



(b)(1)1.4a, (b)(2)High

(S)(4), (S)(2)

HEADQUARTERS

(b)(1)1.4a, (b)(2)High

BALAD, IRAQ APO AE 09391

(S)(1), (S)(2)

31 July 2006

MEMORANDUM FOR Commander, Task Force (b)(4a), (b)(1), (S)(2)

SUBJECT: AR 15-6 Investigation Findings and Recommendations

1. (FOUO) GENERAL. On 22 July, 2006, I was appointed to conduct an investigation into the actions and engagement on (b)(1)1.4a, (b)(2)High OBJ Schiffer III, executed on 21 July, 2006. The purpose of the investigation is to:

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- a. Determine the scheme of maneuver and key events that occurred during the engagement.
- b. Determine whether the decision to engage was in accordance with the Rules of Engagement (ROE) and reasonable under the circumstances known at that time.
- c. Determine if there were collateral deaths and injuries and if so, how many? What was the proximate cause of these injuries and deaths?
- d. Make an appropriate recommendation as to whether coalition forces should make a condolence payment and/or express regret to the next of kin.

2. (U) Findings.

a. (b)(1)1.4a, (b)(2)High conducted an assault on Objective Schiffer III on 21 July 2006. Six civilians (three men, two women, and one child) were killed, and twenty two wounded, fourteen requiring some sort of hospitalization. The targeted individual, (b)(6)

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(b)(1)1.4a, (b)(2)High, (b)(6), (b)(3)

b. (b)(2)High The ground force encountered small arms fire upon arrival at OBJ Schiffer III. (b)(2)High returned fire and maintained security. Following several call-out attempts and increased show of force measures including (b)(2)High (b)(2)High yielded no compliance from the personnel that engaged (b)(2)High from the target buildings. Following several call-out attempts, (b)(2)High followed by additional call-outs. Again, no one from the target buildings complied. (b)(2)High requested and (b)(2)High Commander approved to escalate fires from the (b)(2)High using (b)(2) High fires to neutralize the target buildings. Following the (b)(2)High engagement with (b)(2) High the ground forces moved to the OBJ, assaulted remaining buildings, treated casualties, and detained four men. (b)(2)High also conducted medical triage on the wounded local nationals on the OBJ, using the Medical Evacuation Vehicle,

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(b)(1)1.4a, (b)(2)High

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(b)(1)1.4a, (b)(2)High

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(b)(2)High and conventional QRF to move casualties to FOB Warhorse, in Baqubah. (b)(2)High completed (b)(2)High of the OBJ and returned to FOB Warhorse for the remainder of the day prior to returning to Balad that night.

c. (b)(2)High acted within the (b)(2)High Rules of Engagement (ROE). The Ground Force Commander and (b)(2)High Commander employed a deliberate escalation of force. Taken without considering the target, it may be seen as excessive force. However, the targeted individual was associated with several other (b)(2)High targets and objectives where the ground force was engaged in firefights. Because of the nature of the target, and unknown what actions were taken by the individuals in the target buildings, (b)(2)High acted reasonably with the information known at the time of the engagement.

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d. (b)(5) I believe the proximate cause of the deaths and casualties on the objective was due to the inaction and non-compliance of the enemy personnel in the target buildings. Some of the individuals on the target buildings claimed they did not here the call-outs. Press releases by both American and world civilian media included comments from neighbors stating they heard the call-outs. (TAB M) (b)(5)

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(b)(5) Because the houses in the area are so close together, proximity and knowledge of the targeted individual does not necessarily automatically mean association with the enemy personnel we targeted (b)(1)1.4a, (b)(2)High, (b)(5)

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(b)(1)1.4a, (b)(5), (b)(2)High (b)(1)1.4a, (b)(2)High, (b)(5)

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3. (U) Scheme of Maneuver and Key Events.

a. (b)(1)1.4a, (b)(2)High Scheme of Maneuver. At approximately 21 0100C July 2006, (b)(2)High departed (b)(2)High to conduct OBJ Schiffer III. The target for this objective (OBJ) was an individual named (b)(1)1.4a, (b)(2)High, (b)(6)

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(b)(1)1.4a, (b)(2)High, (b)(6) encountered several armed individuals and killed 15 enemy in the ensuing battle on the objective.

