



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
2ND INFANTRY DIVISION  
MULTI-NATIONAL DIVISION-BAGHDAD  
CAMP LOYALTY, IRAQ APO AE 09390



AFZC-B-CDR

APR 17 2007

MEMORANDUM FOR Commander, Multi-National Division-Baghdad and 1st Cavalry  
Division, Camp Liberty, Iraq APO AE 09344

SUBJECT: AR 15-6 Investigation Into Sensitive Items Destroyed in IED Attack, 1-8 CAV, 18  
March 2007

I recommend approval of the investigating officer's findings and recommendations with the  
exception that the negligence of the driver of the civilian vehicle was not the sole cause of the  
accident.

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

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

COL, IN  
Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2<sup>ND</sup> INFANTRY BRIGADE COMBAT TEAM  
2<sup>ND</sup> INFANTRY DIVISION  
FORWARD OPERATING BASE LOYALTY, APO AE 09390

REPLY TO  
ATTENTION OF

AFZC-B-CDR

APR 17 2007

MEMORANDUM FOR RECORD

SUBJECT: Condolence Payment Approval

1. IAW (b)(2)High I have approved the below individual for receipt of a Condolence payment from 2BCT 2ID, MND-B in the amount indicated.

- a. NAME OF PAYEE: (b)(6)
- b. DATE OF ORIGINAL INCIDENT: 10 MAR 07
- c. INCIDENT LOCATION: (b)(2)High between CPs 32 and 557
- d. INCIDENT DESCRIPTION: D/1-8)(2)Higstruck a traveling minibus with its gun tube, causing the death of the payee's wife, and resulting in injuries to the payee and his son.
- e. APPROVED PAYMENT AMOUNT(S):

|                  |                |
|------------------|----------------|
| Injury to Payee: | \$2,500        |
| Injury to Son:   | 2,500          |
| Death to Wife    | <u>2,500</u>   |
| Total            | <u>\$7,500</u> |

2. POINT OF CONTACT: The POC for this request CPT (b)(3),(b)(6) Brigade Trial Counsel.  
POC can be reached at 772-7052 (b)(3),(b)(6), (b)(2)High .

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

COL, IN  
Commanding



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
2ND INFANTRY DIVISION  
MULTI-NATIONAL DIVISION-BAGHDAD  
CAMP LOYALTY, IRAQ APO AE 09390



AFZC-B-JA

5 April 2007

MEMORANDUM FOR Commander, 2nd Brigade, 2nd Infantry Division, Multi-National Division-Baghdad, FOB Loyalty, Iraq APO AE 09390

SUBJECT: Review of AR 15-6 into D Company, 1-8 Cavalry vehicular accident 10 March 2007

1. I have reviewed the investigation into the facts and circumstances surrounding the vehicle accident involving a tank from D Company, 1st Squadron, 8th Cavalry, and the subsequent death of a local national female. The accident occurred on 10 March 2007. I make the following determinations:

a. The proceedings complied with the legal requirements of *AR 15-6, Procedures for Investigating Officers and Boards of Officers* (2 October 2006).

b. The investigation does not contain any material errors or errors of appointment, and did not violate any individual's substantial rights.

c. Sufficient evidence supports the investigating officer's findings that the civilian vehicle involved in the accident was not driving in a safe manner. I differ with the investigating officer's conclusion that the civilian driver's, "unsafe speed and inattentive driving were the cause of the accident," as follows:

(1) The evidence does not establish that the negligence of the driver of the civilian vehicle was the sole cause of the accident.

(2) The evidence shows that the tank involved in the accident was behind another tank, and that both were driving the wrong way on a street (against traffic) at night. The front tank's turret was pointing straight ahead.

(3) The rear tank was turning its turret to its left (oncoming traffic's right) when the turret struck the civilian vehicle, as it was trying to maneuver past the tank.

(4) The lead tank did not radio the trailing tank to inform it that a car was passing to the left side of the tank. Both tanks had their headlights on. The gun tube, itself, is not illuminated.

(5) The driver of the civilian vehicle probably did not anticipate the trail tank to be rotating its turret into the lane of traffic that he was traversing, and ultimately into the vehicle.

(6) The gun tube impacted the side of the van, not the front of the van. This is evidence that the turret was rotated into the vehicle, instead of the vehicle driving into a static gun tube.

AFVA-JA-AL

SUBJECT: Review of AR 15-6 into D Company, 1-8 Cavalry vehicular accident 10 March 2007

(b)(5)

d. The investigating officer's recommendations are consistent with both his findings and the proposed findings that I have discussed above.

(b)(5)

2. The Approval Authority for this investigation is the Commander, Multi-National Division-Baghdad.

3. Staff contact for this legal review is the undersigned at VOIP 772-7052 or e-mail at

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

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

CPT, JA  
Brigade Trial Counsel



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
2ND INFANTRY DIVISION  
MULTI-NATIONAL DIVISION-BAGHDAD  
CAMP LOYALTY, IRAQ APO AE 09390



AFZC-B-JA

11 March 2007

MEMORANDUM FOR CPT (b)(3)(b)(6) HHC, 1-8 CAV, 2BCT, 2ID, MND-B, Camp  
Rustamiyah, Iraq APO AE 09390

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 conduct an investigation into the facts and circumstances surrounding the 10 March 2007 tank-on-vehicle accident on Route Pluto which resulted in wounded local nationals.
2. You will issue findings and recommendations that cover the following areas of inquiry:
  - a. Identify the exact time and place of the incident.
  - b. Describe how and why the incident occurred and cite specific exhibits as evidence of your findings and recommendations.
  - c. Discover whether there was negligence involved in the accident. If so, identify who was primarily negligent. Identify if other(s) were secondarily negligent. Describe how each party was negligent.
  - d. Was the unit involved executing the mission IAW SOP? Were there any leadership deficiencies? Determine whether the Soldiers involved were properly trained.
  - e. Include the identities of all personnel killed and wounded, if any. Document all damage to local national persons and property.
  - f. Make recommendations for any corrective actions that the Soldiers involved, or their chain of command, should take in order to address this situation (if any), and also address any actions that should be taken in order to minimize the future probability of similar accidents.
  - g. Identify any other matters you deem relevant.
3. Your legal advisor is CPT (b)(3)(b)(6), 2nd Brigade Operational Law Team, VOIP 772-7052, who will give you an in-brief before you begin your investigation and be available to assist you during the investigation.
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

AFZC-B-JA

SUBJECT: Appointment as Investigating Officer under AR 15-6

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 have committed a crime, 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 18 March 2007. Requests for delays should be made to me verbally or in writing.

