

Letter to Family



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

November 25, 2007

Commanding General

Mr. (b)(6)
c/o Ms. Jane Scott-Long
Bureau Manger
The New York Times - Baghdad Bureau
District 102, Street 13, House 11
Abu Nuwas Boulevard
Baghdad, Iraq

Dear Mr. (b)(6) and Family of (b)(6)

Please accept my personal condolence regarding the tragedy of (b)(6) death and all of the concerning circumstances; in particular, the errors and difficulty in returning (b)(6) body to the family for proper care and respect.

My staff and I have received and reviewed the investigation from the subordinate military command, which I will forward for review with my personal memorandum to my superior commander at Multi-National Force – Iraq. Although some matters could be developed with more detail, in my view the investigation develops sufficient facts and circumstances to establish the sequence of events with reasonable certainty.

I conclude the activity observed by the Soldiers presented immediate concern of hostile intent leading to the decision to fire. I understand the family's grave distress and sense of injustice that (b)(6) was actually acting in an innocent manner and that his death was unnecessary and senseless. I appreciate the profound loss and insult in the unacceptable manner in which (b)(6) was eventually returned home.

As corrective action, I have directed my staff and responsible subordinate commands to study all of the circumstances and take appropriate remedial steps. I also understand that the family has filed a request for a copy of the investigation under our Freedom of Information Act law, which my Staff Judge Advocate legal advisor will review and provide the proper response.

Please know that I and the members under my command are committed to proper and honorable conduct in all matters and we deeply regret your loss and the unintentional distress and indignity our actions caused. May peace be with you.

(b)(6)

Raymond I. Caierno
Lieutenant General, US Army
Commanding General

CENTCOM 013488

MNC-I CG Review



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-AL

25 November 2007

MEMORANDUM FOR Commander, MNF-I

SUBJECT: 30 June 2007 Shooting Death of Mr. (b)(6) Bureau

1. Enclosed is a copy of the subject investigation for review and coordination between our respective SJAs regarding media and family inquiries.
2. The investigation establishes that Mr. (b)(6) was observed and engaged by a sniper team after curfew conducting activities in the street thought to be associated with IED threats. The family testifies that (b)(6) was actually repairing a generator and had taken a battery to effect repairs, and thus the shooting was a tragic mistake.
3. Immediate medical care was delivered at the scene and later (b)(6) underwent surgery, which was unsuccessful to prevent his death. Because of a clerical error during intake at the hospital, (b)(6) body was not properly identified and he was eventually delivered to Iraqi authorities as "unknown." The family did not recover the body for about two weeks.
4. I am satisfied that the investigation adequately captures the essential facts and circumstances. Although some details could be developed with more precision, I do not believe further refinement would affect the basic conclusions as presented by the Investigating Officer and approved by the MND-B Commander. I concur with the actions directed by the MND-B Commander; particularly the public affairs campaign regarding curfew activity.
5. I have asked my Chief of Staff to ensure the medical command has taken corrective action regarding the handling of remains. Enclosed is a copy of my letter of concern and condolence to the family of (b)(6). Our respective SJAs are already engaged.
6. Please advise if you or your staff have any concerns regarding this matter.
7. The POC for this action is LTC (b)(3),(b)(6) DSN 318-822-2581 or VOIP 243-6750 or (b)(3),(b)(6)

(b)(6)

Lieutenant General, USA
Commanding

CF:
CDR, MND-B
CDR, 62 MEDCOM

CENTCOM 013490

DA FORM 1574

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 Commanding General, MND-Baghdad (Appointing authority)

on 06 Sep 07 (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 MND-B HQ, Camp Liberty, Iraq (Place) at 2130 hrs (Time)

on 04 Sep 07 (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 1700 hrs (Time) on 15 Sep 07 (Date) and completed findings and recommendations at 2200 hrs (Time) on 16 Sep 07 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

[YES] [NO] [1] [NA] [2]

- 1 Inclosures (para 3-15, AR 15-6)
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)
a. The letter of appointment or a summary of oral appointment data?
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?

(b)(2)High

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.

CENTCOM 013492

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
	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 <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)?			

(b)(2)High

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.

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

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

See attached memorandum of findings and recommendations.

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

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

See attached memorandum of findings and recommendations.

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)	(b)(3),(b)(6) LTC, FA50 (Investigating Officer) (President)
_____	_____
(Member)	(Member)
_____	_____
(Member)	(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

_____	_____
(Member)	(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions): (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

I approve the "FACTS" AND "FINDINGS."

Recommendation (b)(5) is beyond the scope of my authority. I forward this recommendation to the 62d Medical Brigade for appropriate action.

The recommendation that:

- [4b] MND-B conduct an IO campaign about post-curfew behaviors is approved ~~(disapproved)~~ b(3),(b)(6)
- [4c] 1-5CAV make condolence payments to (b)(6) family is approved ~~(disapproved)~~ ~~(remanded to the BCT Cdr)~~ b(3),(b)(6)

I remand the matter to the BCT Cdr for appropriate action.

