

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)~~ <sup>(b)(3)(b)(6)</sup> board are ~~(approved)~~ <sup>(b)(6)</sup> ~~(disapproved)~~ (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

I concur with the investigation officers findings. As a result of this incident we will look into refresher Arabic language training as well as incorporate interpreter requirements into my Commanders' mission back briefs.

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

Brigadier General, US Army  
Assistant Division Commander (Maneuver)

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

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**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 LTC (b)(3), (b)(6)  
*(Appointing authority)*

on 01 APR 06  
*(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 CAMP LIBERTY, IRAQ at \_\_\_\_\_  
*(Place) (Time)*

on 01 APR 06  
*(Date)* *(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)* The following persons *(members, respondents, counsel)* were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing evidence at \_\_\_\_\_ on 06 APR 06  
*(Time) (Date)*  
and completed findings and recommendations at \_\_\_\_\_ on 06 APR 06  
*(Time) (Date)*

**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
1	Inclosures <i>(para 3-15, AR 15-6)</i>			
	Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?			X

FOOTNOTES: <sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> 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. **004422**

		YES	NO <sup>1)</sup>	NA <sup>2)</sup>
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	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?	X		
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<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: 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.

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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

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DEPARTMENT OF THE ARMY  
1<sup>ST</sup> SQUADRON 71<sup>ST</sup> CAVALRY  
10TH MOUNTAIN DIVISION (Light Infantry)  
CAMP LIBERTY, IRAQ APO AE 09376

REPLY TO  
ATTENTION OF:

AFZS-LI-C

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command By Authority of AR 600-20 paragraph 2-5.

The undersigned assumes command of 1<sup>st</sup> Squadron 71<sup>st</sup> Cavalry Regiment (WJJ2AA), effective 6-21 April 2006.

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

MAJ, IN  
Acting Commander

DISTRIBUTION:  
COMMANDER, MNC-I  
COMMANDER, MND-B  
COMMANDER, 1/10<sup>th</sup> Mountain Division

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DEPARTMENT OF THE ARMY  
Headquarters and Headquarters Troop, 1<sup>st</sup> Squadron, 71<sup>st</sup> Cavalry Regiment  
1<sup>st</sup> Brigade Combat Team, 10<sup>th</sup> Mountain Division (Light Infantry)  
FOB Justice, Iraq 09376

AFZS-LI-HT

5 April 2006

MEMORANDUM FOR Commander, 1<sup>st</sup> BCT, 10<sup>th</sup> MTN, Camp Liberty, Iraq

SUBJECT: AR 15-6 Informal Investigation Concerning the Shooting of a Local National (LN)  
on 24 March 06

1. On 1 April 2006, I was appointed as the AR 15-6 Investigating Officer (IO) for the events surrounding the shooting of a LN. I have conducted a thorough investigation of the circumstances surrounding this incident. My observations and conclusions are provided in the following format: facts and findings.

2. FACTS.

The following is a summary of the sequence of events as documented on 24 March 06.

At approximately 240200MAR06, 1/A/1-71 Cavalry, in the execution of Operation Humble Justice, conducted a raid in West Shulla at [redacted (b)(2)High] in order to kill or capture [redacted (b)(2)High]

[redacted (b)(2)High] Neither of the actual sources were with the platoon during the raid. Based on the intelligence provided, the two story target house was PID'ed by 1/A/1-71 CAV. After establishing their cordon, the platoon conducted a mechanical breach of the front gate at 0215 hours. One interpreter stayed with the outer cordon and the other interpreter stayed outside the target house with the Platoon Leader in order to conduct tactical questioning of any detainees taken.

SFC [redacted (b)(3), (b)(6)] the Platoon Sergeant, used two teams to enter and clear the house. Alpha Team's five Soldiers entered first, shouting in English for the residents to "Get Down!", and proceeded to clear the ground floor. They detained seven local nationals, separated the males from the females, and moved the males outside for tactical questioning. Clearing the ground floor took approximately ninety seconds. (The house layout is illustrated in enclosures 4 and 5) Bravo Team's four Soldiers entered the house immediately behind Alpha Team, clearing in conjunction with Alpha Team until they reached the stairs. Bravo Team then proceeded to the stairs in order to clear the second floor.