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

COL, IN  
Commanding

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 COL (b)(3),(b)(6), COMMANDER, 2D INFANTRY BRIGADE COMBAT TEAM, 2D INFANTRY DIVISION (Appointing authority)

on 10MAR07 (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 FOB RUSTAMIYAH, BAGHDAD, IRAQ (Place) at 2300 (Time)

on 10 MAR 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.)

CPT (b)(3),(b)(6) HHC/1-8 CAV, (INVESTIGATING OFFICER)

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 1200 (Time) on 11 MAR 07 (Date)

and completed findings and recommendations at 1500 (Time) on 11 MAR 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.

|   |   |     |             |             |
|---|---|-----|-------------|-------------|
| 2   | Exhibits (para 3-16, AR 15-6)   | YES | NO <u>1</u> | NA <u>2</u> |
|   | 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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>   |   |     |             |             |
| 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)? |     |             |             |
| <b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>   |   |     |             |             |
| 9   | Notice to respondents (para 5-5, AR 15-6):  |     |             |             |
|   | a. Is the method and date of delivery to the respondent indicated on each letter of notification?   |     |             |             |
|   | b. Was the date of delivery at least five working days prior to the first session of the board?   |     |             |             |
|   | c. Does each letter of notification indicate —  |     |             |             |
|   | (1) the date, hour, and place of the first session of the board concerning that respondent?   |     |             |             |
|   | (2) the matter to be investigated, including specific allegations against the respondent, if any?   |     |             |             |
|   | (3) the respondent's rights with regard to counsel?   |     |             |             |
|   | (4) the name and address of each witness expected to be called by the recorder?   |     |             |             |
|   | (5) the respondent's rights to be present, present evidence, and call witnesses?  |     |             |             |
|   | d. Was the respondent provided a copy of all unclassified documents in the case file?   |     |             |             |
|   | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?  |     |             |             |
| 10  | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):  |     |             |             |
|   | a. Was he properly notified (para 5-5, AR 15-6)?  |     |             |             |
|   | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?   |     |             |             |
| 11  | Counsel (para 5-6, AR 15-6):  |     |             |             |
|   | a. Was each respondent represented by counsel?  |     |             |             |
|   | Name and business address of counsel:   |     |             |             |
|   | (If counsel is a lawyer, check here <input type="checkbox"/> )  |     |             |             |
|   | b. Was respondent's counsel present at all open sessions of the board relating to that respondent?  |     |             |             |
|   | c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?                                |     |             |             |
| 12  | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):   |     |             |             |
|   | a. Was the challenge properly denied and by the appropriate officer?  |     |             |             |
|   | b. Did each member successfully challenged cease to participate in the proceedings?   |     |             |             |
| 13  | Was the respondent given an opportunity to (para 5-8a, AR 15-6):  |     |             |             |
|   | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?   |     |             |             |
|   | b. Examine and object to the introduction of real and documentary evidence, including written statements?   |     |             |             |
|   | c. Object to the testimony of witnesses and cross-examine witnesses other than his own?   |     |             |             |
|   | d. Call witnesses and otherwise introduce evidence?   |     |             |             |
|   | e. Testify as a witness?  |     |             |             |
|   | f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?   |     |             |             |
| 14  | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?                                       |     |             |             |
| 15  | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?  |     |             |             |
| FOOTNOTES: <u>1</u> Explain all negative answers on an attached sheet.  |   |     |             |             |
| <u>2</u> 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. |   |     |             |             |

(b)(2)High

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

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

SEE ATTACHED MEMORANDUM

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

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

SEE ATTACHED MEMORANDUM

**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)

\_\_\_\_\_  
(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.)

\_\_\_\_\_



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1<sup>ST</sup> BATTALION, 8<sup>TH</sup> CAVALRY  
2<sup>ND</sup> BRIGADE, 1<sup>ST</sup> CAVALRY DIVISION  
FOB RUSTAMIYAH, IRAQ, APO AE 09390

REPLY TO  
ATTENTION OF:

AFVA-1-8CAV-S3

28 March 2007

MEMORANDUM FOR RECORD

SUBJECT: 15-6 Investigation for D CO vehicular accident 10 March 2007

1. **SUMMARY:** On 10 March 2007, 1LT (b)(3),(b)(6) D CO 1-8 CAV, was leading a (b)(2)High (b)(2)High consisting of a (b)(2)High section, on (b)(2)High. The section was moving south in the north bound lane during limited visibility with white lights on and traveling under (b)(2)High mph. At approximately 2040 a white van passed the lead tank at a high rate of speed crashing into the gun tube of the 1LT (b)(3),(b)(6) (b)(2)High in the trail. Initially reported as injuring a local national, the wounded occupant of the taxi was evacuated by Iraqi police. However, the husband walked into the JSS and rendered a sworn statement (exhibit E sworn statement of (b)(6) and it is corroborated by the Iraqi police report and death certificate (exhibit D). The collision resulted in the fatal injury of a local national woman, (b)(6) (exhibit D and exhibit E). 1LT (b)(3),(b)(6) D CO 1-8 CAV, recognized the son from the scene of the accident and gave a sworn statement to that effect (exhibit F).

2. **FINDINGS:** After examining all evidence, LT (b)(3),(b)(6) and his patrol were traveling safely along route predators, at a safe speed, approximately 20 mph (exhibit A, 1LT (b)(3),(b)(6) DA 2823), and with white lights on to allow local national drivers to see the section moving. The local national driver was driving at a dangerous and high rate of speed, (b)(2)High mph, not even giving the lead (b)(2)High time to warn LT (b)(3),(b)(6) of the approaching vehicle (exhibit B, SGT (P) (b)(3),(b)(6) DA 2823). The local national driver's unsafe speed and inattentive driving were the cause of the accident with 1LT (b)(3),(b)(6) (b)(2)High

3. 1LT (b)(3),(b)(6) the patrol leader, took appropriate action following the accident and reported the incident to Mustang Main and requested a patrol in sector with an interpreter be diverted to his location in order to check on the local nationals and coordinate with the IP's on the ground. However, all the local nationals left the area or were evacuated by the IP's immediately following the accident and no local nationals could be interviewed. He was instructed to conduct SSE operations and take pictures of the vehicle and (b)(2)High (exhibit C, DA 1594) and return to FOB Rustamiyah.