23 SEP 2007

(b)(6)

(b)(3)(b)(6) MAJOR General, USA, Commanding

CENTCOM 013495

List of Enclosures

- I. Findings and Recommendations
- II. Appointment Memo
- III. Legal Review

CENTCOM 013496

ENCLOSURE I



DEPARTMENT OF THE ARMY
HEADQUARTERS, MULTI-NATIONAL DIVISION – BAGHDAD
CAMP LIBERTY, IRAQ APO AE 09344

REPLY TO
ATTENTION OF

AFVA-G3 FID

20 September 2007

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

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5
CAV Engagement on or about 30 June 2007 in Ameriya

1. On 06 Sep 07, I was appointed as the AR 15-6 Investigating Officer (IO) for an investigation into the facts and circumstances surrounding an engagement on or about 30 June 2007, that allegedly killed an Iraqi civilian man, (b)(6) year-old (b)(6) (b)(6) in the vicinity of (b)(6) (b)(6) (also known as (b)(6) (b)(6) in (b)(6) I have conducted an investigation of the circumstances surrounding this event. My observations, conclusions, and recommendations are provided in the following format: facts, findings and recommendations.

2. FACTS.

(b)(2)High

b. Since 04 Apr 07, the curfew in Baghdad has been 2200 – 0500 hrs daily (see Exhibit C).

c. From May to July 2007, the neighborhood around (b)(6) was considered a Tier 1 IED Hotspot. (b)(2)High

(b)(2)High

(b)(2)High

(see Exhibit D, E, F, G, and H).

d. On or about (O/a) 30 2200 Jun 07, a squad from 1/D/1-5 CAV occupied an Observation Post (OP) (b)(2)High (aka, (b)(2)High (b)(2)High, in (b)(6) (see Exhibit D, E, I, J, and K). The purpose of their mission was “terrain denial” (see Exhibit L).

e. O/a 30 2300 Jun 07, a tank platoon from 1-5 CAV moving north on (b)(2)High (b)(2)High turned (b)(2)High and moved past (b)(6) A few minutes after the tanks passed, a lone male (b)(6) came out of (b)(6)

CENTCOM 013498

AFVA-G3 FID

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5 CAV Engagement on or about 30 June 2007 in Ameriya

looked east where the tanks had gone, and then went back into (b)(6) (see Exhibit D, E, I, J, and M).

f. O/a 30 2310 Jun 07, SGT (b)(3),(b)(6) and SGT (b)(3),(b)(6) a (b)(2)High team from HHC, 1-5 CAV operating with the OP, witnessed (b)(6) walk back outside into the street in front of (b)(6) holding a weapon. (b)(6) was standing approximately (b)(2)High meters (b)(2)High of the OP's position. Also, SSG (b)(3),(b)(6) a squad leader, saw (b)(6) walk out into the road holding something in his hands. SSG (b)(3),(b)(6) did not (b)(2)High (b)(2)High to see what specifically (b)(6) was holding (see Exhibit D, E, I, J, and M).

g. O/a 30 2315 Jun 07, SGT (b)(3),(b)(6) and SGT (b)(3),(b)(6) positively identified the weapon carried by (b)(6) (see Exhibit D, E, I, and J), and SGT (b)(6) authorized SGT (b)(6) to engage. SGT (b)(6) fired one shot from (b)(2)High striking (b)(6) This was immediately followed by a short period of suppressive fire in the direction of SGT (b)(6) shot from the Soldiers providing security to the OP (see Exhibit D, E, J, M, N, O, P, Q, and R).

h. O/a 30 2325 Jun 07, upon notification of the incident, 1LT (b)(3),(b)(6) the 1/D/1-5 CAV Platoon Leader, moved his (b)(2)High section from a hide position and went past the OP to (b)(6) to investigate. 1LT (b)(3),(b)(6) noticed a "man down" near the gate leading into the courtyard. He ordered his dismounted element to prepare to move, turned his (b)(2)High around on (b)(2)High and returned west to pick up the sniper team and other Soldiers from the OP (b)(2)High (see Exhibit D, E, I, J, M, N, O, P, Q, R, S, T, and U)

i. O/a 30 2330 Jun 07, after picking up the Soldiers from the OP, 1LT (b)(3),(b)(6) and his unit returned to (b)(6) and deployed the dismounted Soldiers in order to secure the area, search the house, and treat the casualty.

(1) SGT (b)(3),(b)(6) found a loaded AK-47 and two magazines in the courtyard outside (b)(6) (see Exhibit D, E, I, J, N, O, P, R, T, and U).

(2) PFC (b)(3),(b)(6), SPC (b)(3),(b)(6) PFC (b)(3),(b)(6) and SPC (b)(3),(b)(6) went into and cleared the house (see Exhibit N, O, Q, and R).

(3) (b)(6) was dragged from the gate further into the courtyard so the medic, SPC (b)(3),(b)(6) could administer first aid (see Exhibit E and S).

(4) The family members, who were outside when the Soldiers arrived, were moved inside the house for their safety. Their movement allowed SPC (b)(3),(b)(6) to treat (b)(6)'s wound (see Exhibit E, F, O, P, Q, and R).

