



# UNITED STATES MARINE CORPS

MULTI NATIONAL FORCE - WEST  
I MARINE EXPEDITIONARY FORCE (FORWARD)  
UIC 42510  
FPO AP 96426-2510

IN REPLY REFER TO:

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

THIRD ENDORSEMENT on Maj [b)(3),(b)(6)] PrelimInq 5800 BJA/[b)(3),(b)(6)] of 31 Dec 05

From: Commanding General, Multi National Force-West, I Marine Expeditionary Force (Forward)

To: Staff Judge Advocate (File)

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT RESULTING IN TWO CIVILIAN KIA [b)(2) High] [b)(2)HIGH] IN AR RAMADI ON 1 NOVEMBER 2005 INVOLVING LIMA COMPANY, 3RD BATTALION, 7TH MARINES

1. This event revolves around an escalation of force action which resulted in the death of two Iraqis who may have been noncombatants. Nonetheless, the Marines' conduct was entirely driven by the context of their situation where an insurgent complex attack, that killed two Marines, was still unfolding when they were involved in the EOF. Under the circumstances their conduct respected the rules of engagement.

2. Events such as this demonstrate fully the second and third order effects of the insurgency. Amidst the chaos of the insurgent engagement, several Marines found themselves providing immediate security. Due to the threat, it was necessary to quickly and frequently relocate their vehicle at the traffic intersection to avoid insurgent targeting. Unfortunately, this required oncoming traffic to immediately react to the unexpected presence of the Marines' HMMWV in the middle of the intersection. Likewise, the Marines were forced to instantly react to any perceived oncoming vehicle threat. This compressed the Marines' hostile act/hostile intent evaluation timeline, diminishing the possibility of less-than-lethal means of response.

3. While the initial SIGACT details fully developed EOFs beginning with a standoff distance of more than [b)(2)HIGH] meters, the statements of those involved indicate an initial distance of between [b)(2)HIGH] meters. The Marines' statements regarding distance appear consistent with the circumstances, and several indicators contributed to the Marines' perception of hostile intent: a lack of other civilian traffic, the recollection of similar vehicles present several days prior during an RPG attack, a state of alert concerning SVBIEDs and the apparent lack of reaction by the suspect vehicles to the HMMWV's presence. I cannot suggest better judgment was necessary.

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT  
RESULTING IN TWO CIVILIAN KIA [REDACTED] (b)(2) High  
[REDACTED] (b)(2)HIGH IN AR RAMADI ON 1 NOVEMBER 2005 INVOLVING  
LIMA COMPANY, 3RD BATTALION, 7TH MARINES

4. I reiterate and direct focused and continuous EOF and ROE training. Potential EOF scenarios are countless and only through repeated training will MNF-W forces maintain the sharp, reasoned ability to quickly and immediately limit collateral effects of the insurgency. I also direct the Commanding Officer, 2 BCT to ensure more accurate SIGACT reporting. The CCIR reporting of this event includes relatively specific, unsubstantiated information that has the potential to mislead. No further investigation is necessary.



ROBERT B. NELLER  
Deputy Commanding General

Copy to:  
CO, 2/28 BCT (end only)  
CO, 3d Bn, 7th Mar (end only)  
IO, MAJ [REDACTED] (b)(3),(b)(6) (end only)  
MNC-I SJA  
MNC-I AT/FP



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
28th INFANTRY DIVISION (MECHANIZED)  
CAMP RAMADI, IRAQ  
APO AE 09362-9997

AEIF-IB-CDR

16 April 2006

MEMORANDUM FOR Commanding General, Multi-National Forces – West, Fallujah, Iraq

SUBJECT: Second Endorsement of Maj (b)(3),(b)(6) Preliminary Inquiry into an EOF Incident  
resulting in two civilian KIA IVO of (b)(2) High Ar Ramadi, on 1 Nov 2005

1. Enclosed is the Preliminary Inquiry Report of this matter completed by the 3/7 Marines' Battalion Judge Advocate, Maj (b)(3),(b)(6); and a First Endorsement made by the Battalion Commander, LtCol (b)(3),(b)(6). They have been reviewed and found legally sufficient by my Command Judge Advocate, LTC (b)(3),(b)(6). I join in concurring with the findings and recommendations. I also find this report to be complete and believe that no further investigation is necessary.

2. I also agree that the likeliest explanation for the unusual behavior of the occupants of the two civilian automobiles that were engaged during this EOF was that they were part of what is rightly noted by LtCol (b)(3),(b)(6) as "the most coordinated and well prepared ambush we have been involved with in Ar Ramadi." The fact that the two Marines both recalled seeing these same two vehicles in the area of an attack that took place three days prior is also persuasive.

3. There was no violation of either of ROE or established EOF procedures by the Marines involved in these EOFs. They had been properly trained prior to their participation in a chaotic firefight and their immediate decisions were properly made in accordance with their training and situational awareness of the events and attacks that had been occurring in their area. None of these Marines were ever associated with any other events during their recently completed tour of duty in Ramadi that required investigation or even remotely suggested any deviation from proper action in accordance with their training or the ROE.

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

COL(P), IN  
Commanding

000545



UNITED STATES MARINE CORPS

3D BATTALION 7TH MARINES  
1ST MARINE DIVISION (REIN)  
LIC 41575  
FPO AP 96426-1575

IN REPLY REFER TO:

(b)(2)High

31 Dec 05

FIRST ENDORSEMENT on Maj (b)(3),(b)(6) Preliminary Investigation of  
31 Dec 05

From: Commanding Officer  
To: Commanding General, 2d Marine Division  
Via: Commanding Officer, 2-28 Brigade Combat Team

Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT  
RESULTING IN TWO CIVILIAN KIA IVO (b)(2) High  
ROAD, (b)(2)HIGH IN AR RAMADI ON 1 NOVEMBER 2005

1. Forwarded. I concur with the findings, opinions and recommendations of the investigating officer.
2. This event occurred during a very heavy engagement that had resulted in the deaths of two of our EOD members, and the third being seriously wounded by being burned. The Improvised Explosive Device (IED) that was originally found was bait, followed by two more IEDs and a complex small arms engagement. As had been the pattern, all civilian traffic had departed the area prior to the engagement, which we still use as an indicator of an upcoming attack.
3. The Company Commander had passed to all his mobile units to be aware of any moving vehicles and the possibility of SVBIEDs. The Battalion Combat Operation Center (COC) (b)(2)HIGH noticed that that the area was void of vehicle and pedestrian traffic due to the combat. The complexity of the enemy's attack was significant and it is extremely unlikely that any innocent civilian in the area would approach the area of contact.
4. Two platoons of the battalion were engaged in a firefight while attempting to recover two casualties that were lying in the middle of the intersection. The first vehicle that approached the flank security was a (b)(6) BMW that was approaching at a slow rate of speed. The gunner was directed by the vehicle commander to fire on the vehicle. Three rounds of (b)(2)High cal were fired into the front of the vehicle before the weapon malfunctioned. The BMW came to a stop and a single military aged male exited the vehicle and ran.