4. **RECOMMENDATIONS:**

(b)(5)

(b)(5), (b)(6)

AFVA-1-8CAV-S3

SUBJECT: 15-6 for D CO vehicular accident 10 March 2007

(b)(5)

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

CPT, IN  
Investigating Officer

SWORN STATEMENT

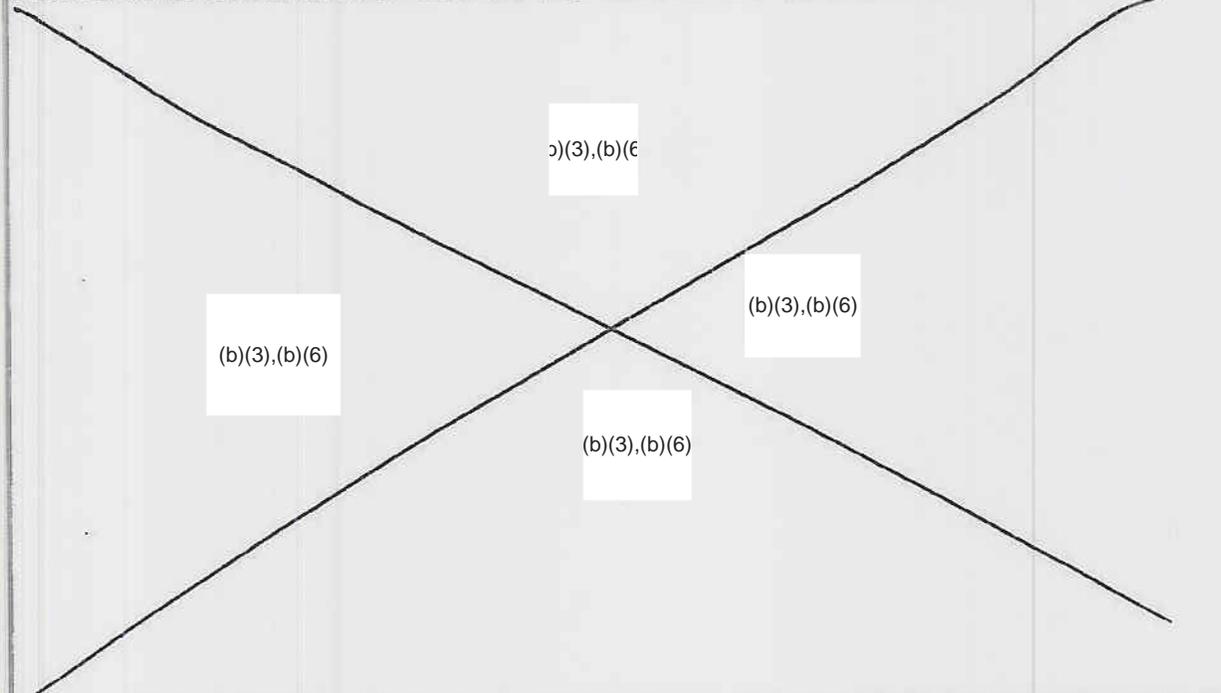
For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: 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 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8 ORGANIZATION OR ADDRESS
D Co 1-8 Cav 2BCT 1CD

9 I, (b)(3),(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 10 March 2007 while conducting (b)(2)High my patrol was moving South on (b)(2)High between CP 32 and CP 557. My patrol was moving South in the North bound lane moving at 20 mph, with white lights on. At approximately 2040 my gunner, Spc(3),(b) was scanning left down an ally way when he informed me that he could not move the turret. Spc(3),(b) and I believed that the (2)H had lost all hydraulic pressure. after trying to move the gun tube with the gunners cadalics and the (2)H commanders control handle. we stopped the (2)H and was informed by my wing man Sen(3),(b) that there was a van stuck on our gun tube. From inside the tank Spc(3),(b) and I could not see the van through the vision blocks, (b)(2)High We had no idea that a vehicle had struck our (2)H. When I opened the hatch I observed the van. Iraqi police were on the seen almost immediately. some of the occupants of the van grabbed their bags and continued to walk down the street. I observed the Iraqi police carry one casualty which appeared to be male in to the back of an Iraqi police truck. I was unable to determine how many people where in the vehicle or how many people were hurt. I informed Mustang Mic that a vehicle had struck my (2)H and that there were civilian casualties. Interpreters are not included on (2)H missions. I requested for a patrol to be flexed to our location so that we could use the interpreter to find out more details about accident. Soon after arriving on the seen, the Iraqi police cleared the area and there was no one to talk to on the seen. A large crowd was formed at (b)(2)High. I was informed by Mustang JSS that this crowd was people returning from Karballa. Mustang Mic informed me that no patrol was going to come to the seen and to take pictures, conduct brief SSE and continue back to the FOB. My crew and I removed the gun tube from the van and returned to the FOB



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

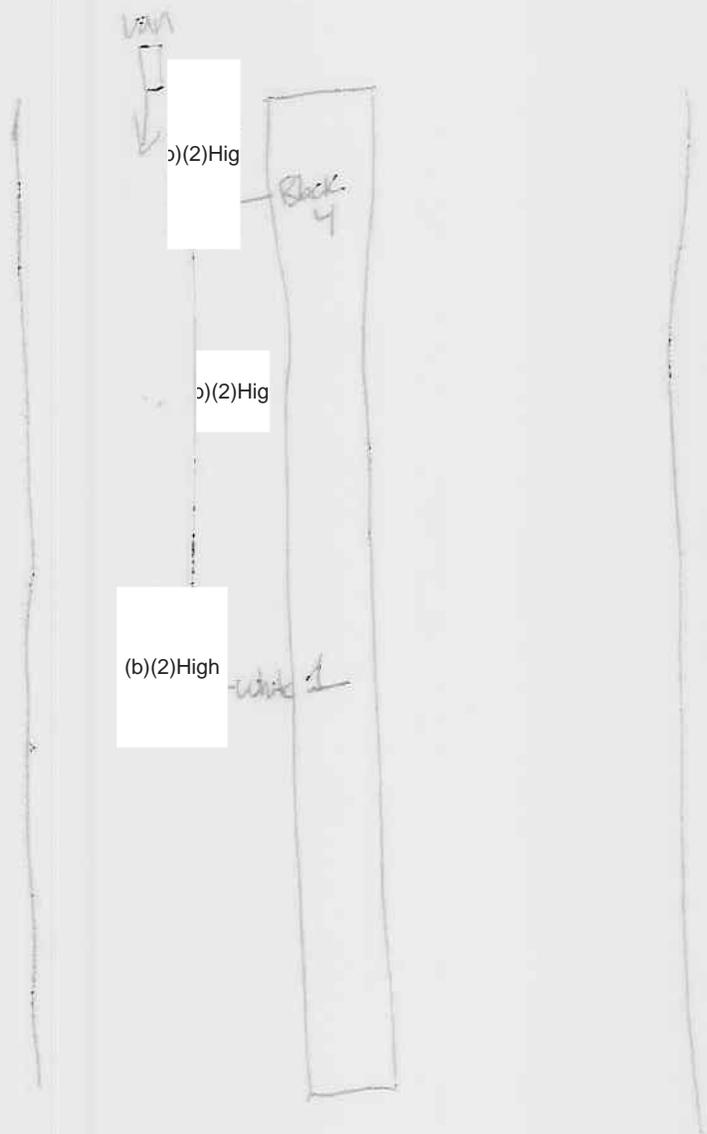
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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