SPC [redacted (b)(3), (b)(6)] the point man for Bravo Team, was on the second or third stair of a doubled back staircase when he saw a local national on the second floor landing (illustrated in enclosure 6). The local national, [redacted (b)(6)] was looking almost straight down, through the landing railing, at the members of Bravo Team. SPC [redacted (b)(3), (b)(6)] shouted "STOP!" once in English, then again in Arabic. At that point, the local national raised a pistol and pointed it at Bravo Team. SPC [redacted (b)(3), (b)(6)] fired his M4 three times from a distance of three meters, hitting

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AFZS-LI-HT

SUBJECT: AR 15-6 Informal Investigation Concerning the Shooting of a Local National (LN)  
on 24 March 06

the local national once in the head. The shooting occurred at 0217 hours. SPC (b)(3), (b)(6) continued up the stairs to the second floor. As he passed the wounded local national, he kicked away the pistol that was lying next to the body.

After the engagement, SFC (b)(3), (b)(6) moved with Alpha Team to the second floor, then to the roof of the house to complete the clearance. Someone called for a medic and SFC (b)(3), (b)(6) repeated the call down to the first floor. As he passed the local national, he kicked the weapon farther away from the body. Bravo Team continued to clear the second floor while the medic treated the local national for his injuries. The medic assessed the casualty as expectant and attempted to stabilize the local national before moving him. (b)(6) died at 0225 hours, several minutes after the house had been cleared.

Tactical questioning of the detained residents revealed that the target house was across the street. 1/A/1-71 CAV moved to the target house and cleared it. The target individual was not there, but his brother was detained for questioning. Once the platoon had finished clearing both houses and the site was secured, they gathered evidence of the shooting and offered to move the deceased to the hospital or the morgue. The family declined the offer. The platoon did not ascertain (b)(6) relationship to the house or detained family.

As a follow-up of the incident, A/1-71 CAV provided compensary money to the family of the local national killed. (b)(6) the uncle of (b)(6) accepted the money on behalf of the family. He said that he understood that the Coalition Forces were conducting a mission to clear their neighborhood of known insurgents. The results are briefed in storyboard 2.

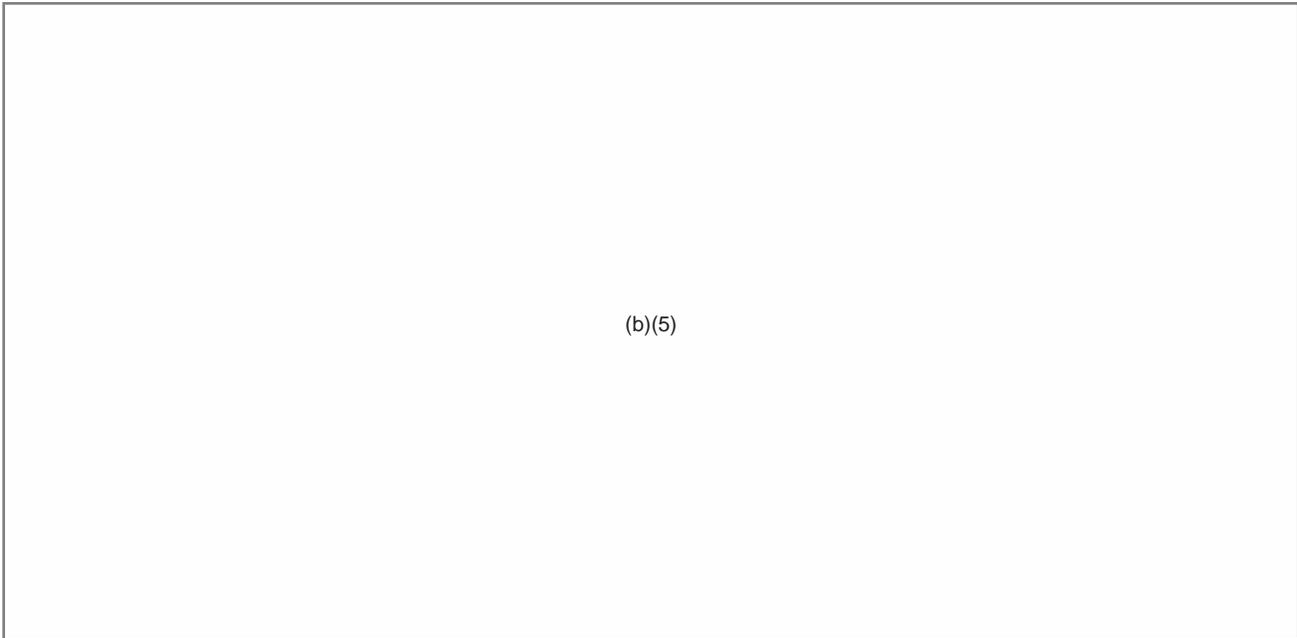
3. FINDINGS. Upon review of the 1-71 TOC duty log, sworn statements by members of 1/A/1-71, interviews, the Serious Incident Report and two separate story boards of the incident, I find that the Soldiers involved in the shooting following established Rules of Engagement. When entering the house, the Soldiers gave verbal warnings to the residents. The weapons they were carrying justified a show of force. When SPC (b)(3), (b)(6) engaged the gunman on the second floor, he gave a verbal warning by shouting "Stop" in both English and Arabic, and showed the gunman his intent when he turned on his surefire and aimed it at the gunman. When the gunman raised his pistol and aimed it at the members of Bravo Team, he showed hostile intent. SPC (b)(3), (b)(6) reaction was justified and appropriate and he acted in a responsible fashion and should not be held accountable for the death of (b)(6) (Rules of Engagement Appendix I to Division Frago 351 to Phase IIIA of OPOD 05-07; paragraph 3, sub-paragraph A, sub-section 3,4 and 5; sub-paragraph G, sub-section 1; sub-paragraph H, sub-section 10, 11 and 12)