000546

Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT RESULTING  
IN WOUNDING TWO CIVILIANS IN THE VICINITY OF SOUTH BRIDGE TCP  
GRID COORDINATE (b)(2)HIGH WESTERN RAMADI, ON 18 SEP  
2005, INVOLVING MARINES OF 3RD BATTALION, 7TH MARINES

5. After the weapon malfunctioned, the vehicle pulled back from the road in order to seek cover while the malfunction was cleared. After clearing the weapon, the vehicle commander directed the vehicle to pull forward to continue to cover the flank of the platoons engaged at the intersection. Upon pulling back onto the road, a second vehicle was also moving in the same direction towards the intersection and was behind the BMW that had stopped. This vehicle was a (b)(6) hatchback that it was later determined to have held three passengers.

6. The white hatchback vehicle was driving towards the Marine vehicle that was protecting the flank of the two platoons engaged in a firefight and attempting to recover the two casualties still laying in the intersection. The crew was convinced they were under attack by SVBIEDs and the gunner fired a two or three round burst into the white hatchback when again the weapon jammed. The vehicle did not stop but began to make a wide "s" type maneuver. The gunner quickly cleared the weapon and fired another burst into the vehicle. The vehicle began to turn while the gunner continued to engage and it exploded. A male leapt from the vehicle and after acting as if he was going to flee, returned to the burning hatchback, and he was driven off by another burst from the gunner.

7. After defeating the ambush, the vehicle was checked and it was found that two bodies, burned beyond recognition remained in the vehicle. At this time, no one has stepped forward to claim the bodies or identify them.

8. I believe that the Marines involved in this incident behaved properly with in the given set of circumstances. This was a chaotic incident that took place during the most coordinated and well prepared ambush we have been involved in while in Ar Ramadi. Three Improvised Explosive Devices (IED), resulting in two FKIA, and one seriously wounded casualty, with well-coordinated small arms fire and multiple RPGs being fired. The actions of the civilian drivers were not in keeping with any behavior we have seen to the date. It is my belief, that both vehicles were involved in this action and that the Marines acted properly in securing the flank of two platoons engaged with a determined enemy executing a well prepared ambush.

Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT RESULTING  
IN WOUNDING TWO CIVILIANS IN THE VICINITY OF SOUTH BRIDGE (b)(2)HIGH  
GRID COORDINATE (b)(2)HIGH WESTERN RAMADI, ON 18 SEP  
2005, INVOLVING MARINES OF 3RD BATTALION, 7TH MARINES

9. The Marines of the battalion have received multiple classes on ROE and EOF procedures and continue to do so. These Marines believed that they were under attack and acted properly in defending themselves.

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



UNITED STATES MARINE CORPS

3D BATTALION 7TH MARINES
1ST MARINE DIVISION (REIN)
LIC 41575
FPO AP 96426-1575

IN REPLY REFER TO:

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

31 Dec 05

From: Major (b)(3),(b)(6) Battalion Judge Advocate
To: Commanding General, 2d Marine Division
Via: (1) Commanding Officer, 3d Battalion, 7th Marines
(2) Commanding Officer, 2d Brigade Combat Team
(3) Staff Judge Advocate, 2d Marine Division

Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT RESULTING IN TWO CIVILIAN KIA IVO (b)(2) High, (b)(2)HIGH IN AR RAMADI ON 1 NOVEMBER 2005

Ref: (a) JAGINST 5800.7C (JAGMAN)
(b) FRAGO\_164 [13 JUL 05 DTU] TO MNC-I OPORD 05-02
(c) 2D MARDIV FRAGO 0015-05 DTG 281946CMAR05
(d) 2D MARDIV FRAGO 0151-05 DTG 191845DJUL05
(e) 2D MARDIV FRAGO 0159-05 DTG 301313DJUL05

Encl: (1) SIGACT G3WNC0-011715C-CCIR INFLUENCE
(2) Diagram of area IVO (b)(2) High
(3) Statmt of Capt (b)(3),(b)(6) w/enclosures
(4) SOI of Cpl (b)(3),(b)(6) dtd 5 Nov 05
(5) SOI of LCpl (b)(3),(b)(6) dtd 5 Nov 05
(6) SOI of LCpl (b)(3),(b)(6) dtd 5 Nov 05
(7) SOI of PFC (b)(3),(b)(6) dtd 5 Nov 05

1. This reports completion of the preliminary inquiry into the subject shooting conducted in accordance with the references and reported in enclosure (1). This inquiry is late due to the administrative oversight of the Investigating Officer.

2. Summary of the findings:

a. On 1 November 2005, (b)(2)HIGH was assigned as the Company 1 quick reaction force (QRF). At approximately 1600, they were tasked with responding to a mass casualty event in the vicinity of (b)(2)HIGH. An Explosive Ordnance Disposal (EOD) team attached to 3rd Battalion, 7th Marines was attacked by an improvised explosive device (IED) as well as small arms and rocket-propelled grenade (RPG) fire. Upon arriving on scene, Vehicle Two was attacked by an IED in the Southeastern portion of the traffic circle. In addition, all of the Marines were still receiving small arms and RPG fire. After providing security to the East for a brief period of time, Vehicle Two was tasked with recovering the EOD robot in the middle of the traffic circle which they did. Vehicle Two then proceeded back to the Western side of (b)(2)HIGH in order to provide security.

b. Vehicle Two was providing security to the West of the traffic circle at (b)(2)HIGH covering the intersection of (b)(2) High Roads. Vehicle Two was facing East on (b)(2) High and the Marines were

Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT RESULTING IN TWO CIVILIAN KIA IVO MORON AND BASELINE ROAD, (b)(2)HIGH IN AR RAMADI ON 1 NOVEMBER 2005

focusing their attention to the North, up (b)(2) High. The vehicle commander, Corporal (b)(3),(b)(6) had the driver, Lance Corporal (b)(3),(b)(6) engaged in (b)(2)HIGH (b)(2)HIGH such that they would (b)(2)HIGH intersection of (b)(2) High (b)(2)HIGH (b)(2)HIGH

c. The first time (b)(2)HIGH pulled forward into the intersection, the Marines saw a black BMW traveling south on (b)(2) Hig towards them. While the exact estimates of distance and speed varied among the Marines in the vehicle, they all individually estimated the BMW to be less than (b)(2)HIGH away and traveling anywhere from 20 to 35 miles per hour headed towards them when they pulled into the intersection. The gunner, Lance Corporal (b)(3),(b)(6) suspected this vehicle was a vehicle borne improvised explosive device (VBIED) and engaged. Lance Corporal (b)(3),(b)(6) fired a three round burst from the .50 caliber machine gun in Vehicle Two's turret before the gun jammed. The rounds struck the BMW in the engine and a headlight. The vehicle stopped a short distance in front of their vehicle and the driver dismounted and ran from the scene. There were no other visible occupants in the BMW.