STATEMENT OF ILT (b)(3),(b)(6) TAKEN AT DC 1-8700 DATED \_\_\_\_\_

9. STATEMENT (Continued)

CP 557



2  
6

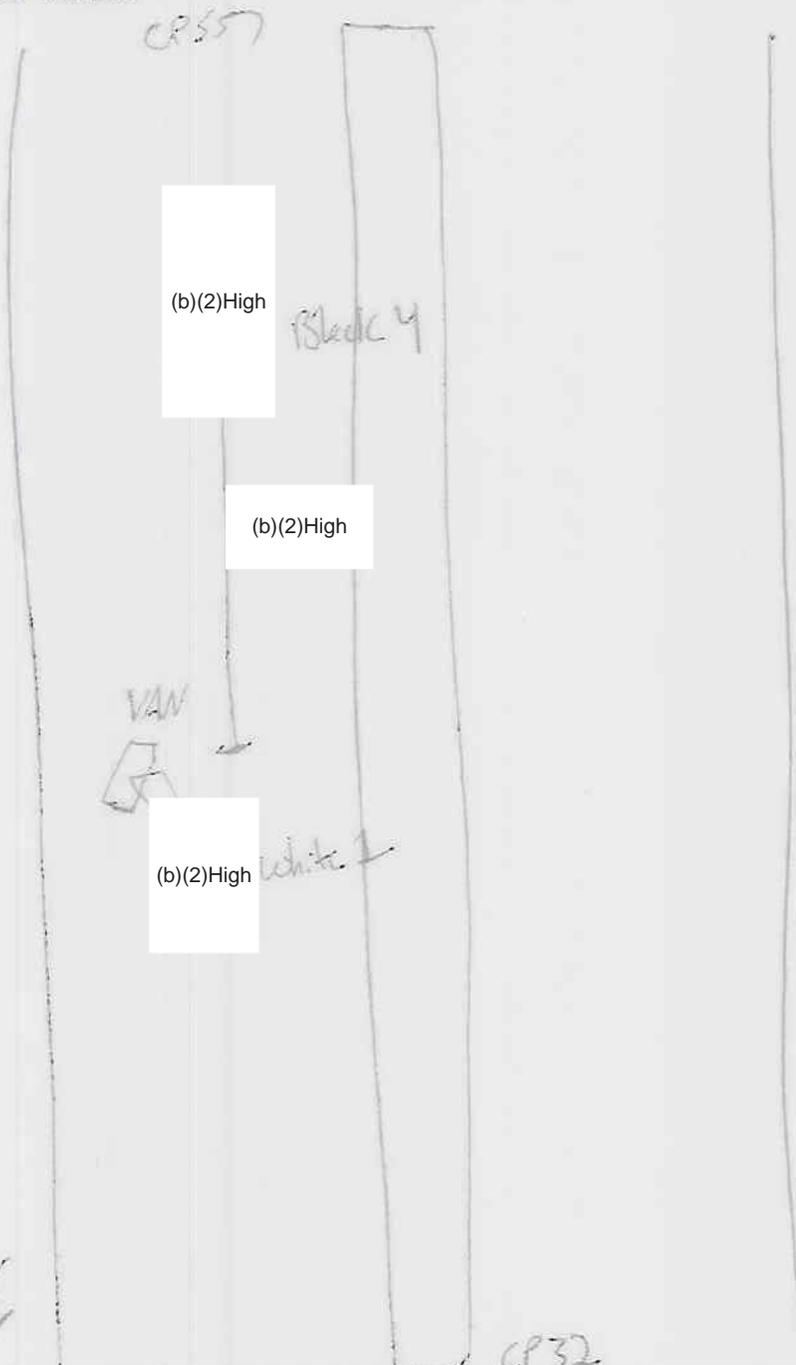
CP 32

INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6) PAGE 2 OF 4 PAGES

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

STATEMENT OF LTJ (b)(3),(b)(6) TAKEN AT D. GOLF COURSE DATED \_\_\_\_\_

9. STATEMENT (Continued)



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

PAGE 3 OF 4 PAGES

STATEMENT OF ILT (b)(3),(b)(6) TAKEN AT D Co 1-8 TOC DATED 2007/03/11

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), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

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

WITNESSES:

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

DCO. 1-8 CAV 1CD

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

DCO 1-8 CAV 1CD

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of March, 2007 at

(b)(3),(b)(6) (Administering Oath)

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

INVESTIGATING OFFICER (Authority To Administer Oaths)