AFVA-G3 FID

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5 CAV Engagement on or about 30 June 2007 in Ameriya

(5) SPC (b)(3),(b)(6) found a shotgun in the house behind a dresser in the house (see Exhibit E, I, J, N, O, P, Q, R, and V).

(6) SPC (b)(3),(b)(6) found a locked footlocker under a bed and, after the family was unable to provide a key, conducted a ballistic breach of the lock in order to ascertain the footlocker's contents. The box contained 7.62mm rounds, shotgun ammunition, and documents. SPC (b)(3),(b)(6) collected up the ammunition, but he left the documents behind (see Exhibit D, E, N, O, P, Q, R, V, and W).

(7) (b)(6) received initial medical treatment on-scene by SPC (b)(3),(b)(6), who was assisted by SGT (b)(3),(b)(6). (b)(6) was placed onto a backboard and moved into the back of one of the Bradleys for transport to Riva Ridge Medical Center, Camp Liberty, Iraq (see Exhibit D, E, I, J, M, N, O, P, Q, R, S, T, U, and X).

(8) (b)(6) daughter, gave her cell phone number to the unit's on-scene interpreter, (b)(6) (see Exhibit X and AG).

(9) Communication between the family and 1/D/1-5 CAV Soldiers was limited to what was needed to move the family from the courtyard to (b)(6) and ask for the key to the footlocker. (see Exhibit D, N, O, P, Q, T, V, and AG)

(10) Based on statements made by the Soldiers and by (b)(6) property was neither stolen nor damaged while D/1-5 CAV Soldier were at (b)(6) (see Exhibit D, E, M, O, P, Q, R, S, T, V, X, Y, Z, and AG).

j. On 01 0011 Jul 07, (b)(6) arrived at Riva Ridge Medical Center, Camp Liberty, Iraq. Doctors inserted a chest tube and administered blood and fluids. Attempts were made to stabilize (b)(6) for air medical evacuation to Camp Cropper, Iraq. The Riva Ridge Trauma Record listed (b)(6) name as (b)(6) (see Exhibit AA).

k. On 01 0030 Jul 07, Riva Ridge Medical Center submitted a (b)(2)High in order to move one "EPW/Detainee" (b)(6) to Camp Cropper (see Exhibit AB).

l. On 01 0100 Jul 07, (b)(6) final set of vital signs was checked at Riva Ridge Medical Center (see Exhibit AC).

m. On 01 0130 Jul 07, (b)(6) arrived at TF 31 Combat Service Hospital (CSH) Emergency Room (ER), Camp Cropper, in critical condition. His name was identified on the top of the CSH's copy of the Trauma Record. He was given a patient identification code of (b)(6). References to his name cannot be found in the remainder of the CSH medical record (see Exhibit AC and AD).

AFVA-G3 FID

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5 CAV Engagement on or about 30 June 2007 in Ameriya

n. On 01 0145 Jul 07, (b)(6) arrived in the operating room (OR) in critical, unstable condition. The surgical team prepared him for surgery. The anesthetist informed LTC (b)(3),(b)(6) the lead surgeon, that (b)(6) heart rate and blood pressure were dropping. Soon thereafter (b)(6) heart stopped. LTC (b)(3),(b)(6) performed a thoracotomy and cross clamped the aorta, which resulted in improved vital signs. To determine what was wrong LTC (b)(3),(b)(6) opened (b)(6) by cutting down his torso, past his naval. Large amounts of blood and stool were found in the abdominal cavity. There was substantial damage to the spleen, and LTC (b)(3),(b)(6) performed a splenectomy. The liver had a major injury and was packed with sponging to absorb fluids and apply pressure to wounds. There was substantial damage to the stomach and colon. LTC (b)(3),(b)(6) ordered more fluids and consulted the surgical team on how to proceed. Given the severity of the internal injuries, poor chances of survival, and the level of contamination, the doctors decided further efforts would be futile. The clamp was removed to determine how (b)(6) would respond, and within one minute his heart rate and blood pressure began to drop (see Exhibit AC and AD).

o. LTC (b)(6), (b)(3) declared the time of (b)(6) death as 01 0215 July 2007 (see Exhibit AC and AD).

p. On 01 0825 Jul 07, SFC (b)(3),(b)(6) TF 31 CSH S4, signed over (b)(6) remains to SSG (b)(3),(b)(6), 111th Quartermaster Company (QM CO), Baghdad International Airport (BIAP) Mortuary Affairs (MA), using a DD Form 1075, Convoy List of Remains of Deceased Personnel. (b)(6) name was identified as "unknown" with an SSN (or patient identification number) of (b)(6). Also on 01 Jul 07, SFC (b)(6) completed a DD Form 1077, Collection Point Register of Deceased Personnel, identifying (b)(6) (SSN (b)(6)) as an "unknown" (see Exhibit AC).

q. On 16 1305 Jul 07, SSG (b)(3),(b)(6) 54th QMCO, BIAP MA, signed over (b)(6) remains to the Iraqi Police (IP) using a DD Form 1075. He was identified only as Evacuation Number (b)(6). Also, a DD Form 890, Record of Identification Processing, associated the Evacuation Number of (b)(6) with Civilian Case Number (b)(6), the same number assigned to (b)(6) on 01 Jul 07 (see Exhibit AC and AE).