d. Corporal (b)(3),(b)(6) directed Lance Corporal (b)(3),(b)(6) to back their vehicle up in order to provide additional cover as Lance Corporal (b)(3),(b)(6) worked to clear the machine gun. Once the gun was cleared, Vehicle Two pulled forward into the intersection a second time. As soon as they pulled forward again, the dismount in the backseat on the driver's side, Private First Class (b)(3),(b)(6) saw a white hatchback from behind the black BMW traveling South on Moron headed towards their vehicle. Private First Class immediately told Corporal (b)(3),(b)(6) who ordered Lance Corporal (b)(3),(b)(6) to stop the (b)(6) hatchback.

e. Lance Corporal (b)(3),(b)(6) fired a 2-3 round burst at the (b)(6) hatchback before the machine gun jammed again. Lance Corporal (b)(3),(b)(6) quickly cleared the gun again and fired another 2-3 round burst. The (b)(6) hatchback executed a wide "S" style maneuver wherein the hatchback first appeared to be veering to the right, only to swing back hard to the left and finally turn all the way back up Moron Road. Lance Corporal (b)(3),(b)(6) began to engage the vehicle while it was headed towards their gun truck and continued to engage through the "S" style maneuver. When the rounds struck the trunk, the (b)(6) hatchback burst into flames.

f. After bursting into flames, the vehicle slowed to a stop and the driver jumped out of the vehicle. As he started to run away, the driver turned back towards the (b)(6) hatchback and it looked to the Marines as if he reaching into the vehicle. Lance Corporal (b)(3),(b)(6) fired again and the man ran away. While Corporal (b)(3),(b)(6) thinks he may have seen a passenger in the front seat of the white hatchback, the Marines could not say definitively whether or not there were any other passengers in the vehicle.

g. The Marines in Vehicle Two continued to observe the (b)(6) hatchback as it burned for approximately two minutes. After that, they were tasked with returning to the Eastern portion of the (b)(2)HIGH traffic circle in order to provide security.

h. To the Marines in Vehicle Two, the black BMW and (b)(6) hatchback appeared to have been VBIEDs. Both Corporal (b)(3),(b)(6) and Lance Corporal (b)(3),(b)(6) thought they recognized these two specific vehicles from a previous

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Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT RESULTING IN  
TWO CIVILIAN KIA IVO (b)(2) High, (b)(2)HIGH IN AR  
RAMADI ON 1 NOVEMBER 2005

engagement. About two or three days before the incident in question, Vehicle Two had been attacked with an RPG in the vicinity of North Sheikh of Sheikhs Road. Corporal (b)(3),(b)(6) and Lance Corporal (b)(3),(b)(6) both recalled seeing the same black BMW and (b)(6) hatchback in the area during that attack.

3. **ROE training:** Prior to deployment, all of the Marines and Sailors of Company L, 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines received formal periods of instruction on the rules of engagement and the escalation of force in the Twentynine Palms Base Theater. In addition, rules of engagement and escalation of force issues are discussed and applied during predeployment lane training at March Air Force Base. Moreover, every unit within 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines briefs the rules of engagement and escalation of force as part of the coordinating instructions during every order.

4. **Type of injury or cause of death of civilians:** There were two unidentified dead bodies found in the white hatchback. To date, they have not been identified.

5. **Medical care provided:** None.

6. **CERP/Solatia Payments:** None.

7. **Opinions:**

a. The Marines in Vehicle Two reasonably believed the two vehicles approaching their position were VBIEDs. They escalated force properly under the circumstance and their actions were within the rules of engagement. In particular, I base my opinion on the following:

1) These two vehicles appeared to be part of the larger, complex engagement that had been ongoing within the past hour. EOD had been attacked by an IED as had Vehicle Two upon its arrival. The fact the IED detonated next to Vehicle Two soon after it assumed its position in the Southeast corner as well as the fact the Marines attempting to recover the PKIA in the traffic circle were engaged with small arms fire leads me to believe it was command-detonated. Marines in the area were still receiving small arms and RPG fire throughout the relevant time frame; and

2) The Marines in Vehicle Two had a very short amount of time in which to process the events unfolding in front of them. While they differ slightly in their estimates, all of the Marines in the vehicle estimated both vehicles were initially spotted less than (b)(2)HIGH away from their position, were traveling between 25-35 miles per hour and neither stopped until their vehicle was disabled.

b. The occupants of both vehicles, to include the two dead bodies found in the (b)(6) hatchback were enemy insurgents. I base this opinion on the fact that not one, but both vehicles continued to drive toward Vehicle Two's position despite the gunfire not only aimed at them but also in the general vicinity. There is insufficient evidence to conclude definitively

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Subj: PRELIMINARY INQUIRY INTO ESCALATION OF FORCE INCIDENT RESULTING IN  
TWO CIVILIAN KIA IVO [REDACTED] (b)(2) High [REDACTED] (b)(2)HIGH IN AR  
RAMADI ON 1 NOVEMBER 2005

that either vehicle was a VBIED; however, it stands to reason were either of  
these vehicles driven or occupied by innocent civilians they would have  
stopped or retreated in the face of [REDACTED] (b)(2)High caliber machine gun fire.

8. **Recommendations:** Recommend no further investigative, administrative or  
disciplinary action be taken.