The Ground Force Commander for (b)(2)High was CPT (b)(6), (b)(3) The (b)(2)High Commander, LTC (b)(6), (b)(3) was in the (b)(2)High, (b)(1) TOC (b)(2)High commanding the operation of (b)(2)High

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(b)(2)High dismounted approximately (b)(2)High of the OBJ at approximately 0300C. (b)(2)High elements moved (b)(2)High towards the OBJ to set isolation prior to the (b)(2)High (b)(2)High (b)(1)1.4a, (b)(2)High

(S)(1), (S)(2)

(b)(1)1.4a, (b)(2)High 2 x (b)(2)High flew directly over the objective from the North to the South breaking the active ROZ. Within five to ten minutes after (b)(2)High flew over the objective, (b)(2)High elements made contact with a single gunman armed with an assault rifle from the rooftop of building 3. Assault elements located (b)(2)High side of building 1 returned fire and identified one person on the roof of building 3 moving towards the roof of building 1.

Almost immediately after returning fire, assault elements containing the (b)(2)High corner of the target block were engaged with automatic and semi-automatic small-arms fire from the rooftop of the

(b)(1)1.4a, (b)(2)High

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(b)(1)1.4a, (b)(2)High

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building located vic (b)(2)High (b)(2)High of the objective block). Assault elements observed 3 x males, all armed with assault rifles on the rooftop of the building, engaging the element of (b)(2)High on the (b)(2)High corner of the target block, then dropping out of view behind the rooftop wall. The (b)(2)High (b)(2)High element located on the (b)(2)High corner of the target block immediately returned fire, and provided overwatch on that building while secondary assault elements in contact with the shooter on building 3 continued to suppress the enemy on the roof. (b)(2)High continued to contain the OBJ area periodically engaging the locations of each enemy position when movement was observed on the rooftops. CPT (b)(3), (b)(6), (b)(6), (b)(6) believed the 3-man enemy position to the (b)(2)High of the target block was in reaction to the contact made with the enemy on the rooftop of building 3, and they engaged our forces based on the inter-tribal violence and heavy militia activity in the region. No other contact was made with the 3 man element on the (b)(2)High rooftop and no other movement was noticed on the building or areas surrounding the building.

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No personnel were observed trying to move or (b)(2)High from the objective area, during or after the small arms engagement. One male (unarmed) was observed on the rooftop of building 1, confirmed by (b)(2)High supporting the OBJ. (b)(2)High emplaced (b)(2)High elements on the second floor for overwatch on building 6 and the Southwest corner of the objective block. (b)(2)High observed personnel moving from building 3 to building 2 following the small arms contact.

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Following the contact (b)(2)High through an interpreter, conducted a call-out from (b)(2)High (b)(2)High on buildings 3, 1 where the male was observed moving on the roof, as well as the one-story shack just (b)(2)High of building 1. (TAB E) Prior to the call-out (b)(2)High employed multiple banger and concussion grenades on and near the rooftops of building 3, the (b)(2)High building, and the courtyards South of buildings 3 and 1. One concussion grenade was employed on the front door of the shack just (b)(2)High of building 1, and multiple banger grenades were thrown on the rooftops of building 3 and the Southeast building on the target block corner. A concussion grenade blew in the front door on the shack, but no movement was observed inside or around the building. No movement was observed following employment of the grenades. (b)(2)High then conducted the call-outs using an interpreter reading the prepared script. The Platoon Leader, CPT (b)(3), (b)(6) read the call-out script to the interpreter who echoed the standard script in Arabic.

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(S)(1), (S)(2)

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Using the call-out script (TAB E), the Platoon Leader, through the interpreter, directed all occupants in the area to put down any weapons and move to the sound of the interpreter's voice with their hands up. All occupants in the area were informed of the authorization and escalation of deadly force by Coalition Forces based on non-compliance. The call-out script was repeated by CPT (b)(3), (b)(6) translated by the interpreter. Following both iterations of the script, assault forces waited several minutes before initiating another call-out attempt. (b)(2)High through the interpreter, repeated the warnings and encouraged the personnel in the target buildings to surrender. The interpreter was instructed to reiterate that by not surrendering, all personnel in the area were risking their lives, their families, and their homes.