r. On 17 Jul 07, (b)(6) finds (b)(6) remains at the Ministry of Health (MOH) without identification. CF transferred the remains to the Al Amell IP Station who, in turn, transferred the remains to the MOH (see Exhibit X and AE).

s. On 20 Jul 07, the family buried (b)(6) (see Exhibit H).

t. On 25 Jul 07, 1-5 CAV initiated a "Commander's Inquiry into a 30 Jun 07 Small Arms Engagement." CPT (b)(3),(b)(6) was assigned as the Inquiry Officer. Evidence

AFVA-G3 FID

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5 CAV Engagement on or about 30 June 2007 in Ameriya

within the Commander's Inquiry shows that (b)(6) was considered by his family and friends to be a missing person before his funeral (see Exhibit H).

u. On 27 Jul 07, 1LT (b)(3),(b)(6) returned to (b)(6) in order to clarify the identity of the man who had been engaged by D/1-5 CAV the night of 30 Jun 07. 1LT (b)(3),(b)(6) carried a photograph of an individual suspected of being the man who had been engaged. (b)(6) family confirmed that the man in the photograph was, in fact, (b)(6) (see Exhibit D, H, M, O, T, and X).

v. On 06 Sep 07, (b)(6) told me that after the shooting, the family had found (b)(6) by the courtyard gate and had to ask a male neighbor to help move him further into the courtyard (see Exhibit X and AF).

w. On 06 Sep 07, (b)(6) told me that the AK-47 and the shotgun were behind a bedroom door inside (b)(6) (see Exhibit X). The Soldiers, however, stated that the AK-47 was in the courtyard (see Exhibit D, E, I, J, N, O, P, R, T, and U). Only the shotgun was found in the bedroom (see Exhibit E, I, J, N, O, P, Q, R, and V).

x. On 06 Sep 07, (b)(6) walked me through her home (b)(6) showing me the damages she claimed were done by CF on the night of 30 Jun 07. (see Exhibit X and AF) The Soldiers who went inside the home, however, deny damaging any property. The Soldiers who stayed outside did not hear anything unusual. Some of the Soldiers outside did hear the shot fired for the ballistic breach of the foot locker (see Exhibit E, M, N, O, P, Q, R, S, and T). They did not hear noises associated with the property damage that (b)(6) later showed me.

3. FINDINGS:

a. The (b)(2)High team reasonably perceived hostile intent by (b)(6) so the engagement complied with the ROE. The (b)(2)High team engaged (b)(6) because he was outside past curfew, with a weapon, in a (b)(2)High (b)(6). In addition he was acting suspiciously by going into and back out of (b)(6) shortly after a CF patrol had passed (¶2.b, c, d, e, and f, *supra*).

b. The (b)(2)High team of SGTs (b)(3),(b)(6) and (b)(3),(b)(6) did engage (b)(6) at approximately 30 2315 Jun 07 (¶2.g, *supra*).

c. A loaded AK-47 was found outside (b)(6) in the courtyard near (b)(6), but not immediately beside him (¶2.i.1, *supra*). A shotgun was found inside the house, behind a bedroom dresser (¶2.i.5, *supra*). Therefore, (b)(6) made an inaccurate statement when she said that both weapons were inside the house behind a bedroom door (¶2.v, *supra*).

AFVA-G3 FID

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5 CAV Engagement on or about 30 June 2007 in Ameriya

d. Conversation between the family and Soldiers immediately following the engagement was limited to what was needed to move the family into (b)(6) and ask for the key to the footlocker (¶2.i.9, *supra*).

e. 1LT (b)(3),(b)(6) and some of his platoon returned to (b)(6) in late Jul 07 to attempt to positively identify (b)(6) as the person who D/1-5 CAV had engaged the night of 30 Jun 07 (¶2.u, *supra*). This is the only contact that the Army had with the family following the engagement, except for my visit to (b)(6) on 6 Sep 07 (¶2.v, w, and x, *supra*).

f. (b)(6) received the best medical care available given his condition. He received on-scene immediate treatment from the platoon medic, SPC (b)(3),(b)(6) (¶2.i.7, *supra*). (b)(6) was evacuated by CFs to Riva Ridge Medical Center in order to stabilize him and ascertain the severity of his wound (¶2.j, *supra*). He was flown by air to the CSH and treated in the ER and OR in an attempt to save his life. (b)(6) died due to the severity of his internal injuries and the level of contamination in his abdominal cavity (¶2.k, m, n, and o, *supra*). Unfortunately, a string of errors in associating (b)(6) name with his Patient Identification Number and Evacuation Number resulted in hospital and mortuary affairs Soldiers declaring (b)(6) an "Unknown" on DD Forms 890, 1077, and 1998. These errors undoubtedly caused challenges in the family's ability to determine (b)(6) condition and whereabouts (¶2.m, p, q, r, and s, *supra*).

g. Based on statements made by the Soldiers and by (b)(6) none of the D/1-5 CAV Soldiers destroyed personal possessions or property in or near (b)(6) after the engagement (¶2.i.10, *supra*).

