

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.)

\_\_\_\_\_  
(Recorder)  
  
\_\_\_\_\_  
(Member)  
  
\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Investigating Officer) (President)  
  
\_\_\_\_\_  
(Member)  
  
\_\_\_\_\_  
(Member)

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

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.)

- I ratify the appointment of the Investigating Officer.
- I approve the Facts and Findings.
- I ~~approve~~ Recommendation (a) (b) (c) (d) (e) (3)(b)
- I remand the matter to the BCT Commander for appropriate action.

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

13 APR 2007

JOSEPH F. FIL, JR  
Major General, USA  
Commanding

**Facts:**

On 10 March 2007, COL (b)(3), (b)(6) appointed me an investigating officer (IO) pursuant to Army Regulation (AR) 15-6 to conduct an informal investigation into the circumstances surrounding two incidents, both occurring on 9 March 2007, and involving a patrol from Delta Company (D Co.), 2<sup>nd</sup> Battalion, 325<sup>th</sup> Airborne Infantry Regiment (2/325<sup>th</sup> AIR), 2<sup>nd</sup> Brigade Combat Team (BCT), 82<sup>nd</sup> Airborne Division. Specifically, coalition forces engaged a vehicle driven by a local driver, which resulted in the wounding of the driver. Shortly, after this engagement the same coalition forces engaged a second vehicle, this time killing three local nationals and wounding two. After conducting a thorough investigation into each EOF incident, EOF training received, the level of knowledge each Soldier involved in the events demonstrated concerning ROE and EOF, and the unit's history of correct EOF usage, I have determined that the Soldiers involved in both incidents correctly employed MND-B EOF measures in accordance with MND-B ROE.

**Findings:**

1. a. **What was the composition and location of the friendly element at the time of the incident?** 2<sup>nd</sup> Platoon (2 Plt.), D Co., 2-325<sup>th</sup> AIR was involved in two EOF incidents, which both occurred on (b)(2)High near Combat Outpost (COP) Callahan located in the Sha'ab area of Baghdad, Iraq

(b)(2)High At the time of the incident the 2nd Plt. convoy consisted of six vehicles, (b)(2)High and (b)(2)High in the following order or movement (OOM): (b)(2)High The convoy consisted of (b)(2)High Troopers using a variety of weapons (b)(2)High and was commanded by First Lieutenant (b)(3), (b)(6) (b)(3), (b)(6) 2<sup>nd</sup> Plt Leader (See Exhibit D8).

1. b. **Describe where the incident occurred, including** (b)(2)High (b)(2)High Both incidents took place near the intersections of (b)(2)High and (b)(2)High vicinity grid (b)(2)High

1. c. **Describe the events leading up to the incident. Include the specific EOF measures employed, if any, prior to the use of warning shots or lethal force. Include information about the individuals killed and wounded as a result of the EOF measures used and any property damage.**

On 9 March 2007 2<sup>nd</sup> Plt conducted a mission to (b)(2)High (b)(2)High (b)(3), (b)(6) from COP (b)(2)High At approximately 1700, 2nd Plt., traveling in a convoy consisting of (b)(2)High left COP (b)(2)High and traveled to COP (b)(2)High After (b)(2)High (b)(2)High 2nd Plt. departed COP (b)(2)High en route to COP (b)(2)High During the trip to COP (b)(2)High (b)(2)High was the lead