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

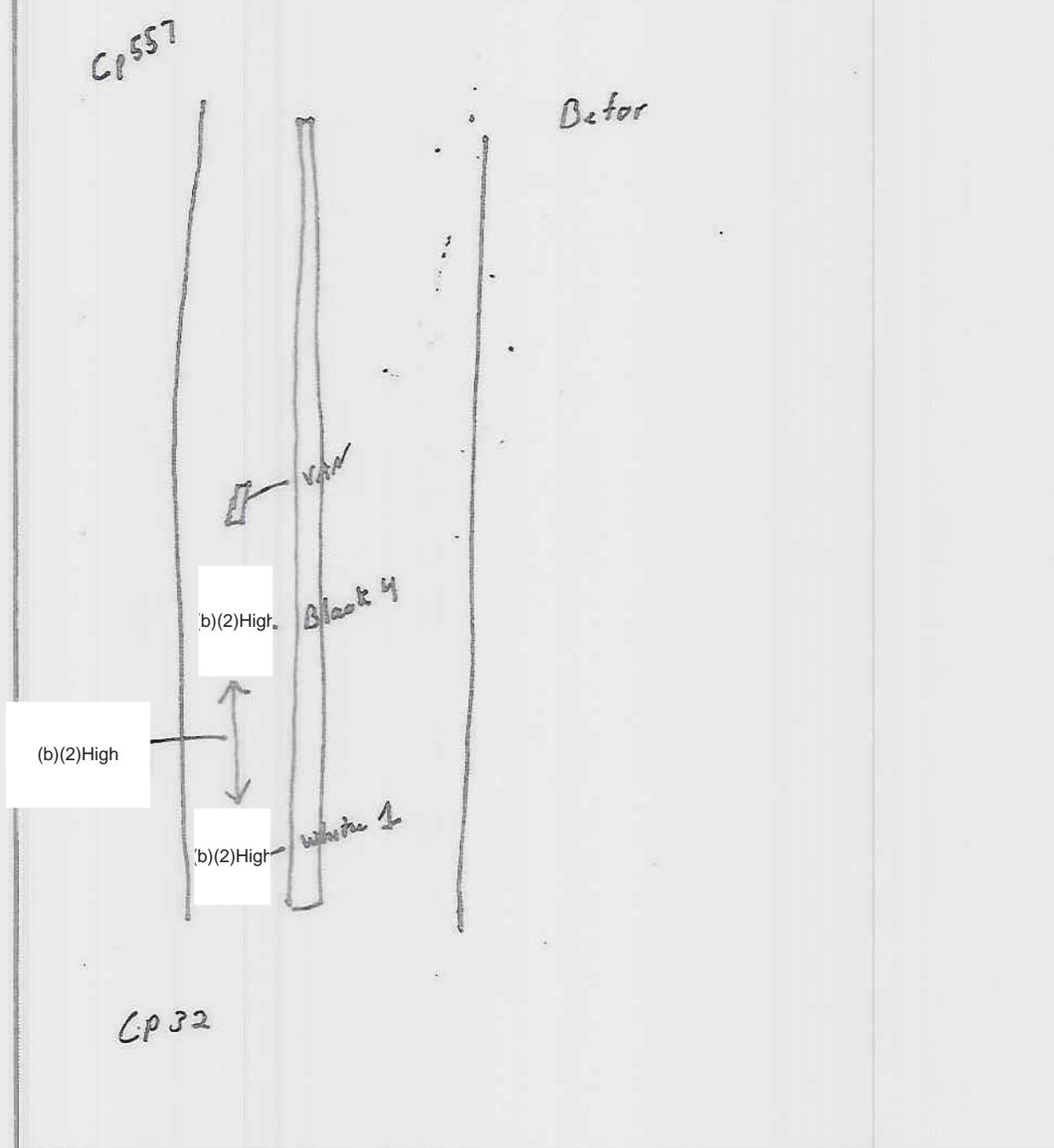
PAGE 2 OF 2 PAGES

| SWORN STATEMENT  |  |                 |                    |
|--|--|-----------------|--------------------|
| For use of this form, see AR 190-45; the proponent agency is PMG.  |  |                 |                    |
| PRIVACY ACT STATEMENT  |  |                 |                    |
| <b>AUTHORITY:</b>  | Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).                               |                 |                    |
| <b>PRINCIPAL PURPOSE:</b>  | To provide commanders and law enforcement officials with means by which information may be accurately identified.          |                 |                    |
| <b>ROUTINE USES:</b>   | Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. |                 |                    |
| <b>DISCLOSURE:</b>   | Disclosure of your social security number is voluntary.  |                 |                    |
| 1. LOCATION  | 2. DATE (YYYYMMDD)   | 3. TIME         | 4. FILE NUMBER     |
|  | 2007 03 10   | 1119            |                    |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME  | 6. SSN   | 7. GRADE/STATUS |                    |
| (b)(3),(b)(6)  | (b)(3),(b)(6)  | E-5 / SGT (P)   |                    |
| 8. ORGANIZATION OR ADDRESS   |  |                 |                    |
| Dco H8 Cav 1CD   |  |                 |                    |
| 9.   |  |                 |                    |
| I, (b)(3),(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:   |  |                 |                    |
| <p>On March 10 2007 while conducting (b)(2)High we were moving south on (b)(2)High from Check Point 32 toward Check point 557 an speed of travel was (b)(2)High mph with Head lights on. A Van traveling from Checkpoint 557 toward Check point 32 at a High rate of Speed about (b)(2)High mph. The van missed my Gun tube that was on the front left corner of my (b)(2)High. LT (b)(3),(b)(6) tank was about (b)(2)High behind me. after the van passed me I didnt get a chance to call LT (b)(3),(b)(6) to inform him of it cause my Gunnar was looking at a crowd of people at 557 and (3)(b) were trying to figure out what was going on. LT (b)(3),(b)(6) called and ask-d me to check his gun tube to see if he had hit something. that is when we noticed the Van that had hit the gun Tube. I moved back to his location to pull security when we noticed the body being pulled from car and people moving about like nothing had happen. The IP's showed up and took the body away from area. After that we removed the gun Tube from the Car and moved back to FOB for Maintenance and to RP (b)(3),(b)(6)</p> |  |                 |                    |
| 10. EXHIBIT  | 11. INITIALS OF PERSON MAKING STATEMENT  |                 | 3),(b)             |
|  | (b)(3),(b)(6)  |                 | PAGE 1 OF 21 PAGES |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.   |  |                 |                    |