h. The accuracy of the Commander's Inquiry was adequate for its scope, which was the determination that an engagement did occur on 30 Jun 07, resulting in the eventual death of (b)(6) and that the engagement complied with the ROE (¶2.a, b, c, and g, *supra*). The Commander's Inquiry fell short in determining why it took so long for the family to be notified of (b)(6) status and whereabouts (¶2.t and u, *supra*). The storyboard appears to have two inaccuracies. The shotgun located behind the dresser in the house was not the only weapon that was found. A loaded AK-47 and two magazines were also found in the courtyard (¶2.i.1). Additionally, (b)(6) did not die on the way to Cropper Hospital, but rather, while undergoing emergency medical care at the hospital (¶2.n).

4. RECOMMENDATIONS:

(b)(5)

AFVA-G3 FID

SUBJECT: AR 15-6 Investigation Concerning the Facts and Circumstances of a D/1-5
CAV Engagement on or about 30 June 2007 in Ameriya

(b)(5)

(b)(6)

(b)(6)

5. I am the point of contact for this memorandum at DSN 318-848-8042, VOIP242-
4887, and NIPR (b)(3),(b)(6), (b)(2)High and SIPR

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

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

LTC, FA50
Investigating Officer

ENCLOSURE II



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st CAVALRY DIVISION AND
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ APO AE 09344

REPLY TO
ATTENTION OF:

AFVA-CG

SEPT 06, 2007

MEMORANDUM FOR LTC (b)(3),(b)(6) Headquarters, Multi-National Division-Baghdad,
Camp Liberty, Iraq APO AE 09344

SUBJECT: Appointment as Investigating Officer under AR 15-6

1. You are hereby appointed as an Investigating Officer pursuant to *AR 15-6, Procedures for Investigating Officers and Boards of Officers*, to investigate the facts and circumstances of an engagement on or about 30 June 2007 that allegedly killed an Iraqi civilian man, (b)(6)-year-old (b)(6), in the vicinity of (b)(6) (also known as (b)(6) Street), (b)(6). At a minimum, ensure that your findings address the following issues:

- a. Why did the small kill team (SKT) engage?
- b. Did the SKT engage Mr. (b)(6) ?
- c. Did Soldiers find a weapon or a battery beside their target after the engagement? If not, what did they find?
- d. Did Soldiers talk to the family of Mr. (b)(6) after the engagement? If so, what was the substance of their discussion?
- e. Was there follow-up questioning of Mr. (b)(6) family members or search of his home in the days after the incident?
- f. What medical care was provided at the scene? What subsequent medical care was provided? Were proper procedures followed for notifying Mr. (b)(6) family of his status?
- g. Was there any theft of personal possessions after the (b)(6) engagement?
- h. Assess the accuracy of the operational reports of this incident.

2. You should interview anyone who may have relevant knowledge of this incident, especially the family members of Mr. (b)(6) and the interpreter nicknamed "(b)(6)".

3. Your legal advisor is CPT (b)(3),(b)(6), MND-B Administrative Law Division, VOIP 242-4084, who will give you an in-brief before you begin your investigation and be available to assist you during the investigation.

CENTCOM 013506

AFVA-CG

SUBJECT: Appointment as Investigating Officer under AR 15-6

4. You may speak with any and all individuals that you believe have information pertinent to your investigation. You will obtain guidance from your legal advisor if in the course of your investigation you determine that completion thereof requires examining the conduct or performance of, or may result in Findings and Recommendations adverse to, a person senior to yourself.
5. If during the course of your investigation you come to suspect that an individual you are questioning may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. You will administer and record such rights advisements on DA Form 3881.
6. All witness statements will be sworn and, if possible, submitted on DA Form 2823. If circumstances preclude you from obtaining a sworn statement, or if you obtain a statement telephonically, you will summarize such a statement in a Memorandum for Record and swear to the accuracy of your summary.
7. Your report will be submitted to this office on DA Form 1574 together with all evidence marked as Exhibits, and an Index to said Exhibits. Your Findings must be based on the evidence you include as Exhibits and your Recommendations must be based on your Findings.
8. Your complete report will be submitted to this office no later than **16 September 2007**. Submit any requests for delay in writing through your legal advisor to me. Obtain a written legal review before final submission.

FOR THE COMMANDER:

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

3)(b) COL, GS
Chief of Staff



HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
CAMP VICTORY, BAGHDAD
APO AE 09342-1400

REPLY TO
ATTENTION OF

MNFI-COS

03 AUGUST 2007

MEMORANDUM FOR Chief of Staff for MNC-I, Camp Victory, Iraq APO AE 09342

SUBJECT: Investigation into Death of an Iraqi Civilian Allegedly caused by American Forces

1. Request you initiate an investigation into the circumstances surrounding the death of an Iraqi citizen, (b)(6). It is alleged that Mr. (b)(6) died as the result of military action by American Forces. The event allegedly happened on the evening of 30 June-1 July 2007, in the Ameriya section of Baghdad, and involved elements of Multi-National Division-Baghdad. The source of the inquiries is (b)(6).

