DEPARTMENT OF THE ARMY
HEADQUARTERS
172d STRYKER BRIGADE COMBAT TEAM
CAMP TAJI, IRAQ APO AE 09378

REPLY TO ATTENTION OF:

APVR-CJA

18 August 2006

MEMORANDUM FOR COL (b)(3), (b)(6) Commander, 172d Stryker Brigade Combat Team, Baghdad, Iraq

SUBJECT: 15-6 Investigation into EOF Incident on 22 July 2006 by 2nd Platoon, C Company, 1-17 IN, vicinity LF319 239 Mosul, Iraq

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

3. Please direct any questions to the undersigned at (b)(3), (b)(6) @ (b)(2)High

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

CPT, JA
Brigade Judge Advocate

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 17TH INFANTRY REGIMENT
FORWARD OPERATING BASE MAREZ, IRAQ

APVR-WLBA-TIO 26 July 2006

MEMORANDUM FOR RECORD

SUBJECT: Report of Proceedings by Investigating Officer

1. On 24 July 2006, I conducted an investigation of an incident involving 2nd PLT, C Co., 1-17 IN REGT at FOB Marez, Mosul, Iraq. 2nd PLT, C Co was involved in an escalation of force incident which resulted in the death of one Iraqi local national.

2. The following individuals were interviewed, and provided a sworn statement in substance as follows:

a. PFC (b)(3), (b)(6) Automatic Rifleman, 2nd Platoon, C Company 1-17 IN.

Synopsis of Sworn Statement: On the morning of 22 July 2006, my Platoon, 2nd Platoon, was conducting a dismounted patrol in the Old Town area of Mosul. Our patrol moved to a normally busy street, but shortly after we moved into the area it became deserted. Based on my experience here this is an indicator of potential enemy activity, so I remained vigilant. After we had moved up the street I saw a (b)(6) turn into the street and begin moving toward us; Iwas the last man in the Platoon formation so it was my job to stop it. When the vehicle was about 100 meters from me, I moved into the middle of the road and made sure the driver could see me, I then raised my hand and motioned the driver to stop. At (b)(2)High I started to yell "stop" in Arabic. When the driver didn't slow down I fired a burst from my M249 into the air as (b)(2)High At this point the driver attempted to continue past me into the platoon formation, so my team leader, SGT (b)(3), (b)(6) fired into the hood and engine area of the vehicle. The vehicle was next to me at this point so I took cover.

Q: Did you make eye contact with the driver of the car?

A: yes while he was driving towards me he looked right at me.

Q: What was the threat you perceived from this vehicle?

A: I remembered that there was a (b)(6) on the BOLO list and felt that it could have been a suicide bomber.

Q: When was the last time you received ROE training?

A: My squad has meetings every night where we review the ROE and discuss recent changes and incidents other units have had. Our PL also reminds us of the ROE before every mission.

b. SGT (b)(3), (b)(6), Team Leader, 2nd Platoon, C Company, 1-17 IN.

Synopsis of Sworn Statement: On 22 July 2006, our Platoon was conducting a dismounted patrol in the Al Farouk neighborhood. My team, Bravo, was the trail element of the formation on a local road about 400 meters from route (b)(2)High I noticed that the street was kind of empty, except for a (b)(6) that was approaching from the rear. When this car was about (b)(2)High away my SAW gunner, PFC (b)(3), (b)(6) try to stop the car with (b)(2)High (b)(2)High At about (b)(2)High PFC Jimenez fired a (b)(2)High into the but the car showed no signs of stopping. I fired (b)(2)High into the front of the car. The car kept coming so I engaged with deadly force at about (b)(2)High Once I had started shooting at the driver, some other squad members began to engage the driver as well. The vehicle finally stopped in the middle of my team. There were several (b)(6) on our BOLO list, the street was unusually empty, and (b)(2)High (b)(2)High Our PL reviews the ROE before every mission.

c. SSG (b)(3), (b)(6), Squad Leader, 2nd Platoon, C Company, 1-17 IN.

Synopsis of Sworn Statement: On 22 July at about 0730 my Platoon was conducting a dismounted patrol in the Al Farouk neighborhood. As I was walking I heard my M249 Gunner and Bravo Team Leader yelling stop. I turned and saw that they were trying to stop a (b)(6) My M249 Gunner, PFC (b)(3), (b)(6) fired a (b)(2)High and my B team leader fired one (b)(2)High as well. When the vehicle was about (b)(2)High from me, SGT (b)(3), (b)(6) fired one round into the front of the car. The car kept coming, and when it got to within (b)(2)High meters PFC (b)(3), (b)(6) and SGT (b)(3), (b)(6) engaged with deadly force. Once this shooting started other members started shooting as well. When the car finally stopped, it was in the middle of my Bravo team's formation.