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

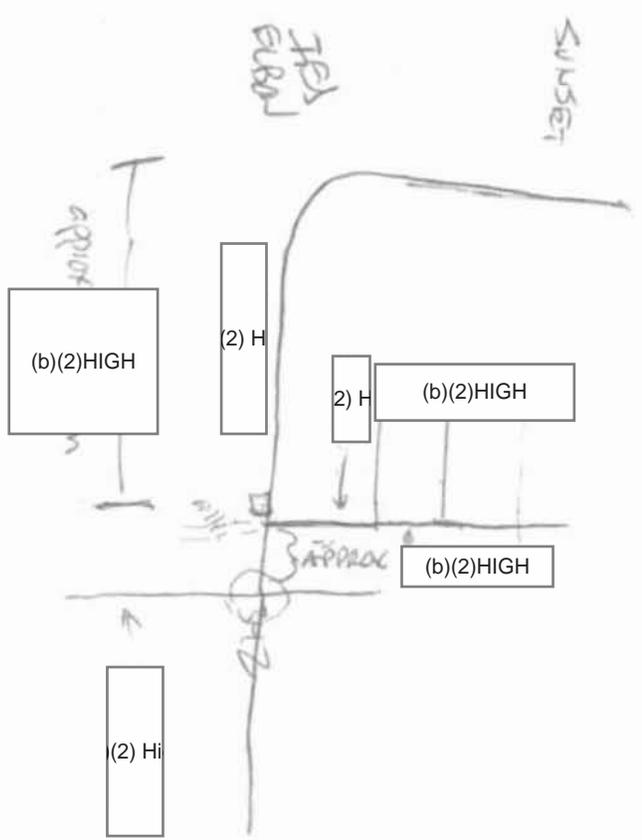
# UNCLASSIFIED

Classification: ~~SECRET//REL TO USA AND NATO~~

CCIR INFLUENCE: 3/7 ESCALATION OF FORCE (EOF) IN AR RAMADI At 011715C

NOV 05, L 3/7 had an EOF while conducting screening for EOD west of (b)(2)HIG in Ar Ramadi. The patrol while posted at the intersection of (b)(2) High and (b)(2) High (b)(2)HIGH. L 3/7 observed a vehicle traveling at an unusually slow speed coming towards the cordon from the N on (b)(2) High Rd. The OSC from L 3/7 suspected it to be a possible SVBIED due to the sustained enemy contact over the preceding 30 minutes and the unusually slow speed of vehicle. At (b)(2)HIGH Marines shouted and used hand and arm signals in an attempt to stop the vehicle. At (b)(2)HIGH the gunner fired (3) (b)(2)High at the deck in front of the vehicle. At (b)(2)HIGH the gunner fired (10) (b)(2)High (M2) disabling shots into the vehicle. The vehicle was struck and collided into parked vehicles on the W side of (b)(2) High and came to a stop. The Driver (1) MAM jumped out of the vehicle and ran to the W. out of sight. Within seconds of this engagement, a second vehicle heading from the same direction S on (b)(2) High approached the cordon in same manner as the 1st. Again the OSC believed it to be a possible SVBIED and initiated verbal commands as well as hand and arm signals to stop the vehicle. At (b)(2)HIGH the vehicle did not stop and the gunner fired warning shots (3) (b)(2)High (M2) at the deck in front of the vehicle. The vehicle initiated erratic movements, stopping as if to turn around; and then continuing S on (b)(2) High towards the cordon. At (b)(2)HIGH the gunner then fired (3) (b)(2)High (M2) disabling shots into the vehicle. When the 2nd rnd impacted the vehicle it immediately ignited and was almost instantly consumed by flames from the ensuing fire. (1) MAM exited the vehicle prior to it being completely engulfed by flames and ran away from the vehicle out of sight. W 3/7 later approached and inspected the 2nd vehicle which had additional occupants; (2) NKIA in the vehicle. At the time of the incident L 3/7 had been under sustained direct fire for 30 minutes to include (2) RPG's. Additionally, (3) IEDs had been detonated IVO (b)(2)HIGH within a very short time period. No casualties or damages reported.

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prepared by  
 [redacted] (3), (b)  
 S. N. N. O. S.  
 NOT TO SCALE

ENCL (2)

statement of Captain (3),(b)(2)HIGH On the 1<sup>st</sup> of November, at approximately 1600, I was eating in the chow hall on (b)(2)HIGH when a call went out around the camp that there had been a mass casualty event at (b)(2)HIGH in southern Ramadi. I quickly got the pertinent information and left the base with one of my (b)(2)HIGH sections. (b)(2)HIGH As we traveled to the site, three vehicles from (b)(2)HIGH sped past us heading toward Ramadi Medical, where they were taking the EOD team leader, who had been badly burned in the mass casualty event – an IED detonating underneath his EOD vehicle.

Upon arriving on scene, I found two remaining gun trucks from (b)(2)HIGH which were (b)(2)HIGH around the intersection. I had a total of five gun trucks with four of them were (b)(2)HIGH and the fifth was my command vehicle. I moved my vehicle to a position just west of the intersection and began to position my force. The first action I took after putting the HMMWVs where I wanted them was to vector (b)(2)HIGH from 3/7 Wpns Co, down (b)(2)HIGH into the (b)(2)HIGH from the north. I tasked them (since they had two highbacks) to retrieve (b)(2)HIGH KIA bodies that were sprawled in the intersection, as well as the two EOD robots that had malfunctioned. As they entered the intersection and linked up with some dismounted Marines from one of my gun trucks, an IED detonated in the NE corner of the circle, no more than (b)(2)HIGH from the group. Most of the force of that IED was taken up by the ground, as it was buried under the pavement. The dismounted Marines finished the evacuation and moved back to their vehicles. Throughout the entire process, whenever the dismounted Marines weren't behind cover from the area southwest (b)(2)HIGH came under accurate rifle fire in the intersection.

That IED turned out to be the third that had detonated in the past fifteen minutes. Additionally, there had already been an ambush of coordinated, military-style precision launched on the Marine who ran into the intersection to rescue the one living member of the EOD truck. Sporadic rifle fire had been occurring, and continued to occur during our occupation from the area southwest of the intersection. All these events, which the (b)(2)HIGH Marines passed over the radio to the (b)(2)HIGH Marine and me, formed our theoretical context for the events that were unfolding around us.

As I sat in my truck speaking on two radio frequencies, I heard a (2)H caliber machine gun firing behind me. I knew this would have been vehicle 1-2 since it carries the Weapon. I was informed over the radio that they fired warning shots as an escalation of force against a vehicle (which turned out to be the (b)(6)BMW) traveling south on Moron. A few seconds later, I heard more firing. Then more. I got a report that after a second salvo of warning shots, that vehicle had been engaged for not stopping or altering its progress toward our convoy. In my mind – then, as now – it was likely that vehicle could have been a SVBIED because of the sophistication of the attack I saw unfolding before my eyes. The overturned and burning EOD HMMWV attested to the enemy's ability to specifically destroy a desired enemy target. Additionally, I had just watched another deliberate IED detonate in what I judge to be an intended anti-personnel attack. I therefore alerted all the Marines in my vehicle and on the radio to be on the lookout for any additional suspicious vehicle or personnel who seemed out of place, or which exhibited unnatural behavior.

A matter of minutes later, I heard more (2)H caliber firing from behind me. Again I received word that it was an escalation of force against a vehicle (which turned out to be the vehicle in question in this inquiry). I heard more firing and then received word that the vehicle had been engaged. After being hit by the second (2)H caliber round, I was told, the vehicle "exploded". Although after further questioning of the Marines I believe the best description to be that the vehicle caught fire and immediately became engulfed in intense flame, the word "exploded" fit with my mental perception of being under possible attack by SVBIED at the time.

At that moment, although (b)(2)HIGH had just arrived, (b)(2)HIGH forces had been in the intersection for approximately 90 minutes. (they had been conducting vehicle checkpoints prior to discovering a possible IED, which is what caused EOD to be routed there in the first place). The idea of the enemy coordinating a SVBIE attack on forces that had been static for 90 minutes was not difficult for me to imagine.

After return to (b)(2)HIGH later that evening, I talked with 1st Lt. (3),(b)(2)HIGH of Wpns Co, who informed me that he visited the two vehicles we engaged at some point that evening, and that he found two corpses burned beyond recognition in the second vehicle that was engaged.