(b)(6) He is inquiring on behalf of the family of Mr. (b)(6) (b)(6) submitted questions to the DCG, Detainee Operations and MNFI OSJA.

2. The family alleges that on the evening of 30 June 2007, American forces shot and wounded Mr. (b)(6) while he was outside repairing the family generator. After the engagement, American forces entered the home, allegedly breaking various furnishings and seizing an old shotgun and an AK-47. The family also claims that gold jewelry and money were missing after the search. Mr. (b)(6) was reportedly evacuated to the medical facility at Riva Ridge, Camp Victory Compound, treated, and died en route to Camp Cropper. The remains were reportedly removed to the Baghdad Mortuary. However, the family has been unable to recover the remains.

3. DCG, Detainee Operations generated an RFI. Although basic research indicates there was an engagement and a civilian was wounded and subsequently died, without additional information MNC-I is unable to positively link Mr. (b)(6) to this incident. I have attached a copy of the RFI. Also, note that leadership within the unit may already be pursuing an inquiry.

4. In order to clarify the facts surrounding this event, request an investigation be conducted, including the collection of sworn statements from relevant members of the Multi-National Force, relatives of Mr. (b)(6) present that evening, the interpreter of the unit involved in the incident, and other relevant evidence, to include the recording of findings and recommendations. Coverage of the investigation should address accuracy of unit reporting as well as the allegations of theft of personal property. Request your report no later than 21 August 2007.

(b)(6)

Enclosure
RFI dated 28 JUL07

MajGen, USMC
Chief of Staff

CENTCOM 013508

ENCLOSURE

III



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, MULTI-NATIONAL DIVISION – BAGHDAD
CAMP LIBERTY, IRAQ APO AE 09344

REPLY TO
ATTENTION OF:

AFVA-JA-AL

20 September 2007

MEMORANDUM FOR Commander, Multi-National Division–Baghdad, Camp Liberty, Iraq
APO AE 09344

SUBJECT: Legal Review of Army Regulation (AR) 15-6 Investigation into the circumstances
surrounding the death of (b)(6) on or about 30 June 2007

1. In accordance with *AR 15-6*, paragraph 2-3, I have reviewed the investigation into the facts
and circumstances surrounding the death of Iraqi local national, (b)(6), on or
about 30 2315 June 2007 involving members of 1/D/1-5 CAV. I make the following
determinations:

- a. The investigation complies with the legal requirements under *AR 15-6*.
- b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's
substantial rights.
- c. Sufficient evidence supports the findings of the Investigating Officer.
- d. The Investigating Officer's recommendations are consistent with the findings.

2. I may be reached at (b)(3),(b)(6), (b)(2)High or VOIP 242-4084.

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

CPT, JA
Administrative Law Attorney

CENTCOM 013510

Table of Exhibits

A	MNC-I ROE Card
B	Identification (PID)
C	(b)(6) rfew Email
D	SGT(b)(3),(b)(6) Statement (7 Sep 07)
E	SGT)(3),(b)(6) Statement (7 Sep 07)
F	Tier Spot Defined
G	May nt Graphics
H	CPT (b)(3),(b)(6) Commander's Inquiry
I	SGT)(3),(b)(6) nt (31 Jul 07)
J	SGT)(3),(b)(6) Statem l 07)
K	Dist etwe (b)(6) and photos from (b)(6) looking east and (b)(6) ng w
L	1-5 Cav Operations Schedule for 30 Jun 07
M	SSG (b)(3),(b)(6) Statement
N	PFC (b)(3),(b)(6) Statement (7 Sep 07), part 1
O	PFC (b)(3),(b)(6) ement (7 Sep 07), part 1
P	SGT (b)(3),(b)(6) Statement
Q	SPC (b)(3),(b)(6) Statement (7 Sep 07), part 2
R	SPC (b)(6), (b)(3) ement
S	SPC (b)(3),(b)(6) Statement
T	1LT (b)(3),(b)(6) atement (6 Sep 07)
U	1LT (b)(3),(b)(6) ement (25 Jul 07)
V	SPC (b)(3),(b)(6) Statement (7 Sep 07), part 1
W	ontaining Documents
X	(b)(3),(b)(6) (b)(3),(b)(6) Sword Statement of Meeting with (b)(6) (b)(6) Daughter s of (b)(6) body after recovery
Y	PFC (b)(3),(b)(6) tatement (7 Sep 07 t 2
Z	PFC (b)(3),(b)(6) Statement (7 Sep 07), part 2
AA	(b)(6) a Record From Riva Ridge Medical Center
AB	(b)(2)High Request Record for 30 Jun 07
AC	(b)(6) Records From TF 31 CSH
AD	(b)(3),(b)(6) In Reference to Meeting with ER and OR Doctors that treated (b)(6), 30 Jun 07
AE	DD Forms 107 90, and 3894 Regarding the Dispo (b)(6) R
AF	LTC (b)(3),(b)(6) MFR Regarding His 06 Sep 07 Visit to (b)(6) d (b)(6) ng post-mortem photos of (b)(6) .
AG	MFR and Sworn Statement from Intervi ith (b)(3),(b)(6) (aka,)(3),(b)(6)
AH	the interpreter) Emails on (b)(6) medical care and Memorandum from MND-B Division Surgeon

