO
ATTENTION OF:

AFVA-1BDE-CDR

5 June 2007

MEMORANDUM FOR Investigating Officer (MAJ (b)(3)(b)(6) , HHT, 1st Brigade Combat Team, 1st Cavalry Division, FOB Taji, Iraq APO AE 09378

SUBJECT: Appointment as AR 15-6 Investigating Officer (1/1-126)

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 (Procedures for Investigating Officers and Boards of Officers) to conduct an informal investigation of an incident on 3 June 2007 in which a local national was killed during an EOF incident involving Soldiers from A Co, 115th BSB. In addition to determining the facts and circumstances of the incident, you will make specific findings on the following:

a. What was the composition and location of the friendly element at the time of the incident? Include number of Soldiers, types of weapons, vehicles, and a sketch or diagram of the soldiers in relation to the civilian vehicle.

b. What was the friendly element's task and purpose at the time of the incident?

c. What was the enemy situation and threat in the area? Specifically, what was the VBIED threat in the area? What did the members of the involved patrol believe the threat to be in the area?

d. Exactly what did the gunner see that led him to employ his direct fire weapon?

e. What injuries did the local national suffer? How much time passed from the time of the incident until the LN passed away? If possible, make an assessment of the likelihood of surviving the wounds if the patrol would have stopped to render aid.

f. What was the extent of damage to the local national's vehicle? If at all possible, take pictures of the damage to the LN's vehicle.

g. Did the Soldiers involved comply with the current ROE and EOF procedures?

h. Any additional information that is relevant to this incident.

2. You will speak with any and all individuals you believe have information pertinent to your investigation. You will obtain a legal briefing from the Brigade Judge Advocate prior to conducting your investigation. You should also familiarize yourself with the provisions of AR 15-6 and the Guide for Informal Investigations. Once your investigation is complete, you will make recommendations consistent with your findings.

3. All witness statements will be sworn if possible and recorded on DA Form 2823. If circumstances preclude you from obtaining a sworn statement, you will summarize the testimony in a memorandum and attest to the accuracy of your summary.

4. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31 of the UCMJ using DA Form 3881.

5. Copies of all relevant regulations and forms can be found on the 1BCT CAVNET in the SJA section.

6. Submit your report, together with all evidence marked as exhibits, to the Brigade Judge Advocate on DA Form 1574 for legal review no later than 12 June 2007. Requests for extensions will be submitted to the undersigned through the Brigade Judge Advocate in writing.

7. POC for this memorandum is MAJ (b)(3)(b)(6) at VOIP 242-6295 or
(b)(3)(b)(6), (b)(2)High

(b)(3)(b)(6)

COL, AR
Commanding

**DEPARTMENT OF THE ARMY**
1ST BRIGADE COMBAT TEAM, 1ST CAVALRY DIVISION
FOB TAJI, IRAQ
APO AE 09378

REPLY TO
ATTENTION OF

AFVA-1BDE-JA

22 June 2007

MEMORANDUM FOR Commander, 1st Brigade Combat Team, 1st Cavalry Division, Camp Taji, Iraq, APO AE 09378

SUBJECT: Legal Review of EOF Incident AR 15-6 Investigation (1/1-126)

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation of the EOF incident on 3 June 2007 in which a CLP fired at an on-coming LN vehicle that would not pull over to the side of the road. The incident resulted in an LN death. I make the following determinations:

a. The proceedings comply with the legal requirements of AR 15-6.

b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation.

c. Sufficient evidence supports the findings for an informal AR 15-6 investigation.

d. The recommendations are consistent with the findings.