ENCL (3)

Pages 14 through 15 redacted for the following reasons:

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(b)(2)HIGH AERIAL IMAGERY

SIGACT

(b)(2)HIGH

CCIR 3/7 MAR EOF C Ramadi

(b)(2)HIGH AERIAL IMAGERY

• At 011715c NOV05, L 3/7 had an EOF while conducting screening for EOD west of (b)(2)HIGH C Ramadi. The patrol while posted at the intersection of (b)(2) High and (b)(2) High IVC (b)(2)HIGH L 3/7 MAR observed a vehicle traveling at an unusually slow speed coming towards the cordon from north to south on (b)(2) High Rd. The OSC from L 3/7 suspected it to be a possible SVBIED due to the sustained enemy contact over the preceding 30 minutes and the unusually slow speed of vehicle. At (b)(2)HIGH Marines in the HMMWV shouted and used hand and arm signals in an attempt to stop the vehicle. (b)(2)HIGH The vehicle did not respond to the warnings at which time the gunner fired 3x (b)(2) High cal at the deck in front of the vehicle. At (b)(2)HIGH meters, The vehicle did not respond to the warning shots and continued towards the cordon. At that time the gunner fired 10 x (b)(2)High M2) disabling shots into the vehicle. The vehicle was struck and collided into parked vehicles on the W side of (b)(2) High and came to a stop. 1xMAM jumped out of the vehicle and ran to the west. Within seconds a second vehicle heading south on (b)(2) High approached the cordon in same manner as the first. Again the OSC believed it to be a possible SVBIED and initiated verbal commands as well as hand and arm signals to stop the vehicle.

000558



UNITED STATES MARINE CORPS

3D BATTALION 7TH MARINES  
1ST MARINE DIVISION (REIN)  
LIC 41575  
FFO AP 96426-1575

NUMBER REFER TO

(b)(2)High

5 NOV 05

From: Investigating Officer  
To: File

Subj: SUMMARY OF INTERVIEW, CORPORAL (b)(3),(b)(6)

Ref: (a) 0209 e, JAGMAN

1. On 5 November 2005, the Investigating Officer personally interviewed Corporal (b)(3),(b)(6) at Forward Operating Base (b)(2)HIGH Ar Ramadi, Iraq, in regard to the escalation of force incident involving (b)(2)HIGH in the vicinity of (b)(2) High on 1 November 2005. Corporal (b)(3),(b)(6) was not advised of his rights under Article 31, Uniform Code of Military Justice. Corporal (b)(3),(b)(6) currently serves as the Vehicle Commander, (b)(6) Vehicle, (b)(2)HIGH Company L, 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines. He came to Company L in January of 2004 from the School of Infantry. This is his first tour in the Fleet Marine Force (FMF) and his second tour in Iraq.

2. The investigating officer asked Corporal (b)(3),(b)(6) to describe his vehicle. Corporal (b)(3),(b)(6) explained Vehicle Two of (b)(2)HIGH consisted of an armored High Mobility Multipurpose Wheeled Vehicle (HMMWV) armed with a .50 caliber machine gun. His crew consists of a driver, Lance Corporal (b)(3), (b)(6) a gunner, Lance Corporal (b)(3), (b)(6) and two dismounts, Private First Class (b)(3), (b)(6) and Private First Class (b)(3), (b)(6)

3. On 1 November 2005, (b)(2)HIGH was tasked as the company quick reaction force (QRF) for the day. At approximately 1600, they received a call to provide medical evacuation to a mass casualty event in the vicinity of (b)(2)HIGH. Marines from Company L and an Explosive Ordnance Disposal (EOD) Team had been attacked with an improvised explosive device (IED). (b)(2)HIGH (b)(2)HIGH accompanied Captain (b)(3),(b)(6) Commanding Officer, Company L, to the scene. Captain (b)(3),(b)(6) traveled in a separate vehicle.

4. Corporal (b)(3),(b)(6) vehicle (b)(2)HIGH proceeded from FOB (b)(2)HIGH down (b)(2)HIGH and east onto (b)(2) High through the traffic circle at (b)(2)HIGH. Once on scene, Corporal (b)(3),(b)(6) saw what he believed to be a Marine killed in action laying in the road. The investigating officer asked him if he knew why the Marine who had been killed in action was still in the road. Corporal (b)(3),(b)(6) indicated the Marines on scene were met with a barrage of small arms and rocket propelled grenade (RPG) fire each time they approached the body. Once on scene, Vehicle Two cut across the intersection (b)(2)HIGH and took up a strongpoint position oriented east down (b)(2) High for the purpose of providing security for the Marines attempting to evacuate the casualties from the intersection. The Marines in Vehicle Two could not see the enemy who were shooting, but they heard shots and saw impacts on the ground in the vicinity of the Marines (b)(2)HIGH intersection. Less than five minutes after Vehicle Two took up their position to the east (at the three o'clock position of the traffic circle), an IED detonated less than (b)(2)HI feet from their vehicle. There were no injuries or damage as a result of this IED.

Subj: SUMMARY OF INTERVIEW, CORPORAL (b)(3),(b)(6)

5. At some point soon after this IED detonated, Vehicle Two was tasked with moving back across the intersection towards the west and providing security at the intersection of (b)(2) High (b)(2) High intersects with (b)(2) High in a residential area west of the (b)(2)HIGH traffic circle. Vehicle Two was oriented to the north up (b)(2) High and engaged in a

(b)(2)HIGH

6. Corporal (b)(3),(b)(6) explained that the first time they pulled forward into the intersection, they saw a black BMW headed towards them. Corporal (b)(3),(b)(6) rough estimate was the vehicle was less than (b)(2)HIGH away and traveling at least twenty miles per hour. In Corporal (b)(3),(b)(6) estimation, the black BMW appeared to be on the way to hitting Vehicle Two. Corporal (b)(3),(b)(6) told his gunner, Lance Corporal (b)(3),(b)(6) to engage the vehicle. Lance Corporal (b)(3),(b)(6) shot the (b)(6) BMW, which in turn swerved, hit the curb and came to a halt. Corporal (b)(3),(b)(6) stated Lance Corporal (b)(3),(b)(6) got two shots off before the gun jammed. When the gun jammed, Corporal (b)(3),(b)(6) directed the driver, Lance Corporal (b)(3),(b)(6) to pull back behind cover, which he did.

7. Once Lance Corporal (b)(3),(b)(6) cleared the gun, Corporal (b)(3),(b)(6) told Lance Corporal (b)(3),(b)(6) to pull forward into the intersection again. When Vehicle Two pulled forward, one of the Marines in the truck yelled, "We have a vehicle coming towards us!" A second vehicle, a white hatchback, was already traveling south on (b)(2) High towards them. Corporal (b)(3),(b)(6) estimated this second vehicle's speed at twenty-five to thirty miles per hour and estimated the second vehicle was about (b)(2)HIGH away from their truck.

8. Corporal (b)(3),(b)(6) stated that when he saw this white hatchback coming behind the black BMW, he instantly recalled seeing a black BMW and white hatchback drive past his vehicle two or three days prior during an RPG attack near (b)(2) High. That event, coupled with the ongoing engagement in the (b)(2)HIGH intersection immediately to his east lead Corporal (b)(3),(b)(6) to conclude these vehicles were vehicle borne improvised explosive devices (VBIEDs) and part of the larger attack. Corporal (b)(3),(b)(6) immediately ordered Lance Corporal (b)(3),(b)(6) to shoot the white hatchback.