CENTCOM 013511

EXHIBIT A

(b)(2)High

Exhibit A

CENTCOM 013513

EXHIBIT B

Pages 29 through 30 redacted for the following reasons:

(b)(2)High
Nonresponsive

Unclassified

Unclassified

Unclassified

Unclassified

Unclassified

EXHIBIT C

(b)(3),(b)(6) **LTC 1CD G-3 FID**

From: MND-B G3 CHOPS
Sent: Monday, September 10, 2007 4:28 PM
To: (b)(3),(b)(6) LTC 1CD G-3 FID
Subject: RE: [U] Ameriya Curfew
Categories: UNCLASSIFIED, FOR OFFICIAL USE ONLY

Sir,

The curfew is as normal:

- As of 04 APR 07 BAGHDAD CURFEW 2200-0500 Daily and Civilian Vehicle Movement Ban on Fridays from 1100-1500.

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

vr

1st Team!

MND-B G3 CHOPS

MAJ (b)(3),(b)(6) **0630-1830 (DAY)**
MAJ (b)(3),(b)(6) **1830-0630 (NIGHT)**

VOIP: 242-4164
DSN: 318-847-1847

From: (b)(3),(b)(6) LTC 1CD G-3 FID
Sent: Monday, September 10, 2007 4:25 PM
To: MND-B G3 CHOPS
Subject: [U] Ameriya Curfew

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY
Chops, in support of an investigation I'm doing, what is the nightly curfew time in Ameriya?

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

LTC, FA50
Chief, G3-FID
MND-B
DSN 318-848-8042
S VOIP 242-4887
NIPR:
SIPR: (b)(3),(b)(6)

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY
For more information visit www.titus.com

CENTCOM 013518

9/10/2007 *Exhibit C*

EXHIBIT D

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION I-5 Cav JCD	2. DATE (YYYYMMDD) 2007 07 09	3. TIME 14:53	4. FILE NUMBER
5. LAST_NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-5 / Sniper	
8. ORGANIZATION OR ADDRESS			

9. I, (b)(3),(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On June 30, 2007 I was in the OP on (b)(2)High
(b)(2)High of (b)(2)High Our mission was to (b)(2)High
(b)(2)High The area was
an IED (b)(2)High site and we were told to act only
if we had PID. At around 2315 I had noticed a patrol
of tanks that had made the right and went East on
(b)(2)High. Shortly after a man had moved on to the street
and looked toward the tanks. I couldn't see much of the
area where I was positioned so I moved to the other side of
the roof. Around 2330 my spotter and I had noticed the
man come back out onto the street, but this time he
was carrying a weapon. My spotter and I both PID the rifle
and I prepared to make my shot. BEING that this was
a (b)(2)High IED hot spot at the time and he was already in
the street once looking at the tanks after they had passed
and according to ROE with him being in the street with a
weapon, which could cause harm to coalition forces or civilians
I decided to make my shot. At the time of the shot the
man was in the middle of the road with his weapon looking East.
After I had engaged the man my (b)(2)High
(b)(2)High hit me in the face so I moved back so the

10. EXHIBIT Exhibit D	11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 3 PAGES
--------------------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

14:53

DATED

2007 09 07

9. STATEMENT (Continued)

Dis mounts could gain fire superiority of the area which lasted about five or six seconds. Shortly after the Bradleys moved down to the site and told the radio operator to get ready for pickup, we moved down to the house and gained security of the site.

Once we had security I saw Sgt. (b)(3),(b)(6) clear the

AK-47 which was in the courtyard area not far at all from the wounded man. I pulled security at the gate and then inside the courtyard until the medic and the house was clear. The medic had worked on the man until we were ready to move to Riva Ridge medical center. Once we moved the security

and took the AK-47 and shotgun we left for the medical center. While we were at the house there was one ballistic breach of a box but nothing further to my knowledge was broken. The contents that were taken from the house was 1x AK-47, 1x shotgun and 1x bag of mixed ammunition and ak-47 magazines. Nothing further to my knowledge was taken. At no time when I was at the house did I say anything about shooting the man nor did I have my rifle with me. I did (3),(b) go back to the home (b)(3),(b)(6) (b)(3),(b)(6) (3),(b)(c) (3),(b) on a later patrol so that I could show a picture to the family so they could make sure it was there family member. After that patrol I have never been back to the house nor tried to contact them. While I was there I stayed back just in case they might want to have recognized me. When I was there I didn't talk to them at all.