2. The POC is the undersigned at SVOIP 242-6121 or (b)(3)(b)(6), (b)(2)High

(b)(3)(b)(6)

CPT, JA
Operational Law Attorney

**DEPARTMENT OF THE ARMY**
1ST BRIGADE COMBAT TEAM, 1ST CAVALRY DIVISION
CAMP TAJI, IRAQ
APO AE 09378

REPLY TO
ATTENTION OF

AFVA-1BDE-CDR 23 June 2007

MEMORANDUM FOR Commanding General, Multi-National Division-Baghdad, Camp Liberty, Iraq APO AE 09344

SUBJECT: AR 15-6 Investigation – Escalation of Force Incident (1/1 – 126)

1. The attached investigation is forwarded for action by the Commanding General, Multi-National Division - Baghdad.

2. FACTS. The facts of the incident, as determined by the investigating officer, are as follows:

a. At approximately 0800 hours, on 3 June 2007, a CLP from A Co., 115th BSB departed Camp Taji. The CLP was responding as (b)(2)High The lead vehicle was an (b)(2)High and included the following personnel: SGT (b)(3)(b)(6) driver), SPC (b)(3)(b)(6) gunner) and SGT (b)(3)(b)(6) TC).

b. After departing Camp Taji, the CLP was traveling south in the northbound lane on (b)(2)High because the (b)(2)High could not pass through an IA TCP. While other traffic pulled over to the shoulder, a grey van continued moving north on (b)(2)High in the middle of the road toward the CLP.

c. SGT (b)(3)(b)(6) repeatedly flashed his headlights and honked his horn to signal the van to pull over. SPC (b)(3)(b)(6) waved his arms and showed his weapon. At approximately (b)(2)High SPC (b)(3)(b)(6) fired warning shots in front of the van. When this did not work, SPC (b)(3)(b)(6) fired disabling shots into the van's engine compartment. This caused the front passenger side tire to blow and the van swerved off the road. No shots were intentionally fired into the passenger compartment of the van.

d. SGT (b)(3)(b)(6) tried to relay this incident to the convoy commander, 2LT (b)(3)(b)(6) but could not due to communications problems (2LT (b)(3)(b)(6) realized that she did not have commo with the lead vehicle immediately prior to the incident). He then tried to reach the assistant convoy commander, SFC (b)(3)(b)(6) SFC (b)(3)(b)(6) heard a call on the radio stating "possible VBIED, shots fired," but he did not know if those were warning shots or shots fired at the vehicle. As SFC (b)(3)(b)(6) vehicle passed the disabled van on the side of the road, he witnessed approximately 20 LNs gathered around it. Several LNs also ran toward his vehicle attempting to flag him down. Since he perceived this as a threat, SFC (b)(3)(b)(6) did not stop.

e. 2LT (b)(3)(b)(6) the patrol leader, did not witness or know about the shots fired, but when they passed the disabled van, 2LT (b)(3)(b)(6) saw a LN running frantically to the driver's side of the van. When the CLP arrived at their objective, 2LT (b)(3)(b)(6) and SFC (b)(3)(b)(6) learned what had happened for the first time from SGT(b)(3)(b)(6)

f. In the 115th BSB Battalion TOC, SSG(b)(3)(b)(6)heard "possible VBIED, shots fired" over the radio. Moments later, SSG (b)(3)(b)(6) heard that the QRF was continuing mission.

g. The 2/9 IA later reported that the van was traveling to th (b)(2)Low factory with two males and two females. The driver, who was shot in the chest, was brought to the Taji Clinic, where he died of his wounds.

3. FINDINGS.

a. The IO made the following findings (summarized):

(1) The(b)(2)Hig included a total of(b)(2)Hvehicles (b)(2)High (b)(2)High) and(b)(2)H US military members.

(2) The(b)(2)High task was to (b)(2)High (b)(2)High (b)(2)High to Cam(b)(2)Low

(3) There was no suspected VBIED threat on (b)(2)High The QRF believed the primary threat was IEDs along the routes and culverts. (b)(2)High (b)(2)High

(4) The gunner saw the grey van approaching in the middle of the road. The grey van did not pull over to the side of the road like other vehicles: even after (b)(2)High (b)(2)High

(5) The LN driver was shot in the chest. Approximately 40 minutes passed from the time of the incident until the time the LN died. It is very unlikely that the LN would have survived if the QRF had stopped to render aid.