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As the interpreter continued to repeat the call-out, (b)(2)High SO, CP (b)(3), (b)(6) coordinated with the CAS elements for a show of force (b)(2)High and with the (b)(2)High (b)(2)High for future escalation of fires using (b)(2)High and (b)(2)High After no compliance from the target buildings from the three call-outs, (b)(2)High elements collapsed to fall-back positions outside of the minimum safe distance in preparation for the first (b)(2)High

(S)(6)

(S)(1), (S)(2)

The (b)(2)High assets initiated (b)(2)High fires on buildings 2 and 3 to encourage compliance of hostile forces in both buildings. (b)(2)High (b)(2)High engaged the target area with 18 rounds of (b)(2)High (TABs F and G) Once the (b)(2)High fires were complete, assault forces moved back to their security positions. (b)(2)High again conducted additional call-outs. Neither ground nor (b)(2)High assets observed any movement of personnel off of the objective block following the (b)(2)High fires.

(b)(1)1.4a, (b)(2)High

(S)(1), (S)(2)

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(b)(2)High gain used their interpreter and initiated a call-out from the same position as the previous attempts. The call-out script was repeated multiple times. (b)(2)High also employed (b)(2)High (b)(2)High in the courtyards (b)(2)High of building 3. No personnel complied with the call-out attempts. (b)(2)High authorized the escalation of fires and (b)(2)High moved to fall-back positions in preparation for a second and final (b)(2)High using (b)(2)High from the (b)(2)High (b)(2)High coordinated the second assault with the AC-130 and used (b)(2)High to assist in observing the rounds. Air Assets initiated a (b)(2)High strike on buildings 2 and 3 to "neutralize" the building and enemy forces inside. (TAB H) (b)(2)High engaged the target area with 26 rounds of (b)(2)High one round being a dud round. (TABs F and G) One person was identified near the end of the fires moving from the target are, building 2, towards building 22. Following the cease-fire by (b)(2)High assets, (b)(2)High (b)(2)High elements moved back to their security positions and contained the target block. (b)(2)High assets passed that one individual was observed moving west along the road (b)(2)High of the target block. As the (b)(2)High force moved back to their positions, multiple civilian personnel were seen in the roads (b)(2)High of the target buildings. (b)(2)High elements halted the (b)(2)High and instructed him to lift his clothing for visual (b)(2)High inspection. The (b)(2)High was resistant to the demands of the (b)(2)High (b)(2)High interpreter, and (b)(1)1.4a, (b)(2)High

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Following multiple attempts to encourage the male to lift his clothing, (b)(2)High elements fired a warning shot and the male slowly began to comply. Following an addition warning shot, the male complied with all demands and was detained and moved back to the target area. Approximately fifteen women and children and five additional men who left buildings 5 and 6 and were in the street and gathered up and moved back to the OBJ area for questioning. Multiple civilian personnel were found in the courtyards of buildings 2 and 4, including two wounded men, and more than twelve wounded women and children. The (b)(2)High medical team initiated triage and initial treatment of the wounded civilians in the courtyards of buildings 2 and 4.

The (b)(2)High elements assaulted provided overwatch from the roof into the courtyards (b)(2)High of buildings 1 and 3. (b)(2)High elements found no personnel in the shack near building 1 and conducted an explosive breach on the gate of building 1 and the assault element held at the breach while the interpreter conducted another call-out. Immediately following the first call-out attempt on building 1, one man came to the front door and complied with all call-out instructions. The man was detained and informed the (b)(2)High element that no other personnel were in the building. (b)(2)High elements employed (b)(2)High (b)(2)High on the first floor and entered and cleared the building. (b)(2)High elements cleared the building, finding (b)(2)High and no other personnel inside. From the (b)(2)High side of the roof on building (b)(2)High elements could see down into the courtyards of buildings 2, 3, 4, and 7, and observed the (b)(2)High personnel treating casualties from buildings 2 and 4. (b)(2)High elements also observed that building 3 had been completely destroyed and there was significant damage to the (b)(2)High side of building 2 and the (b)(2)High side of building 4. An overwatch element was left on the roof of building 1 with the remainder of the (b)(2)High element going to the (b)(2)High gate to buildings 2 and 4 to clear building 7 and assist in clearing of what was left of buildings 2, 3, and 4. Building 7 was not damaged and one man, uninjured, and one woman, also uninjured, were lying in the courtyard to the (b)(2)High of building 7.