~~nothing else follows~~

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

Exh D

STATEMENT OF (b)(3),(b)(6) TAKEN AT 14:53 DATED 2007 09 07

9. STATEMENT (Continued)

Nothing else follows

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

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

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

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

AFFIDAVIT

I, (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3),(b)(6)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of September, 2007 at 15:52

CPI (b)(3),(b)(6) 1-5 CW

(b)(3),(b)(6)
(Signature of Person Administering Oath)

ORGANI (b)(3),(b)(6)
SFC (b)(3),(b)(6)

(b)(3),(b)(6) Ltc
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS
1-5 CAV, 280T, 1CD

15-6-10
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)

PAGE 3 OF 3 PAGES

Exh D

EXHIBIT E

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: I-5 TDC
2. DATE (YYYYMMDD): 20070907
3. TIME: 1530
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3),(b)(6)
6. SSN: (b)(3),(b)(6)
7. GRADE/STATUS: E-5/SGT.
8. ORGANIZATION OR ADDRESS: HHC I-5 CAV 2BCT, 1CD

9. I, (b)(3),(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON THE NIGHT OF JUNE 30TH 2007 I, SGT (b)(3),(b)(6) went on a patrol with Delta Company 3rd platoon as a detachment (b)(2)High team leader. We had a recon of the site we were to use a few patrols earlier. We started our (b)(2)High around 2200. We observed nothing to alarm or raise our attention until 2315 when a patrol from Delta passed by our location. They were driving east on (b)(2)High road. Once they passed by the location of the incident and got a few hundred meters down the road a light turned on at the house. Minutes later I observed movement with my naked eye and alerted it to the attention of others. We observed the movement until SPC (b)(2)High (b)(3),(b)(6) was able to P.I.D with his rifle. The light from the house (b)(2)High (b)(3),(b)(6) was able to P.I.D the target once he was in the street. When he P.I.D the target he noticed the person had an AK-47 in his hands. I immediately brought up (b)(2)High and confirmed what he saw. I told him to take the shot when he was ready. Immediately following the shot (b)(2)High Once a cease fire was given we proceeded to pack all our gear and the mounted crew drove past to go confirm the shot. They reached the area and saw a commotion going on so they turned around to pick us up to dismount into the area. When we got there I was one of the last into the gated area. The man wounded was lying right outside the gate and we had the family drag him in. As soon as I got into the yard

10. EXHIBIT: Exhibit E
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3),(b)(6)
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(3),(b)(6) TAKEN AT 1530 DATED 2007 09 07

9. STATEMENT (Continued)

I saw Sgt. (b)(3),(b)(6) clearing an AK-47 once the casualty was in the yard I positioned myself at the head of the victim and the rest of the family was brought into the house for their safety. All my attention from that point out was directed outside the gate and to the victim. The interpreter was telling us what the casualty was saying. He had said "If you save my life I'll tell you about insurgents and IEDs in the area." This house was on the corner of an area we know as ambush alley. We had found numerous IEDs and lost a few soldiers less than (b)(2)High from his house. He had told us this as the medic and I were patching him up. From behind me, in the house, SPC (b)(3),(b)(6) had found a shotgun and rounds. Other than breaching a lock with a weapon I heard no other noises that arose my suspicion that anything else was happening in the house. We expelled the casualty to Riva Ridge here on Camp Liberty. I never entered the house and didn't have any contact with the family. When we PID the individual with the AK on the road, after curfew, in a TIER I IED location, I felt it was well within our ROE limitations to take a shot and engage the enemy to further limit American casualties in this location. When mention of SGT (b)(3),(b)(6), it's actually SGT (b)(3),(b)(6) and SPC (b)(3),(b)(6) is SPC (b)(3),(b)(6). The statement from the casualty was interpreted from Arabic to English by our interpreter.

Nothing Else Follows (b)(3),(b)(6)

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

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

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

ExHE

STATEMENT OF _____

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

TAKEN AT 1530

DATED 2907 0907

9. STATEMENT (Continued)

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

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

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

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

AFFIDAVIT

I, _____ (b)(3),(b)(6), _____ (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of September, 2007 at 1530

SSG (b)(3),(b)(6) _____
 (b)(3),(b)(6) _____
Bco 492nd CABN FOB Liberty
 ORGANIZATION OR ADDRESS

 (b)(3),(b)(6)
 (Signature of Person Administering Oath)

CPT (b)(3),(b)(6) _____
 (b)(3),(b)(6) _____
HHC 1-5 CAV FOB Liberty, Iraq
 ORGANIZATION OR ADDRESS

 (b)(3),(b)(6)
 (Typed Name of Person Administering Oath)
15-6 I.O.
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

Exh E

EXHIBIT F

(b)(3),(b)(6) **LTC 1CD G-3 FID**

From: (b)(3),(b)(6) LTC 1ST CAV G2 Deputy
Sent: Sunday, September 09, 2007 10:54 AM
To: (b)(3),(b)(6) LTC 1CD G-3 FID
Subject: Unclassified
Categories: Unclassified
Classification Classification: Unclassified

Classification: Unclassified

This information was taken directly from TF Troy Counter IED Smart Cards.

(b)(2)High

(b)(2)High

V/R

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

Dep G2, 1st CAV, MND-B

CAMP LIBERTY, IRAQ

VOIP 242-4582

(b)(3),(b)(6) @mnd-b.army.smil.mil

Riamh nar dhruid o' spairn lann (Irish Gaelic: Never retreat from the clash of lances.)

Classification: Unclassified

For more information visit www.titus.com

CENTCOM 013528

9/10/2007 Exhibit F