(6) The exact condition and whereabouts of the van is unknown. According to the lead vehicle's crew, there were several bullet holes in the hood and the front passenger tire was flat.

(7) The(b)(2)Hig did not stop to further assess the damage and also failed to stop and cordon the area after the suspected VBIED was neutralized.

(8) The Soldiers involved followed correct ROE and EOF procedures.

b. LTC (b)(3)(b)(6) CDR, 115th BSB, concurs with the IO's findings.

4. RECOMMENDATIONS.

a. The IO made the following recommendations:

(b)(5), (b)(2)High, (b)(3)(b)(6)

b. LTC (b)(3), b(6) , CDR, 115th BSB, offers the following comments:

(b)(5), (b)(2)High

(b)(5), (b)(2)High, (b)(3)(b)(6)

5. I (concur) (~~non-concur~~) with the IO's findings and recommendations (as modified by LTC (b)(3)(b)(6) (and request jurisdiction to issue letters of reprimand, as detailed above). My comments, if any, follow.

Sir, request jurisdiction here. (b)(2)High, (b)(5)

(b)(2)High, (b)(5)

(b)(3)(b)(6)

COL, AR
Commanding

(b)(3)(b)(6) **MAJ BCT Command Judge Advocate**

**From:** (b)(3)(b)(6) LTC 115th BSB BN CDR
**Sent:** Monday, June 18, 2007 4:08 PM
**To:** (b)(3)(b)(6) MAJ BCT Command Judge Advocate
**Cc:** (b)(3)(b)(6) COL BCT CDR
**Subject:** EOF Investigation Findings
**Categories:** [redacted] UNCLASSIFIED
**Classification Caveat:** REL TO USA MCFI
**Classification Classification:** [redacted] UNCLASSIFIED

Classification: [redacted]

UNCLASSIFIED

MAJ(b)(3)(b)(6)

I concur with the Investigating Officer's findings and most of the recommendations.

(b)(2)High, (b)(5), (b)(3)(b)(6)

V/R

6/18/2007

LTC (b)(3)(b)(6)
Commander 115th Brigade Support Battalion
Taji, Iraq
VOIP: 242-6040
DSN: 318-634-3664

6/18/2007

b)(2)Hig

(b)(2)High

)(2)Hig

# 030755 JUN 07 EVENT EOF, 1/1 CD CP 57A (FINAL)

MND-B EVENT: (29) (030755)
UNIT: 115th BSB, 1-1 CAV
WHO: A CO 115TH BSB
EVENT TYPE: EOF

SUMMARY:

EOF
1 X LN DOW
1 X DAMAGED LN VAN

QRF TASK
QRF PURPOSE:

(2)H

2)H

(2)Hi

(b)(2)High



EXHIBIT 1

# 030755 JUN 07 EVENT EOF, 1/1 CD CP 57A (b)(2)High (FINAL)

(b)(2)High

(b)(2)High

MND-B EVENT: (29) (030755)
UNIT: 115th BSB, 1-1 CAV
WHO: A CO 115TH BSB
EVENT TYPE: EOF

**SUMMARY:**

EOF
1 X LN DOW
1 X DAMAGED LN VAN

QRF TASK: (b)(2)H
QRF PURPOSE:
(b)(2)H Camp Taji.