(b)(2)High sed the (b)(2)High to treat and evacuate multiple civilian wounded from the objective. The remaining (b)(2)High were used to contain the objective in conjunction with the Conventional Coalition Forces QRF vehicles. Initial (b)(2)High of buildings 2, 3, and 4 yielded two males KIA in building 2, one child KIA in building 2, and two women KIA in building 4. Another male KIA was found later, location unknown. One AK-47 assault rifle with multiple magazines taped together assault-style was also found in the rubble of buildings 2 and 3, and (b)(2)High were also found among the rubble. An additional (b)(2)High were found in building 7 as well as various documents, CD's, and

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two AK-47 magazines (one empty and one full), but no weapon.

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(2)High of building 1 yielded multiple small-caliber artillery shell casings partially hidden under bags of grain on the staircase, as well as two mortar tail-fins that the owner was using as flower pots on top of the TV. Building 1 had miscellaneous electronic testing equipment, engineering manuals (both in English and Arabic), and various other scientific items of interest. No explosives or IEDs were discovered, but one AK-47 assault rifle with full magazine was removed from the building. During Tactical Questioning the neighbors identified the man in building 1 as (b)(6). When asked why he did not comply with the first call-out iterations before the (b)(2)High strikes the man said he did not hear them. The man was cooperative and was detained for further questioning. In follow-up questioning, the man admitted to hearing the call-outs, but did not know the ground force was talking to him.

(b)(2)High, (b) prepared to EXFIL from the target with

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

and two men (wounded) from buildings 2 and 3. Coalition QRF elements assisted (b)(2)High with exploitation of the civilians who were sitting by the (b)(2)High side wall (buildings 5 and 6) and assumed responsibility of the objective area. All civilian casualties were treated by (b)(2)High medical personnel and evacuated by both (b)(2)High and QRF vehicles to FOB Warhorse for treatment based on priority of triage. Following the treatment of all civilian personnel on the objective and the thorough (b)(2)High (b)(2)High departed with (b)(2)High and all applicable (b)(2)High without further incident. Two (b)(2)High personnel remained on the target with QRF personnel to assist with (b)(2)High and were returned to link up with (b)(2)High on FOB Warhorse following the QRF EXFIL of the objective. (See also TABs A-1, D, F, I, J, K, L for further details of scheme of maneuver.)

b. (U) Key Events.

Time (Local-Balad) 21 JULY 2006

Event

0141	(b)(1)1.4a, (b)(2)High P from Balad
0256	At VDO, enroute to OBJ
0321	(b)(1)1.4a, (b)(2)High Report TIC
0419	Clears (b)(2)High (b)(2)High Hot for (b)(2) High engagement
0420	First round (b)(2) High
0421	Last Round (b)(2) High (b)(2)High Cease Fire (18 Rounds)
0423	Conducting second set of call-outs
0427	L/U with Conventional QRF complete
0435	(b)(2)High reports (b)(2)High approved (b)(2) High engagement
0443	(b)(2)High clears (b)(2)High hot for (b)(2) High engagement
0445	First round (b)(2) High
0450	Last Round of (b)(2) High (26 Rounds)
0527	(b)(2)High Bldgs 2 and 3
0530	Conducting Medical treatment Bldg 4
0611	Bldgs 1 and 3 clear
0841	Exfilling to FOB Warhorse

(\*See also TABs D, F, I, J, K, L)

3. (U) Decision to Engage within ROE.

(b)(1)1.4a, (b)(2)High

(S)(1), (S)(2)

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

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b. (b)(1)1.4a, (b)(2)High There were other options available to the ground force at the time, however, they were not used for various reasons. The ground force commander, CPT (3), (b)(1) did not employ (b)(2)High as part of the escalation of fires, as it was impractical to bring them towards the OBJ area to engage the target buildings with the (b)(2)High (b)(2) High to try to enforce compliance with the call-outs.