vehicle and crewed by Sergeant (b)(3), (b)(6) (Truck Commander (TC)), Private (E2)(PV2) (b)(3), (b)(6) (Driver), Specialist (SPC) (b)(3), (b)(6) (Gunner), and SPC (b)(3), (b)(6) (Dismount). Once D-23 turned off (b)(2)High onto (b)(2)High (b)(2)High heading North East, PV2 (b)(3), (b)(6) began flashing his vehicle's driving lights to signal to oncoming traffic that they were Coalition Forces. At this time it was dusk, that afternoon had been sunny, warm, and clear. Coalition forces commonly flash their headlights to signal local national drivers of their presence. Traditionally, oncoming traffic will dim or turn off their lights, pull over and stop, and or turn around. On 9 March 2007, vehicles flashed by D-23 stayed clear of the convoy, until approximately 1837 when a civilian vehicle, a white four door compact sedan with orange painted fenders, approached the head of the convoy traveling at approximately (b)(2)High miles per hour (MPH). PV2 (b)(3), (b)(6) flashed his lights at the approaching vehicle, but the vehicle continued towards his vehicle at the same rate of speed (See Exhibit D1). When the civilian vehicle approached to within 20 meters of D-23, SPC (b)(3), (b)(6) fired five to nine controlled disabling shots into the vehicle's engine block using his assigned M-2 (See Exhibit D4).

The vehicle continued past D-23 and PFC (b)(3), (b)(6) the gunner on D-22, engaged the vehicle's engine block with a six to nine round burst with his assigned (b)(2)High (See Exhibits D3, D5, and 8). The vehicle eventually stopped on the north east side of the LMTV. SPC (b)(3), (b)(6) the platoon medic, having heard the CF shots ran to the taxi to render medical attention (See Exhibit D6). D-22 pulled forward and to the right to provide security for the convoy and the dismounted Troopers. When the situation was under control, 1LT (b)(3), (b)(6) sent a situational report (SITREP) to CPT (b)(3), (b)(6) Delta Company Commander. SPC (b)(3), (b)(6) determined that the local national suffered superficial glass cuts to his head and two gunshot wounds to his leg (See Exhibit D6). Specifically, the local national suffered a gunshot wound to his foot and a gunshot wound to his right leg, which fractured his tibia/fibula (See Exhibit D6). SPC (b)(3), (b)(6) provided immediate first aid and stabilized the local national. The local national remained stable and coherent, enough so to call his brother on a cell phone while receiving medical treatment for his injuries (See Exhibit A). From the pictures taken by the D Co. Cdr and 2<sup>nd</sup> Plt Leader, the vehicle appeared to have sustained a blown out front left tire, holes in the windshield, and a shattered rear window (See Exhibit A).

While the platoon medic was attending to the local national driver, SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) were dismounted from D-23 in order to provide outer security and divert oncoming traffic. Using their Surefire lights, SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) were able to successfully stop and divert civilian vehicles away from the convoy. However, at approximately 1851 a civilian vehicle, a dark colored sedan, approached the head of the convoy. PV2 (b)(3), (b)(6) immediately began flashing his vehicle's lights, while SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) flashed their (b)(2)High lights at the vehicle's driver (See Exhibits D2 and D3). The sedan maintained the same rate of speed and continued toward the convoy. When the vehicle was approximately (b)(2)High from D-23, SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6)