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

STATEMENT OF (b)(3),(b)(6) TAKEN AT D/G LEZAK DATED

9. STATEMENT (Continued)



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

PAGE 2 OF 4 PAGES

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

STATEMENT OF

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

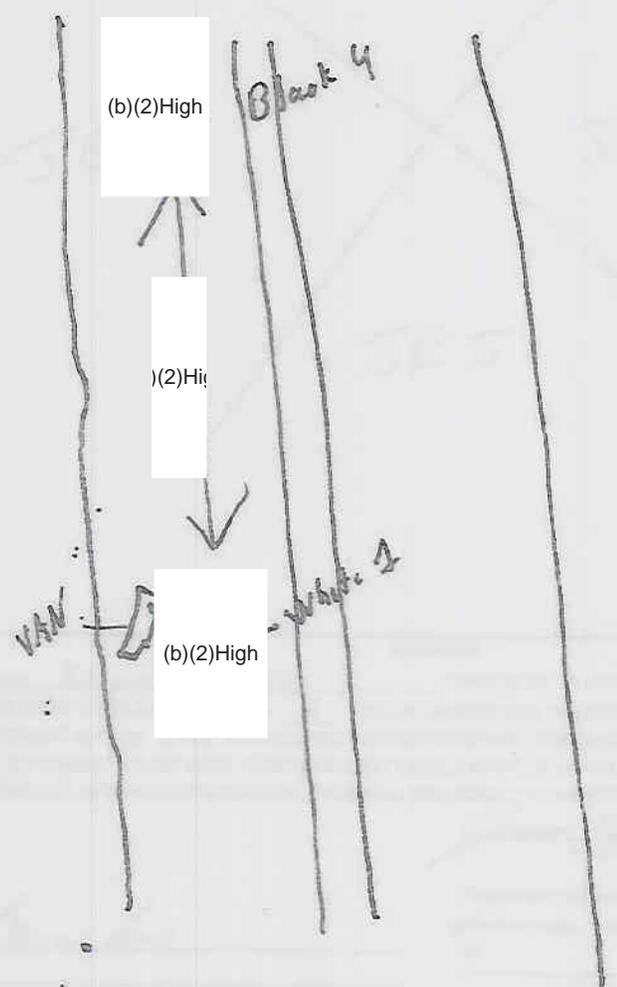
TAKEN AT

Dec 1975

DATED

9. STATEMENT (Continued)

After



INITIALS OF PERSON MAKING STATEMENT

(3),(b)

PAGE 3 OF 4 PAGES

108

3112

MS CALLED DESPERADO WHITE 1 AND GOT FOLLOWING  
 DETAILS- DESPERADO WHITE 1 WAS TRAVELING SOUTH IN  
 THE NORTHBOUND LANE WITH THEIR LIGHTS ON, THE  
 TUBE WAS FACING (b)(2)High TO THE LEFT LOOKING  
 DOWN AND ALLEY WAY. THE GUN TUBE JERKED TO THE  
 LEFT AND THEN REALIZED THE CAR WAS ON THE GUN  
 TUBE. IPS GOT TO SCENE QUICK AND TOOK THE PEOPLE  
 TO THE HOSPITAL... THEY WERE TRAVELING IN THE  
 EASTERN LANE... TOOK PICTURES OF ACCIDENT UPON  
 RETURNING TO FOB WILL CONTACT TEAM CHIEF FOR  
 MAINTENANCE TO ACCESS BDA CE

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

(b)(2)High

2)F

(b)(6)

(b)(6)

(b)(6)

(b)(2)Hi

(b)(2)High

(b)(2)High

(b)(2)High

2)F

Nonresponsive, (b)(2)High

(2)H

(b)(2)High

(b)(2)High

EXHIBIT  
D8  
PH-21

Foreign Language Text, (b)(6)

# Vehicle Accident Photos



Picture 1

(b)(2)High



Picture 2

(b)(2)High



Picture 3



Picture 4

EXHIBIT D  
PAGE 2

Foreign Language Text, (b)(6)

EXHIBIT  
3

Foreign Language Text, (b)(6)

EXBTD  
page 4

Foreign Language Text, (b)(6)

Foreign Language, (b)(6)

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EXHIBIT D  
PAGE 6

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

AlRashad Police station

①

20-3-2007

Mr New Baghdad investigational judge

Your decision dated on 11-3-2007

was assigned to you,

(b)(6)

(b)(6)

(b)(6)

and spouse of the victim

To record his testimony with respect.

1st LT

(b)(6)

Baghdad Police  
Dr. R.

Judge

(b)(6)

(b)(6)

Alrashed Police Dept

EXHIBIT 9  
PAGE 9

11 ~~3~~ 3- 2007

Mr New Baghdad Investigation Judge.  
- at 22130 last night we were informed by one of our patrol that was located at Almashtal Garage.  
one of the American (b)(2)High that was at the location above started to circle the Gun (nozzle) towards the right hand side and during that Action the (b)(2)High driver hit one of the vans that carries passengers from behind and crushed the top of the vehicle, and it's glass, for that Action one of the female passengers called (b)(6) was injured in her head, and was takeoff to a hospital Al Kindy hospital, and passed away upon arrival from injuries to her head. (b)(6) arranged all the documents.

- Reported her spouse Testimony (b)(6)
- Investigation team surveyed the accident Area.
- The body also was examined and reported.
- The spouse was provided with death certificate.

officer

- 1- the appearance of plaintiff
- 2- file the driver testimony as case witness.
- 3- file the death certificate.
- 4- in form the prosecutor.

(b)(6)

New Baghdad Court  
20-3-2007

(3)

EXHIBIT D  
PAGE 10

## Plaintiff Complaint

Full name: (b)(6), occupation: labor

Age: (b)(6) Address: (b)(6) House # unknown.

### After Oath Declaration:

The victim (b)(6) she — on the incident date on 10-3-2007 we were returning from pilgrimage from holly Karbala I was riding with my martyred wife (b)(6) and my son (b)(6) in a KIA TAXI, when we arrived to Almeshtal Area, Two American (b)(2)High approached in (wrong) side, started to turn the muzzel, and hit the vehicle that I was occupying and hurt my wife in the head, my wife was taken to Alkandy hospital, and she died before arriving to the hospital. My father in law is ~~alive~~ <sup>discead</sup>, her mother is still alive, therefore I am filing A complaint against American Forces and asking for restetution.