Because of the threat of multiple personnel in the target buildings, and unknown civilians inside, the (b)(2)High element was not released into the building.

Recently approved (b)(2)High may have been used successfully in this instance, however, as the approval had been signed only days prior, the (b)(2)High Commander was not yet comfortable with the usage criteria and the ammunition had not yet been neither distributed nor trained on. It may have been an additional step in the escalation of fires and in this case fits with the intent of the recently approved

(b)(1)1.4a, (b)(2)High

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4. (U) Collateral Deaths and Injuries.

a. (b)(1)1.4a, (b)(2)High As mentioned during the scheme of maneuver, there were six reported collateral deaths and twenty-two wounded local nationals initially reported. The initial breakdown of the two lifts of patients in the MEV and QRF vehicles included in left one: four litter urgent and seven ambulatory; lift two: Two urgent and nine walking wounded. Because some of the locals were treated and released from FOB Warhorse without documentation, it is difficult to assess the exact number of wounded and the extent of their wounds. (b)(2)High does have a record of the fourteen civilians that required further treatment at coalition medical facilities. (TAB O)

b. (b)(1)1.4a, (b)(2)High As of 27 JUL, all patients had been released back home with the exception of two females in stable condition at the Air Force Theater Hospital in Balad, and one female in stable condition at the 10Combat Support Hospital in Baghdad. One male was released from 10CSH to Baghdad Medical City, but his current status is unknown and he is believed to have been released. (TAB O)

(b)(1)1.4a, (b)(2)High

(b)(1)1.4a, (b)(2)High

(b)(1), (b)(2)

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5. (b)(1)1.4a, (b)(2)High, (b)(5)

**RECOMMENDATIONS.**

(b)(1)1.4a, (b)(2)High, (b)(5)

(b)(1)1.4a, (b)(2)High, (b)(5), (b)(3), (b)(6)

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MAL IN  
(b)(2)High, (b)(1)1.4

(b)(2)

LNO

(b)(1)1.4a, (b)(2)High

(b)(1), (b)(2)

1 August 2006

MEMORANDUM FOR Commander, [High, (b)(1)]

SUBJECT: Legal Review of 15-6 re: OBJ Schiffer 3 Collateral Damage

1. I have reviewed the 15-6 investigation regarding OBJ Schiffer 3. [Redacted] (b)(5)

[Redacted] (b)(5)

[Redacted] (b)(5)

(S)(5)

2. I recommend the following actions based on the findings of this investigation:

a. [Redacted] (b)(1)1.4a, (b)(2)High, (b)(5)

[Redacted] 1)1.4a, (b)(2)High, (b)

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b. [Redacted] (b)(1)1.4a, (b)(2)High, (b)(5)

[Redacted] (b)(1)1.4a, (b)(2)High, (b)(5)

3. Point of contact is the undersigned [Redacted] (b)(2)High

[Redacted] (b)(3), (b)(6)

CPI, JA  
Legal Advisor

(S)(6)

(b)(2)High CDR

17 August 2006

MEMORANDUM FOR FSU, (b)(1), (b)(2)

SUBJECT: Approval of CERP Condolence Payments in regards to OBJ SCHIFFER III

- (U) 1. ~~(S)~~ I hereby approve making condolence payments for the collateral damage that occurred during (b)(1), (b)(2) OBJ Schiffer III.
- (U) 2. ~~(S)~~ The amount of payments approved is as per the schedule provided by 1-68 AR, with the following exceptions:
  - (U) ~~(S)~~ Buildings 2 and 3 were used in the attacks against (b)(1), (b)(2) forces and damage to those dwellings will not be compensated
  - (U) ~~(S)~~ The two adult male KIA were involved in attacks against (b)(1), (b)(2) forces and their next of kin will not be compensated for their deaths.
  - (U) ~~(S)~~ The individual listed as (b)(6) patient number (b)(6) has reportedly subsequently died of her wounds. Her next of kin will be compensated \$2500 for her death.

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

COL, IN  
Deputy Commander

(b)(6)