9. The white hatchback did not stop after the first few shots were fired. Eventually, the gunner hit the vehicle and as the vehicle was hit, it swung wide to the right but then turned back to the left as if to return to its original heading. The gunner continued to engage the vehicle. Once the gunner hit the trunk, the vehicle exploded and the entire vehicle was almost instantly engulfed in flames and rolled to a stop.

10. Corporal (b)(3),(b)(6) could not see anyone in the back of the vehicle but believes he saw a driver and a front seat passenger. Corporal (b)(3),(b)(6) did not see anyone exit the vehicle. Once the (b)(6) hatchback exploded, Corporal (b)(3),(b)(6) believed the threat had been neutralized and he returned his attentions to the radio and the contact in the (b)(2)HIGH intersection. Vehicle Two was also taking sporadic small arms fire from the south during this time. Corporal (b)(3),(b)(6) estimated that it took less than a minute to engage both the (b)(6) BMW and the (b)(6) hatchback.

Subj: SUMMARY OF INTERVIEW, CORPORAL (b)(3),(b)(6)

11. The investigating officer asked Corporal (b)(3),(b)(6) if he knew the proper way to escalate force. Corporal (b)(3),(b)(6) stated you need positive identification of a target that was either committing a hostile act or demonstrating hostile intent. When time and circumstance does not permit, Marines may use force deadly force, to protect themselves against an enemy threat. Corporal (b)(3),(b)(6) stated he had received a lot of training about these rules and was aware of them on 1 November 2005. Under the circumstances, Corporal (b)(3),(b)(6) believed they were being targeted by 2 VBIEDs as part of the larger engagement in the (b)(2)HIGH.

12. I certify this summary of interview is true and accurate to the best of my knowledge and ability.

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



UNITED STATES MARINE CORPS

3D BATTALION 7TH MARINES  
1ST MARINE DIVISION (REIN)  
LIC 41575  
FPO AP 96426-1575

IN REPLY REFER TO:

b(2)High

5 Nov 05

From: Investigating Officer  
To: File

Subj: SUMMARY OF INTERVIEW, LANCE CORPORAL (b)(3),(b)(6)

Ref: (a) 0209 e, JAGMAN

1. On 5 November 2005, the Investigating Officer personally interviewed Lance Corporal (b)(3),(b)(6) at Forward Operating Base (b)(2)HIGH Ar Ramadi, Iraq, in regard to the escalation of force incident involving (b)(2)High (b)(2)HIGH in the vicinity of (b)(2) High on 1 November 2005. Lance Corporal (b)(3),(b)(6) was not advised of his rights under Article 31, Uniform Code of Military Justice. Lance Corporal (b)(3),(b)(6) currently serves as the driver, (b)(2)HIGH Lima (b)(2)HIGH Company L, 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines. He came to Company L in December of 2003 from the School of Infantry. This is his first tour in the Fleet Marine Force (FMF).

2. Lance Corporal (b)(3),(b)(6) stated (b)(2)HIGH was tasked as the company's quick Reaction Force (QRF) on 1 November 2005. At approximately 1600, they were ordered to the (b)(2)HIGH traffic circle to respond to a mass casualty event. Upon arriving at (b)(2)HIGH Lance Corporal (b)(3),(b)(6) vehicle, Vehicle Two, took up a position in the southeast corner of the traffic circle oriented south on (b)(2) High. They began to receive small arms and rocket propelled grenade (RPG) fire almost instantly upon arriving. An improvised explosive device (IED) exploded less than (b)(2)HIGH from their truck. They were then tasked to move to the east of the (b)(2)HIGH traffic circle (at the 3 o'clock position) and provide security on (b)(2) High Road. After a short period of time, Vehicle Two was tasked with recovering the Explosive Ordnance Disposal (EOD) Team's robot that was in the middle of the traffic circle.

3. Vehicle Two recovered the EOD robot and put it in their vehicle under the gunner and proceeded through the traffic circle back towards the west where they took up a position at the intersection of (b)(2) High. There (b)(2)HIGH was tasked with providing security at that intersection. Lance Corporal (b)(3),(b)(6) (b)(2)HIGH (b)(2)HIGH High Mobility Multipurpose Wheeled Vehicle (HMMWV) he was driving in order to protect against RPG shots. The first time they pulled into the intersection, they found a black BMW bearing down on them. Lance Corporal (b)(3),(b)(6) stated the BMW appeared to be less than (b)(2)HIGH away and there was no time for warning shots. Lance Corporal (b)(3),(b)(6) stated the vehicle commander, Corporal (b)(3),(b)(6) told the gunner, Lance Corporal (b)(3),(b)(6) to engage, which he did. The vehicle stopped approximately fifteen meters from their gun truck. The driver, a military age male (MAM) got out of the vehicle and ran to the east.

4. Lance Corporal (b)(3),(b)(6) pulled the HMMWV back behind cover out of the intersection at this point because the machine gun jammed and he wanted to provide Lance Corporal (b)(3),(b)(6) as much cover as possible as he cleared

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Subj: SUMMARY OF INTERVIEW, LANCE CORPORAL (b)(3),(b)(6)

the weapon. Once the gun was clear, Lance Corporal (b)(3),(b)(6) pulled forward into the intersection again. As soon as they pulled back into the middle of the intersection, a white hatchback was coming towards them from the same direction the (b)(6) BMW had come from moments earlier. According to Lance Corporal (b)(3),(b)(6) this vehicle was traveling slower than the black BMW had, but was almost as close. Lance Corporal (b)(3),(b)(6) engaged the (b)(6) hatchback.

5. From his vantage point, it appeared to Lance Corporal (b)(3),(b)(6) that the first couple of rounds hit the white hatchback in the engine. As Lance Corporal (b)(3),(b)(6) was firing, the vehicle began to make what first appeared to be the beginnings of a right turn but it then quickly turned back towards the HMMWV in a sort of "S" fashion. Lance Corporal (b)(3),(b)(6) continued to engage the vehicle as it continued to move. During the course of this "S" maneuver, several rounds struck the rear quarter-panel of the white hatchback. The (b)(6) hatchback immediately burst into flames.

6. After the vehicle burst into flames, the vehicle coasted north (away from the Marines) and eventually came to a stop. Lance Corporal (b)(3),(b)(6) saw a MAM jump out of the white hatchback and start to run towards the west. The MAM made it about five steps, turn around and went back towards the burning car. It looked like the MAM reached back into the car, as if to grab the keys. Lance Corporal (b)(3),(b)(6) fired two shots which scared the MAM who then ran away. The vehicle was approximately (b)(2)HIGH away at this point.

7. Lance Corporal (b)(3),(b)(6) stated it has been his experience throughout this deployment that Iraqi drivers normally will stop altogether when Coalition vehicles are blocking their path. The fact both vehicles continued in their direction was extremely suspicious to him. Moreover, Lance Corporal (b)(3),(b)(6) recalled seeing a black BMW and a (b)(6) hatchback when (b)(2)HIGH was attacked with an RPG on (b)(2) High a few days prior.