4. RECOMMENDATIONS: (b)(5)

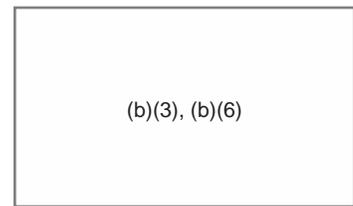
(b)(5), (b)(3)(b)(6)

AFZS-LI-HT

SUBJECT: AR 15-6 Informal Investigation Concerning the Shooting of a Local National (LN)  
on 24 March 06



5. POC for this memorandum is the undersigned at (b)(2)High.



1LT, AR  
Battle Captain

12 Enclosures:

1. 1-10 BCT Blue 2 (Commander's Incident Report)
2. Storyboard 1 (Death of Local National – provided by A TRP)
3. Storyboard 2 (Compensation Payment – provided by A TRP)
4. House Layout (1<sup>st</sup> Floor)
5. House Layout (2<sup>nd</sup> Floor)
6. Diagram of Stairwell
7. Interview and Statement of 2LT
8. Interview and Statement of SFC (b)(3), (b)(6)
9. Interview and Statement of SPC
10. DA Form 2823- Sworn Statement from SPC (b)(3), (b)(6)
11. DA Form 2823- Sworn Statement from PFC
12. 1-71 CAV SQN Duty Log

FROM: A/1-71 CAV

THRU: 1BCT

TO: MND-B G3 BTL MAJ IN CIC

SUBJECT: SIR

1. CATEGORY: LN KIA
2. TYPE OF INCIDENT: 1x LN KIA
3. DATE AND TIME: 240220MAR06
4. LOCATION: (b)(2)High

5. PERSONNEL INVOLVED:

- A. SUBJECT: (b)(3), (b)(6)
  - A. RANK OR GRADE: E-4
  - B. SOCIAL SECURITY NUMBER: (b)(3), (b)(6)
  - C. RACE: (b)(3)(b)(6)
  - D. SEX: M
  - E. AGE: (b)(3), (b)(6)
  - F. POSITION: GUNNER/DISMOUNT
  - G. SECURITY CLEARANCE: N/A
  - H. UNIT AND STATION OF ASSIGNMENT: 1<sup>ST</sup> PLT A TRP 1-71 CAV
  - I. DUTY STATUS: Active
  - J. MARITAL STATUS: (b)(3), (b)(6)
- B. SUBJECT: (b)(6)
  - A. RANK OR GRADE: N/A
  - B. SOCIAL SECURITY NUMBER: N/A
  - C. RACE: (b)(2)High
  - D. SEX: M
  - E. AGE: UNK
  - F. POSITION: LN
  - G. SECURITY CLEARANCE:
  - H. UNIT AND STATION OF ASSIGNMENT: N/A
  - I. DUTY STATUS: N/A
  - J. MARITAL STATUS: UNK