Headlights  
(b)(2)High lights

- Warn. shot

each fired one warning shot into a nearby wall with (b)(2)High in an effort warn the civilian driver (See Exhibits D1, D2, D3, D4, D5 and D7). However, the dark colored sedan continued to approach the convoy, showing no signs of stopping. When the vehicle was approximately (b)(2)High in front of D-23 SGT (3), (b) and SPC (b)(3), (b)(6) fired controlled disabling shots into the vehicle's grill and engine block with (b)(2)High (See Exhibits D2 and D3). The vehicle continued toward the convoy. When the vehicle was approximately (b)(2)High in front of D-23 SPC (b)(3), (b)(6) fired six shots at the vehicle with (b)(2)High (See Exhibit). Once the vehicle came to a stop SGT (3), (b) and SPC (b)(3), (b)(6) approached the vehicle. It became evident that the driver was dead and the front passenger physically appeared to be without injury. SGT (3), (b) SPC (b)(3), (b)(6) SPC (b)(3), (b)(6) and other assisted to remove three local nationals from the rear seat for medical attention to be provided by SPC (3), (b) the medic at the scene. Once the medic began rendering medical aid SGT (3), (b) and SPC (b)(3), (b)(6) joined the other Troopers providing security while other Troopers began SSE. The patrol determined that some of the rounds fired at the vehicle connected with the drivers head exploding it above the mouth line, a boy in the rear seat received minor superficial wounds from broken glass, and two girls in the back seat sustained lethal hits. The girl in the mid rear seat had GSWs to the neck and thorax sustained by (b)(2)High rounds and the other girl behind the driver had GSWs to an arm, and the lower abdomen caused by a combination of (2)Hi (b)(2)High and (b)(2)High rounds. The front passenger, a female appeared to receive no visible physical injury and did not accept CF treatment (See Exhibits D6). She was first seen by SGT (3), (b) crouching outside of the vehicle on the passenger side as he approached the rear of the vehicle (See Exhibit D3). The vehicle appeared to have sustained bullet holes to the grill, radiator, transmission, driver's side door mirror, and the front and rear windows (See Exhibits B).

1. d. Describe in as much detail as is readily available, what the Troopers perceived as a hostile act and/or demonstration of hostile intent.

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

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

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

(b)(2)High

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

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

(3), (b)

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

(3), (b)(6)

(3), (b)

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

(3), (b)

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

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

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

(3), (b)

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

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

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

b)(2)High

**1. f. Describe each vehicle involved in these incidents, including any damage sustained to each vehicle and what items were found in each vehicle.** The first EOF vehicle involved was a white four-door compact sedan with orange painted fenders (See Exhibit A). From the pictures I viewed, it sustained a shot (blown out) front left tire, windshield with bullet holes, and a shattered (blown out) rear window. The second EOF vehicle involved was a four-door, dark in color compact sedan (See Exhibit B). It sustained bullet holes to the grill, radiator, transmission, windshield with bullet holes, broken outside driver mirror (appeared to be shattered from bullet contact), bullet holes in the drivers door, rear shattered window (blown out), and visible exit bullet holes in the trunk lid.

**1. g. Identify any actions taken, tactics, techniques, or procedures that the unit should sustain.**

(b)(2)High

(b)(2)High

**1. h. Identify any lessons learned from the incident that the unit may use to improve existing tactics, techniques, or procedures.**

(b)(2)High

(b)(2)High

(b)(2)High

1. i. **Were claims cards issued and claims procedures initiated? If not, why not?** Claims cards were not issued as contact information was not obtained from the LNs involved and pending this 15-6 investigation. On 15 March 2007, LT (b)(6) of the Al Quds IP Police Station consented to release contact information for the driver of the taxi and the apparent wife of the deceased driver of the dark in color sedan. LT (b)(6) is an IP who arrived to the scene of both EOF incidents on 9 March 2007. As of 15 March 2007, the only person or relative that has inquired about claims is the brother of the deceased male who came to the Al Quds Police Station. The following is all the LT would offer; (b)(6) as the driver of the taxi, (b)(6) as the wife of the deceased, and (b)(6) as the Brother of the deceased. His contact number is (b)(6)

1. j. **Include any other facts or findings that the command should be aware of to assist Troopers with handling similar incidents in the future.** There was a visiting relative that supposedly witnessed the EOF used for both vehicles. He stated to his father-in-law that there were flashing lights and shots fired but the taxi never stopped or turned around. This same individual supposedly witnessed and said the same thing for the second vehicle; in fact he called the family in the second vehicle a "Donkey family" which implies they were stupid. When the IPs arrived he did not offer a statement or this information which would validate CF EOF actions that day. Numerous IPs arrived but few seemed to really do much. Collectively with select Soldiers of the convoy, the deceased were placed in body bags and loaded into IP vehicles. The IPs need to become more involved at their own initiative.

**Recommendations:**

**Pursuant to my investigation I make the following recommendations:**

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

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