8. Lance Corporal (b)(3),(b)(6) is not sure but thought he saw the driver in amongst the group of individuals who came out to try and put out the fire in the white hatchback. Vehicle Two was reassigned shortly after this engagement to return to the east of the (b)(2)HIGH traffic circle in order to provide security.

9. I certify this summary of interview is true and accurate to the best of my knowledge and ability.

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



UNITED STATES MARINE CORPS

3D BATTALION 7TH MARINES  
1ST MARINE DIVISION (REIN)  
LIC 41575  
FPO AP 96426-1575

IN REPLY REFER TO

(b)(2)Hig

5 Nov 05

From: Investigating Officer  
To: File

Subj: SUMMARY OF INTERVIEW, LANCE CORPORAL (b)(3),(b)(6)

Ref: (a) 0209 e, JAGMAN

1. On 5 November 2005, the Investigating Officer personally interviewed Lance Corporal (b)(3),(b)(6) at Forward Operating Base (b)(2)HIGH Ar Ramadi, Iraq, in regard to the escalation of force incident involving (b)(2)HIGH in the vicinity of (b)(2) High on 1 November 2005. Lance Corporal (b)(3),(b)(6) was not advised of his rights under Article 31, Uniform Code of Military Justice. Lance Corporal (b)(3),(b)(6) currently serves as the .50 caliber machine gunner, Vehicle Two, (b)(2)HIGH Company L, 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines. He came to Weapons Company, 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines from the School of Infantry in March 2005. Lance Corporal (b)(3),(b)(6) moved to Company L in the summer of 2005. This is his first tour in the Fleet Marine Force (FMF).

2. The investigating officer began the substantive interview by asking Lance Corporal (b)(3),(b)(6) to describe what training he had received about the rules of engagement and the escalation of force prior to deployment. Lance Corporal (b)(3),(b)(6) explained he received formal periods of instruction in the Twentynine Palms Base Theater on both topics prior to deployment. In addition, the instructors at March Air Force Base discussed both topics during lane training. The investigating officer also asked Lance Corporal (b)(3),(b)(6) to explain in his own words the rules of engagement and how to properly escalate force. Lance Corporal (b)(3),(b)(6) stated you must have positive identification and either a hostile act or intent before engaging someone. In addition, the proper way to escalate force requires a Marine to shout, show, shove then shoot if necessary. If there isn't time to go through these steps, Marines are allowed to just shoot if the situation requires.

3. The investigating officer asked Lance Corporal (b)(3),(b)(6) to describe what happened on 1 November 2005 when (b)(2)HIGH was assigned as the company quick reaction force (QRF). Specifically, the investigating officer asked him to describe the events starting from when Vehicle Two assumed its position at the intersection of (b)(2) High. Lance Corporal (b)(3),(b)(6) explained he was seated in the gunner's turret, trying to stay low behind the armor. Someone inside their gun truck yelled that there was a vehicle approaching from the north down (b)(2) High. Lance Corporal (b)(3),(b)(6) looked through the gap in the armor to his left next to the machine gun and saw a (b)(6) BMW bearing down on them. He got up quickly and got on the gun. From his perspective, by the time he was on the gun, the (b)(6) BMW was approximately (b)(2)HIGH away. Lance Corporal (b)(3),(b)(6) felt there was not enough time to do anything other than shoot the vehicle in order to stop it. Lance Corporal (b)(3),(b)(6) got off approximately three rounds before his gun jammed. The (b)(6) BMW stopped with the first burst from the machine gun.

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ENCL (6)

Subj: SUMMARY OF INTERVIEW, LANCE CORPORAL (b)(3),(b)(6)

Lance Corporal (b)(3),(b)(6) believes he hit the engine and a headlight. (Lance Corporal (b)(3),(b)(6) stated he did not have his night vision goggles on yet because it wasn't dark enough yet.) When the gun jammed, Lance Corporal (b)(3),(b)(6) immediately rocked the gun back and got down behind the armor as best as possible. When the driver, Lance Corporal (b)(3),(b)(6) backed their gun truck out of the intersection, Lance Corporal (b)(3),(b)(6) cleared the machine gun and stayed low in the turret.

4. While he does not recall how long, at some point the gun truck pulls forward again into the intersection. Lance Corporal (b)(3),(b)(6) again is trying to maintain a low profile behind the turret's armor. Again, Lance Corporal (b)(3),(b)(6) heard someone from inside the gun truck call out, "There's another vehicle!" Lance Corporal (b)(3),(b)(6) heard the vehicle commander, Corporal (b)(3),(b)(6) tell him to, "shoot it!" Once Lance Corporal (b)(3),(b)(6) got up on the machine gun, he saw a (b)(6) hatchback turn south onto (b)(2) High. The vehicle was approximately (b)(2)HIGH from their gun truck. Lance Corporal (b)(3),(b)(6) shot a 2-3 round burst before the gun jammed again. Lance Corporal (b)(3),(b)(6) pulled the charging handle back and shot another 2-3 round burst at the (b)(6) hatchback which was headed toward their gun truck and as he was shooting at it, executed what initially looked to be a right turn but ultimately became a wide left turn back north (away from the Marines) on (b)(2) High. As the vehicle was turning, several rounds hit the trunk of the white hatchback. The (b)(6) hatchback burst into flames. Lance Corporal (b)(3),(b)(6) reflexively got back down behind the armor of the turret when the (b)(6) hatchback exploded.

5. From his position in the turret, Lance Corporal (b)(3),(b)(6) could hear the other Marines in his gun truck call out that they saw an individual run from the vehicle. As he explains it, Lance Corporal (b)(3),(b)(6) was waiting for the vehicle commander to identify hostile intent. Lance Corporal (b)(3),(b)(6) did not receive any orders to engage any dismounts. Lance Corporal (b)(3),(b)(6) saw people come out of their homes in order to put out the fire in the (b)(6) hatchback but he did not engage them.

6. The investigating officer asked Lance Corporal (b)(3),(b)(6) to describe the atmospherics in the area at the time. Lance Corporal (b)(3),(b)(6) stated that to the best of his recollection, Vehicle Two did not receive any small arms fire while at the intersection of (b)(2) High but he could hear small arms fire coming from the (b)(2)HIGH traffic circle.

7. The investigating officer informed Lance Corporal (b)(3),(b)(6) there had been unconfirmed reports there were two people who were burned to death in the white hatch back. Lance Corporal (b)(3),(b)(6) stated he did not see the individual the other Marines saw get out of the white hatchback because he was seated behind the turret. From between the armor and the machine gun as the white hatchback approached he could only see the driver. Lance Corporal (b)(3),(b)(6) could not say definitively one way or the other if there were other people in the (b)(6) hatchback.