**TIMELINE:**

030749JUN07: 115th QRF SP GUNNERS GATE

030755JUN07: A CO 115TH BSB REPORTS EOF IVO (b)(2)H
The QRF Lead vehicle performed EOF procedures on a LN white van. The QRF was traveling South in the Northbound lane on Route (b)(2)H due to the HET not being able to pass thru the IA TCP vi (b)(2)H The LN white van was traveling North in the Northbound lane on (b)(2)H in the middle of the road. The QRF lead vehicle (b)(2)H when the van was approx (b)(2)H from the lead vehicle in order to get the van to pull to the side of the road and stop. When the van did not comply, the lead vehicle gunner shot warning shots vic in front of the vehicle with (b)(2)H The van continued movement North towards the lead vehicle. At approx (b)(2)H the lead vehicle gunner fired (b)(2)H in order to disable the van by aiming towards the engine block. In the course of disabling the van the front passenger tire blew on the van causing the it to swerve to the side of the road and stop. The QRF did not stop and assess the situation once the van had stopped. The QRF continued movement South on (b)(2)H (b)(2)H and (b)(2)H South.

**2-9 IA REPORT:**

030750JUN07, 2-9 IA reports that a U.S. convoy shot at a 'minibus" vic (b)(2)H. 2-9 IA delivered a wounded LN male with a gunshot wound to the chest via ambulance from (b)(2)H to Taji Clinic, arriving at Taji Clinic 0830. The LN died of wounds at 0850.

**There are differences in reported information from the 2-9 IA and Taji Clinic that make confirmation difficult. However, it is likely that the LN Male treated at the Taji Clinic is the same LN that was driving the white van "minibus".**

(b)(2)High

EXHIBIT 2



IO MONTGOMERY
CENTCOM 012025

1) 030749JUN07 115th BSB QRF exits from Gunner's Gate.
2) 115th BSB QRF travels south on (2)H en route to (2)H West then to (2)H South to grid (2)Hi
3) 115th BSB QRF while traveling South on (2)H the lead gun truck conducted EOF procedures on white LN van. The lead gun truck attempted to stop the van by honking horn and flashing lights then fired warning shots in front of the van from (2)H Van continued traveling North. The lead gun truck then fired shots from the (2)H to disable the van's engine block. The front passenger tire blew causing the van to swerve to the side of the road.
4) 115th QRF continued mission did not stop to assess for BDA.

(b)(2)High

EOF w/LN DEATH(A CO, 115BSB), 1-1CD, 3 JUN 07



CE (b)(3)(b)(6) 2026

SECRETREL TO USA MCFI

EXHIBIT 3



UNCLASSIFIED

# 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 (b)(3)(b)(6) LTC FA
*(Appointing authority)*

on 5 JUNE 2007 *(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, Iraq *(Place)* at 1700 *(Time)*

on 6-9 June 2007 *(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 _____ *(Time)* on _____ *(Date)*

and completed findings and recommendations at 2053 *(Time)* on 13 June 2007 *(Date)*

## SECTION III - CHECKLIST FOR PROCEEDINGS

| A. COMPLETE IN ALL CASES | YES | NO[1] | N.A.[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? | | | |
| *b.* Copy of notice to respondent, if any? *(See item 9, below)* | | | |
| *c.* Other correspondence with respondent or counsel, if any? | | | |
| *d.* All other written communications to or from the appointing authority? | | | |
| *e.* Privacy Act Statements *(Certificate, if statement provided orally)?* | | | |
| *f.* Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered *(e.g., absence of material witnesses)?* | | | |
| *g.* Information as to sessions of a formal board not included on page 1 of this report? | | | |
| *h.* Any other significant papers *(other than evidence)* relating to administrative aspects of the investigation or board? | | | |

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*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.*

| | | 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? | | | |
| | *b.* Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | | | |
| | *c.* Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | | | |
| | *d.* Are copies, descriptions, or depictions *(if substituted for real or documentary evidence)* properly authenticated and is the location of the original evidence indicated? | | | |
| | *e.* Are descriptions or diagrams included of locations visited by the investigating officer or board *(para 3-6b, AR 15-6)?* | | | |
| | *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? | | | |
| | *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)?* | | | |
| 3 | Was a quorum present when the board voted on findings and recommendations *(paras 4-1 and 5-2b, AR 15-6)?* | | | |
| | **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* ☐ *)* | | | |
| | *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 CONTINUATION SHEET

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

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

SEE CONTINUATION SHEET