6. ALCOHOL INVOLVEMENT: NONE

D. SUMMARY OF INCIDENT:

At approximately 240200MAR06, 1/A/1-71 Cavalry was conducting a source-PID'd raid vic. (b)(2)High in order to kill or capture the intended target (b)(2)High (b)(2)High. After the cordon was set, the raid team positively identified (PID'd) the target house, based on the intelligence and photos provided by the sources. After PID, 1/A/1-71 CAV executed a mechanical breach of the front gate to the house at approximately 0215. The raid team entered the house and announced that they were Coalition Forces and ordered all personnel on the ground. On the first floor (A Team) entered and cleared three large rooms that contained seven local nationals, separating the females from the males and moving the males outside for tactical questioning. Clearance of the first floor took approximately ninety seconds. B Team passed through A Team and began moving up the stairs to the second floor of the house. SPC (b)(3), (b)(6) was the lead element of B Team as they moved up the stairs. SPC (b)(3), (b)(6) observed a LN on the landing of the stairs above him who was pointing a pistol at him. SPC (b)(3), (b)(6) yelled "STOP!" twice. The individual refused to drop the weapon. SPC (b)(3), (b)(6) then fired his M4 three times and struck the individual once in the head. He immediately called for the platoon medic. The platoon continued to clear and search the second floor of the house, while the medic administered aid to the wounded LN. The medic assessed the casualty as expectant and attempted to stabilize him in order to move him to the Shulla Hospital. At approximately 0225, the LN died in the house. After tactical questioning of the occupants of the initially targeted house, it was determined that the (b)(2)High house was directly across the street. 1/A/1-71 CAV maneuvered to clear and search the residence. The search resulted in positively identifying the brother of (b)(2)High who was detained for intelligence value. Once site exploitation was complete, A Troop spoke with the family of the deceased and offered to move the body to the hospital or morgue. The offer was declined by the family. At the conclusion of the mission, A Troop returned to Camp Liberty to process the captured equipment and the detainee.

7. OTHER INFORMATION: NONE

A. EOF INVOLVEMENT: NO

8. REMARKS: N/A

9. PUBLICITY: LOW

10. COMMANDER REPORTING: CPT (b)(3), (b)(6) A/1-71 CAV, Commanding

11. POINT OF CONTACT: 1LT (b)(3), (b)(6) A/1-71 CAV, XO (VOIP 674-5550)

12. REPORT ORIGINATED BY: A/1-71

13. RELEASED BY (FIELD GRADE): LTC (b)(3), (b)(6) 1-71 CDR

14. UNIT NOTIFICATIONS:

A. CONTACTED:

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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MND-B BTL NCO:

TIME RECEIVED:

MND-B G3 BTL NCO ACTIONS:

MND-B CHOPS / BTL MAJ DISPOSITION:

MND-B CHOPS NOTIFICATIONS:

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A. TELEPHONE

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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B. EMAIL

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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Page 12 redacted for the following reason:

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(b)(1)1.4a

# Enclosure 5 - Storyboard 2 [A/1-71 CAV CMO 301000MAR06] Compensation Payment

Summary: 1xLN paid compensation money  
Mission: A/1-71 CAV conducts CMO in Khadamiya (b)(2) IOT support consequence management in Shulla

SIGACT Events

Who: A/1-71 CAV

What: CMO

When: 30MAR06

Where: Iraqi Institute for Peace

Why: Support Consequence management in Shulla

Timeline/Sequence of Events:

- 1000- SP FOB Justice Gate 3
- 1005- Arrived at Iraqi institute for peace
- 1045- Money transfer/discussion complete
- 1051-RP FOB JUSTICE

Assessment/Significance of Event

A/1-71 CAV provided compensation money to the family of a LN that was killed by US Soldiers in a Raid on 24MAR06. The meeting with the family was facilitated by LNs at the Iraqi Institute for Peace. A/1-71 CAV met with the tribal leaders of the family and, in conjunction with the 1BCT SJA, provided compensation funds to the uncle of the KIA LN, as well as returned property confiscated during SSE of the house.

The family was positive that Coalition Forces had offered a condolence payment (b)(6) (Uncle of LN KIA) represented the family and understood that the Coalition Forces were on a mission to rid their area of known insurgents.

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(b)(2)High

(b)(6)

(b)(6)

[Reference Map]

Tribal Sheiks receive Compensation funds and confiscated property

5/1 IA and A/1-71 CAV Infill