8. The investigating officer asked Lance Corporal (b)(3),(b)(6) whether he felt they had properly escalated force in this situation. Without hesitating, Lance Corporal (b)(3),(b)(6) said he felt it was "a good shoot." Given the relatively short distance left for them to travel, the fact both vehicles continued towards the gun truck even after presumably seeing the gun truck in the middle of the intersection, the recent complex attack and the overall atmospherics in the area, Lance Corporal (b)(3),(b)(6) thought these vehicles were vehicle borne improvised explosive devices (VBIEDs).

000565

Subj: SUMMARY OF INTERVIEW, LANCE CORPORAL

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

9. I certify this summary of interview is true and accurate to the best of my knowledge and ability.

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

000566



UNITED STATES MARINE CORPS

30 BATTALION 7TH MARINES  
1ST MARINE DIVISION (REIN)  
UGC 41575  
FPO AP 96426-1575

IN REPLY REFER TO:

(b)(2)High

5 Nov 05

From: Investigating Officer  
To: File

Subj: SUMMARY OF INTERVIEW, PRIVATE FIRST CLASS (b)(3),(b)(6)

Ref: (a) 0209 e, JAGMAN

1. On 5 November 2005, the Investigating Officer personally interviewed Private First Class (b)(3),(b)(6) at Forward Operating Base (b)(2)HIGH Ar Ramadi, Iraq, in regard to the escalation of force incident involving (b)(2)High (b)(2)HIGH in the vicinity of (b)(2) High on 1 November 2005. Private First Class (b)(3),(b)(6) was not advised of his rights under Article 31, Uniform Code of Military Justice. Private First Class (b)(3),(b)(6) currently serves as a dismounted rifleman, Vehicle Two, (b)(2)HIGH Company L, 3<sup>rd</sup> Battalion, 7<sup>th</sup> Marines. He came to Company L in April of 2004 from the School of Infantry. This is his first tour in the Fleet Marine Force (FMF).

2. Private First Class (b)(3),(b)(6) stated that on 1 November 2005 (b)(2)HIGH (b)(2)HIGH was tasked as the Quick Reaction Force (QRF) for Company L. They responded to a call for a ground medical evacuation after an Explosive Ordnance Disposal (EOD) team was attacked with an improvised explosive device (IED) in the vicinity of (b)(2)HIGH. Once on scene, Vehicle Two was tasked with providing security to the southeast and east of the traffic circle at (b)(2)HIGH. Soon after taking up their position oriented to the southeast, (b)(2)HIGH was attacked by an IED that exploded within several meters of their gun truck. They were also receiving sporadic small arms fire at this point but could not pin point the origin of the hostile fire.

3. Vehicle Two was in the traffic circle a matter of minutes before they were tasked with recovering the EOD team's robot from the middle of the traffic circle. Private first Class (b)(3),(b)(6) dismounted and actually retrieved the robot as they passed through the center of the traffic circle. After recovering the robot, Vehicle Two was tasked with providing security on the intersection of (b)(2) High, which is approximately fifty meters west of the traffic circle at (b)(2)HIGH.

4. Private First Class (b)(3),(b)(6) stated that once they got to the intersection of (b)(2) High, they began (b)(2)HIGH in the intersection in order to provide security towards the north, up (b)(2) High while at the same time provide some measure of protection against a rocket propelled grenade (RPG).

5. As a dismount, Private First Class (b)(3),(b)(6) was seated in the backseat on the driver's side on 1 November 2005 as was his practice. Once they arrived at the (b)(2) High intersection, the driver, Lance Corporal (b)(3),(b)(6) executed a three-point turn such that their High Mobility Multipurpose Wheeled Vehicle (HMMWV) was facing east towards the traffic circle. Once situated on the intersection behind cover, (b)(3),(b)(6) pulled the HMMWV into the intersection.

Subj: SUMMARY OF INTERVIEW, PRIVATE FIRST CLASS (b)(3),(b)(6)

6. As soon as they pulled into the intersection, Private First Class (b)(3),(b)(6) saw a black BMW driving towards them. Private First Class (b)(3),(b)(6) estimated the black BMW was (b)(2)HIGH away when they first saw it coming towards them. The gunner, Lance Corporal (b)(3),(b)(6) engaged the vehicle with the (b)(2)Hi caliber machine gun on top of the HMMWV. The gunner hit the black BMW in the engine. The vehicle stopped and the driver got out and ran away from the vehicle. Lance Corporal (b)(3),(b)(6) backed their HMMWV out of the intersection in order to provide cover for Lance Corporal (b)(3),(b)(6) while he cleared his machine gun.

7. Vehicle Two pulled back into the intersection shortly thereafter. As soon as they returned to the middle of the intersection, Private First Class (b)(3),(b)(6) saw a white hatchback vehicle driving towards them from the same direction as the black BMW. Private First Class (b)(3),(b)(6) estimates the white hatchback was (b)(2)HIGH away from their position when it turned onto (b)(2) High and started to head towards them. Private First Class (b)(3),(b)(6) yelled that there was another vehicle heading towards them. The vehicle commander, Corporal (b)(3),(b)(6) in turn ordered the gunner, Lance Corporal (b)(3),(b)(6) to stop that vehicle. Lance Corporal (b)(3),(b)(6) began shooting. From Private First Class (b)(3),(b)(6) perspective, the first round appeared to hit the white hatchback in the engine. The (b)(6) hatchback then began a maneuver that at first appeared to Private first Class (b)(3),(b)(6) to be a right turn, but the vehicle quickly turned back to the left and then swerved fully back around to the north in one fluid motion. Lance Corporal (b)(3),(b)(6) continued to engage the vehicle, ultimately hitting the trunk with two rounds. The (b)(6) hatchback burst into flames when the two rounds hit the trunk. The vehicle continued to coast towards the north, back up (b)(2) High as it burned.

8. Vehicle Two sat in the intersection and watched the (b)(6) hatchback burn. Private First Class (b)(3),(b)(6) saw one person of unknown gender exit the vehicle. At this point in the day, Private First Class (b)(3),(b)(6) recalls it was starting to get dark but was not fully dark outside yet. After approximately two minutes, Lance Corporal (b)(3),(b)(6) pulled the truck back in order to resume the (b)(2)HIGH process. Approximately a minute later, they pulled back into the intersection. This time Private First Class (b)(3),(b)(6) could not see anything up (b)(2) High. There was a single headlight on from the (b)(6) BMW they had just engaged and it washed out Private First Class (b)(3),(b)(6) night vision goggles (AN/PVS-7B). Private First Class (b)(3),(b)(6) could not see anyone in the (b)(6) hatchback.

9. The investigating officer asked Private First Class (b)(3),(b)(6) if he knew the proper way to escalate force. Private First Class (b)(3),(b)(6) explained that per the rules of Engagement, you must be able to positively identify a target that was either committing a hostile act or demonstrating some sort of hostile intent before using force. When using force, Private First Class (b)(3),(b)(6) explained Marines are required to use the minimum amount of force necessary, time permitting. When time and circumstance does not permit, Marines may use force, up to and including deadly force, to protect themselves against an enemy threat.

10. I certify this summary of interview is true and accurate to the best of my knowledge and ability.

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