(b)(6)

(4)

At 22:30 hour of this day we investigated from one of our patrol Al Almashtal Garage, one of the American  
(b)(2)High while passing by the above Garage, started to turn the muzzle of the (b)(2)High towards the right side which hit a 14 passenger Taxi bus from the rear, smashed the top of the vehicle and its glass. A woman called (b)(6)  
(b)(6) ~~was injured~~ suffered injuries to her head and was taken to AlKendy hospital, and passed away suffering from her injuries. An investigation was  
1st 14

(b)(6)

Report of Plaintiff (b)(6) . born

on (b)(6), occupation, labor resides at (b)(6)  
House-, (b)(6) Tel (b)(6)

At 22:30 this night I was riding with my martyred wife (b)(6) and my son a KIA TAXI bus, heading home (b)(6)

from pilgrimage of holy Karbala, while passing through Almashtal Garage, on the main street, I saw American (b)(6)

(b)(2)High following behind our vehicle, The (b)(2)High driver stopped on the ~~left~~ right hand side of the road to let the (b)(2)High pass by. The (b)(2)High driver hit the bus from the rear

smashed the top of the vehicle and its glass, my ~~wife~~ was martyred wife was hit in her head and was taken to AlKendy hospital, when we arrived to the hospital

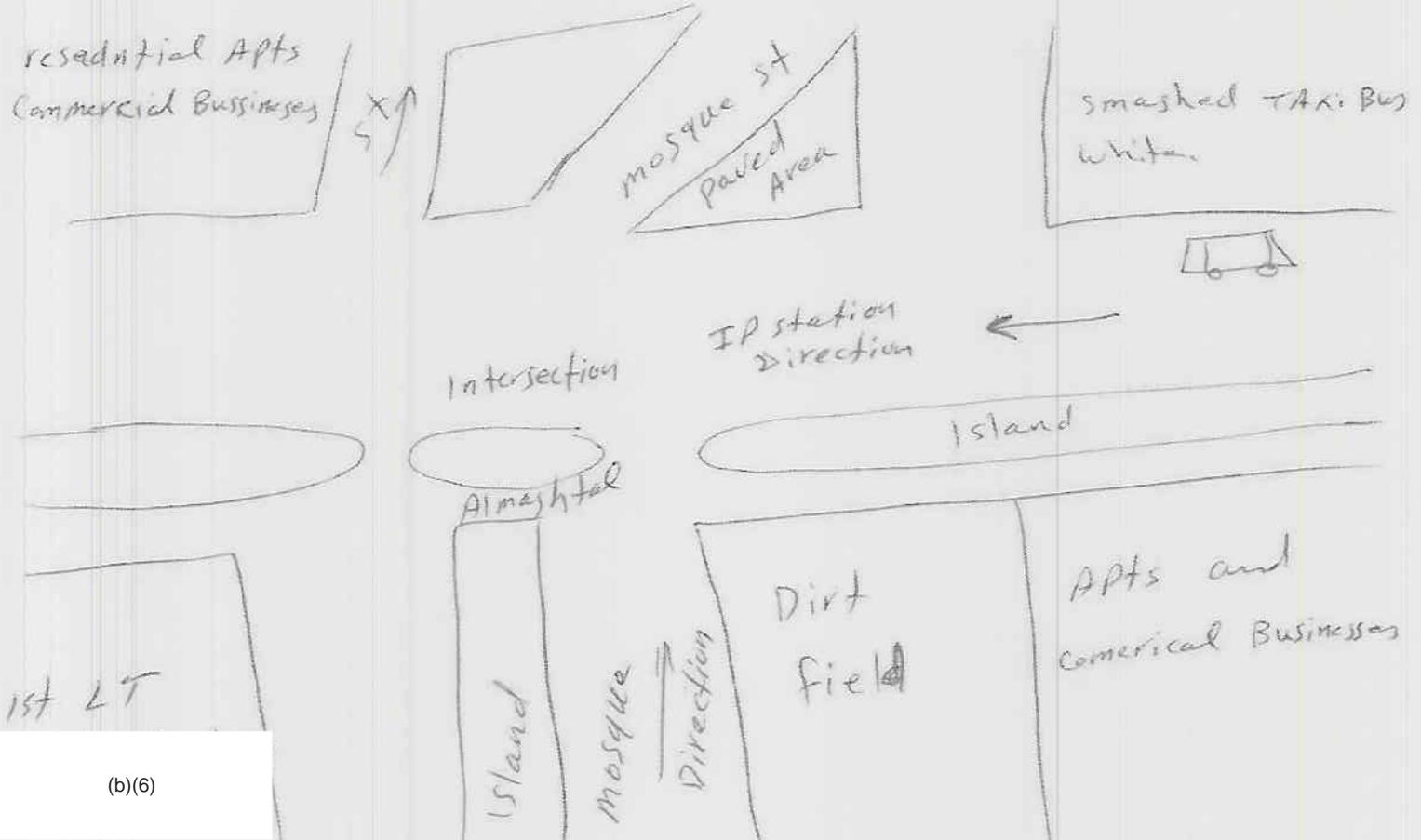
my wife passed away suffering from her injuries therefore I am asking for restitution, and a copy of all the reports

1st 14 LN DE (b)(6) ENTCOM 018155 (b)(6) (b)(3)(b)(6), (b)(6)

# Survey of Accedant Area

According to reports from our Patrol Unit. An American hit a Taxi bus at Almeshtal Area, and injured one of the passengers, Myrtored a Survey was conducted at the Accedant seen and found the following

- 1- The Accedant is (b)(2)High away from police station
- 2. The Accedant Area consists of a main street from Almeshtal Garage and Alfedelia intersection.
- 3- Saw the Taxi bus, white colour, KIA model, with the damage to the top and smashed glass.
- 4. end of survey.



(b)(6)

(6)

# Body Examination

According to reports from our patrol unit, one of the American (b)(2)High hit a ~~taxi~~ Taxi bus by a Muzzel and injured the myrtor (b)(6)

The examination was conducted to the Body and found the following.

1- The Body was lying on a bed inside a refrigerator at Al Kerdy hospital, crossed hands and closed eyes.

2- The body belongs to Myrtor (b)(6) year of age.