I moved to the car with the Platoon Medic to se if we could render aid, but the Medic said he couldn't do anything for the driver. PFC (b)(3), (b)(6) and I then began to search the car and driver. Of the thousands of cars I have searched here in Mosul during operations over this year this car was unusually empty and clean.

Q: Why was the (b)(2)High significant?

A: It was briefed prior to the patrol to be on the BOLO list.

Q: What threat did you perceive from the (b)(2)High

A: I thought it may have been an SVBIED or that it would try to run the platoon over

Q: When was the last time you received ROE training?

A: Our platoon conducts ROE and Escalation of Force training prior to every patrol.

d. PFC (b)(3), (b)(6) 2nd Platoon, C Co., 1-17 IN.

Synopsis of Sworn Statement: On 22 July, at about 0730 in an unnamed alleyway, in Al Farouk neighborhood my Platoon was on a dismounted patrol. As we were moving down the road, about 400 meters up the road from Route (b)(2)High a (b)(6) turned onto the road and began approaching the Platoon. I continued forward, but and a few seconds later I heard PFC (b)(3), (b)(6) shouting stop in English and Arabic. I then heard warning shots and turned around, I brought my weapon to the ready as SGT (b)(3), (b)(6) fired into the front of the car. The car continued and I began to engage the driver and the engine. When the vehicle eventually stopped, it was in the middle of the Bravo team, about 30 meters away from me.

SSG (b)(3), (b)(6) and I searched the vehicle - we found nothing. The entire incident is very suspicious to me because the vehicle was a BOLO vehicle, and it was on a road that was unusually deserted.

Q: What was unusual about the street being deserted?

A: Every other time I have been on that road the street has been filled with people, this time the shops were empty.

Q: During SSE was there anything unusual about the vehicle?

A: We found various tools and some cardboard in the vehicle, but the car looked as if it had been stripped clean.

e. 1LT (b)(3), (b)(6) Platoon Leader, 2nd Platoon, C Co., 1-17 IN

Synopsis of Sworn statement: On 22 July at about 0730 my Platoon was conducting a dismounted patrol in the Al Farouk neighborhood when a BOLO vehicle, a (b)(6) started driving at them. The vehicle was on the BOLO list and (b)(2)High (b)(2)High My Soldiers had received formal ROE training numerous times, and we review it before every patrol. The Soldiers on the ground acted in accordance with the ROE by (b)(2)High (b)(2)High (b)(2)High The street was unusually empty and that prevented collateral injuries to civilians.

In addition to the aforementioned statements, I also considered the BOLO list from 22 July (attachment 9), pictures taken by the platoon (attachment 8), and imagery / overlay of the area of the incident (attachment 10).

3. Based upon all the facts presented and statements provided, my findings and recommendations are as follows:

a. FINDINGS:
I find that the Soldiers of 2nd Platoon, C Co., 1-17 IN REGT, acted in accordance with the rules of engagement and the current procedures regarding escalation of force.

I find that the Platoon had been trained, understood, and followed the rules of engagement in the situation. PFC (b)(2)High used (b)(2)High (b)(2)High PFC (b)(3), (b)(6) and SGT (b)(3), (b)(6) fired (b)(2)High SGT (b)(3), (b)(6) fired (b)(2)High The Platoon engaged with deadly force at (b)(2)High from their trail element. The warning shots fired into the air eliminated the risk of ricochet in this densely populated area (Old Town section) of Mosul. Soldiers were cognizant of their surroundings and were aware that civilians were not in the area before shooting.

I find that the Platoon had reasonable cause to suspect the vehicle of being an SVBIED. All the Soldiers involved reported the individual was (b)(2)High (b)(2)High the street was unusually empty (it is typically a bustling area at that time of day), and the individual ignored all escalation of force procedures. It is probable that this individual was testing the Platoon TTPs; for these reasons a condolence payment was not made.

I find that the local national, (b)(6) intentionally ignored the efforts of the 2nd Platoon Soldiers to warn him as he approached their patrol.

c. RECOMMENDATIONS:

(b)(5)

4. POC is the undersigned, located at the 1-17IN TOC, FOB MAREZ, IRAQ.

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

CPT, MI
Battalion Tactical Intelligence Officer

10 Encls.
1. Memorandum of Appointment
2. 1-17 SIR Dated 220729JUL06
3. DA3881 and Sworn Statement of PFC (b)(3), (b)(6)
4. DA3881 and Sworn Statement of SGT (b)(3), (b)(6)
5. DA3881 and Sworn Statement of SSG (b)(3), (b)(6)

6. DA3881 and Sworn Statement of PFC (b)(3), (b)(6)
7. DA3881 and Sworn Statement of 1LT (b)(3), (b)(6)
8. Photos of the scene (2 Sheets)
9. BOLO List of 22 July 2006
10. Imagery of event (3 Sheets)