3- The body wore (b)(6)

4. Saw a wound on the Top part of the head. from the right side. Caused by an external Force.

5. End of report.

1st IT

(b)(6)

Date 11-3-2007

Death Certificate

Health Ministry

|  |  |   |                                       |                                  |
|--|--|---|---------------------------------------|----------------------------------|
| Decedent's Name<br>[Redacted]              | Religion<br>Muslim   | Iraqi citizenship<br>Ship                 | Female's Sex<br>[Redacted]            | Decedent's Status<br>[Redacted]  |
| Place of Birth<br>Baghdad                  | Place of Birth<br>[Redacted]   | Date of Birth<br>[Redacted]               | Residence<br>Baghdad                  | Married<br>[Redacted]            |
| Place of Death<br>Almushaf<br>AlSasa Fa    | Date of Death<br>2007-3-10 on night  | Death reported by<br>Almushaf Police Dept | Death reported by Agent<br>[Redacted] | Residence at Death<br>[Redacted] |
| Approximate Time symptoms and Death<br>N/A | Hit by Accelerant, hit by Mortar According to report of Almushaf Police Station. Numbered [Redacted] | Address & Muzzle<br>[Redacted] Muzzle 17  | Mother Name<br>[Redacted]             | Father Name<br>[Redacted]        |
| Doctor's Name<br>[Redacted]                | Al Kindy Hospital  | Doctor's Address<br>[Redacted]            | Cause of Death<br>[Redacted]          |                                  |

Filed by health Dept on 10 under section: 1400

All the information was gathered from Decedent's spouse

(b)(6)

(b)(6)

ID #

Baghdad Province

(b)(6)

Page

(b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

Report

Saturday evening on Mar/10/07 when we  
Get back from (Karbla town) on (19:40)  
We rent a mini-bus from (Al Muttal) park  
To (Al Ameen quarter) that mini-bus kind  
(Kia) (eleven seats).

We took back seats (me ~~and~~ my wife and (b)(6)  
(b)(6) and my son (b)(6) years old)

When we took our way to (Al Ameen quarter)  
We found two (b)(2)High moving in front of us  
Face to face. The car driver took the right  
Side, but the (b)(2)High driver hit our mini-bus  
And get (The Gun Tube) inside through the  
Back window and get out through the other  
Side, then (The Gun Tube) hold the mini-bus  
Up and down, so the ceiling broke and the  
Riders get off (I get off ~~for~~ through back  
Window, then we get my son off through  
Back window. But my wife was inside alive  
Or dead?! Then I jumped on the ceiling to get  
My wife off. on that time the (b)(2)High driver  
Was trying to pull the Gun Tube out of the  
Mini-bus, and I asked him to stop to find  
A chance to get my wife off, she was bleeding  
From her nose and her mouth. while she's die  
My son was looking at crying.

Then I went to police station to tell them.  
They took her dead to the hospital (Al Kinde)  
She's dead because of hit on her head, she  
Left my son ~~to~~ with a bad condition with  
A shock, he can't sleep crying, and I don't know  
What to do when ever I go to my work, I don't  
know how can I care to my son ~~she's~~ alone in

I rent house & I live in abad condition..

(b)(6)

Husband of

(b)(6)

BAGHDAD

(b)(6)

Cell phones

(b)(6)

(b)(6)

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

EXHIBIT F

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** 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<br>D CO 1-8 CAV                               | 2. DATE (YYYYMMDD)<br>2007/03/26 | 3. TIME<br>1100       | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME<br>(b)(3),(b)(6)    | 6. SSN<br>(b)(3),(b)(6)          | 7. GRADE/STATUS<br>02 |                |
| 8. ORGANIZATION OR ADDRESS<br>D CO 1-8 CAV FOB RUSTAMIYAH |                                  |                       |                |

9. I, (b)(3),(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 ON 19 MARCH A MAN AND HIS CHILD CAME TO THE JSS TO FILE A POLICE REPORT ABOUT HIS WIFE BEING KILLED IN A TRAFFIC ACCIDENT WITH A COALITION (b)(2)High THE MAN WAS INSTRUCTED BY JSS PERSONNEL TO WRITE A STATEMENT ABOUT THE INCIDENT, WITH CONTACT INFORMATION AND BRING IT TO THE JSS. ON 22 MARCH THE MAN RETURNED WITH A STATEMENT ABOUT THE INCIDENT. WHEN THE MAN DELIVERED THE STATEMENT I RECOGNIZED HIS CHILD AS ONE OF THE VICTIMS FROM THE ACCIDENT INVOLVING D21 AND A TAXI ON 10 MARCH 2007. I HAD MY INTERPRETER (b)(6) READ ME THE STATEMENT AT THE JSS. UPON RETURNING TO FOB RUSTAMIYAH I HAD THE STATEMENT TRANSLATED IN TO ENGLISH BY ONE OF MY COMPANIES INTERPRETERS, (b)(6) THE STATEMENT ACCURATELY DEPICTS THE 10 MARCH ACCIDENT. IN THE STATEMENT THE MAN STATES THAT HIS WIFE WAS KILLED. I OBSERVED ONE CIVILIAN CASUALTY AT THE SCENE OF THE ACCIDENT ON 10 MARCH. I AM CERTAIN THAT THE CIVILIAN KILLED BY THE COLLISION WITH D21 ON 10 MARCH ON (b)(2)High WAS THE MAN IN THE STATEMENTS WIFE.

-----END OF STATEMENT-----

*Nothing follows*

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

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

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

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

|             |  |                   |
|-------------|--|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT<br>(b)(3),(b)(6) | PAGE 1 OF 2 PAGES |
|-------------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ 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.

EXHIBIT F

STATEMENT OF 1LT (b)(3),(b)(6) TAKEN AT D CO 1-8 TOC DATED 2007/03/26

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), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITH THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES:

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

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

8 CAV, 2 BCT, 1 CD

ORGANIZATION OR ADDRESS

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

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

D CO 1-8 CAV, 2 BCT, 1 CD

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of MARCH, 2007

D CO 1-8 TOC

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

COMPANY COMMANDER

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(3),(b)

PAGE 2 OF 2 PAGES



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
2ND INFANTRY DIVISION  
MULTI-NATIONAL DIVISION-BAGHDAD  
CAMP LOYALTY, IRAQ APO AE 09390



AFZC-B-JA

5 April 2007

MEMORANDUM FOR RECORD

SUBJECT: Interview with (b)(6), husband of (b)(6) (Deceased)

1. I interviewed (b)(6) in order to determine if he or his son were injured when a US tank had an accident with a minibus that they were passengers in. The accident occurred on 10 March 2007. (b)(6) wife, (b)(6) died from wounds that she sustained in the accident.
2. I spoke to (b)(6) via telephone twice today. He stated that both he and his son were injured in the accident. He described his son as having an injury to his leg, as well as not being able to sleep at night. He cries often because of the accident and the loss of his mother.
3. I can be reached at VOIP 722-7052, or at the 2BCT Legal Office.

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

2/2 IN LEGAL OFFICE  
Interpreter/Linguist