

UNCLASSIFIED
DEPARTMENT OF THE ARMY

HEADQUARTERS, 2D BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
CAMP STRIKER, IRAQ 09322



REPLY TO
ATTENTION OF

AFZS-LF-Z

20 JUN 2007

MEMORANDUM THRU Staff Judge Advocate, MND-C, Camp Liberty, Iraq APO AE 09342

FOR Commander, MND-C, Camp Liberty, Iraq APO AE 09342

SUBJECT: Approval and Ratification of AR 15-6 Investigation #07-090 Escalation of Force with a fatal injury to a Local National (1-89 CAV)

1. I have reviewed thoroughly the aforementioned investigation conducted by CPT (b)(3)(b)(6) and forwarded with recommendations by LTC (b)(3)(b)(6)

2. I ratify and approve the appointment of the investigating officer.

3. I recommend that the findings and recommendations of the investigating officer be:

approved.

disapproved.

approved with the following exceptions/substitutions:

4. Commander's Comments/Remarks:

5. POC for this memorandum is Major (b)(3)(b)(6) VOIP (b)(2)High.

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

COL, IN
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
1st SQUADRON, 89th CAVALRY DIVISION
2d BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
CAMP STRIKER, IRAQ APO AE 09322

AFZS-LF-C

S: 10 June 2007

28 May 2007

MEMORANDUM FOR CPT (b)(3)(b)(6) Charlie Troop, 1-89 Cavalry Regiment, 2d Brigade Combat Team, 10th Mountain Division (LI), Camp Striker, APO AE 09322

SUBJECT: Appointment as 15-6 Investigating Officer (#07-090, Escalation of Force, 3rd Platoon, A Troop, 1-89 Cavalry Regiment)

1. You are hereby appointed as an investigating officer (IO) to conduct an investigation pursuant to AR 15-6, into the facts and circumstances of an escalation of force incident involving members of 3rd Platoon, A Troop, 1-89 Cavalry Regiment (3/A/1-89 CAV), 2d Brigade Combat Team, 10th Mountain Division (Light Infantry) on or about 27 May 2007. You are to make specific findings and recommendations concerning the facts and circumstances of this incident. Until the investigation is completed, this will be your primary duty responsibility.
2. Your investigation and findings will include, but not be limited to, the following:
 - a. What was the mission of the US forces at the time of the incident?
 - b. How were forces arrayed on the ground when the incident occurred: by person, facing which way, with which weapon system;
 - c. What force protection measures existed on the ground to notify personnel of the presence of coalition forces? Which ones? Where?
 - d. How did the element execute EOF steps, in order from non-lethal to lethal (to include number of warning shots, POI for warning shots, etc.);
 - e. Photos of: the site, any collateral damage, point of view of shooter, point of view of receiver;
 - f. When did the patrol last cover formal EOF training? Was EOF in the patrol brief? What format?
 - g. What were the extent of the injuries to the LNs?
 - h. What remedial measures should be taken; and
 - i. Any other matters you deem relevant.
3. You will use informal procedures under AR 15-6, Chapter 4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented on DA Form 3881. Witness statements should be sworn and recorded on DA Form 2823. Your authority to administer oaths is Article 136b(4), UCMJ.
4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You must submit any requests for delay to me, through the Brigade Judge Advocate, in writing. Include with your report all documentary and physical evidence you considered.
5. Before proceeding with the investigation you must contact the 2d Brigade Operational Law Team (BOLT) for an initial legal briefing. A BOLT attorney will serve as your primary legal advisor and can be reached at VOIP (b)(2)High.

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AFZS-LF-C

SUBJECT: Appointment as 15-6 Investigating Officer (#07-090, Escalation of Force, 3rd Platoon, A Troop, 1-89 Cavalry Regiment)

6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor.
7. If during the course of your investigation you discover systemic training deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.

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

LTC, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st SQUADRON, 89th CAVALRY REGIMENT
Camp Striker, IRAQ
APO AE 09322



AFZS-LF-C

18 June 2007

MEMORANDUM THRU

Commander, 2d Brigade Combat Team, 10th Mountain Division (LI), Camp Striker, Iraq
Staff Judge Advocate, MND-C, Camp Victory, Iraq

FOR Commander, MND-C, Camp Victory, Iraq

SUBJECT: Recommendation of Approval for AR 15-6 Investigation #07-090, Escalation of force with fatal injury to a local national (3rd Platoon, A Troop, 1-89 Cavalry Regiment)

1. I have reviewed thoroughly the aforementioned investigation conducted by CPT (b)(3)(b)(6)

2. I recommend that the findings and recommendations of the investigating officer be:

(b)(3)(b)(6) approved.

disapproved.

approved with the following exceptions/substitutions:

3. Commander's Comments/Remarks:

(b)(5)

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

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

LTC, IN
Commanding

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(3)(b)(6) Commander, 1st Squadron, 89th Cavalry Regiment, Camp Striker, Iraq APO AE 09322
(Appointing authority)

on 28 May 2007 *(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 Striker, Baghdad, Iraq at 1000 hours
(Place) (Time)
 on 28 May 2007 *(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 1800 hours on 5 June 2007
(Time) (Date)
 and completed findings and recommendations at 1300 hours on 10 June 2007
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
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: ^{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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		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (<i>para 3-16, AR 15-6</i>)			
	a. Are all items offered (<i>whether or not received</i>) 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 (<i>if substituted for real or documentary evidence</i>) 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 (<i>para 3-6b, AR 15-6</i>)?	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 (<i>para 3-16d, AR 15-6</i>)?			X
3	Was a quorum present when the board voted on findings and recommendations (<i>paras 4-1 and 5-2b, AR 15-6</i>)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (<i>para 5-3b, AR 15-6</i>)?			
5	Was a quorum present at every session of the board (<i>para 5-2b, AR 15-6</i>)?			
6	Was each absence of any member properly excused (<i>para 5-2a, AR 15-6</i>)?			X
7	Were members, witnesses, reporter, and interpreter sworn, if required (<i>para 3-1, AR 15-6</i>)?			X
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 (<i>para 5-2d, AR 15-6</i>)?			X
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>)				
9	Notice to respondents (<i>para 5-5, AR 15-6</i>):			
	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?			X
10	If any respondent was designated after the proceedings began (<i>or otherwise was absent during part of the proceedings</i>):			
	a. Was he properly notified (<i>para 5-5, AR 15-6</i>)?			X
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (<i>para 5-4c, AR 15-6</i>)?			X
11	Counsel (<i>para 5-6, AR 15-6</i>):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(<i>If counsel is a lawyer, check here <input type="checkbox"/> </i>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			X
	c. If military counsel was requested but not made available, is a copy (<i>or, if oral, a summary</i>) of the request and the action taken on it included in the report (<i>para 5-6b, AR 15-6</i>)?			X
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (<i>para 5-7, AR 15-6</i>):			
	a. Was the challenge properly denied and by the appropriate officer?			X
	b. Did each member successfully challenged cease to participate in the proceedings?			X
13	Was the respondent given an opportunity to (<i>para 5-8a, AR 15-6</i>):			
	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?			X
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			X
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (<i>para 5-9, AR 15-6</i>)?			
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 (<i>para 5-8b, AR 15-6</i>)?			X
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 (<i>para 5-11, AR 15-6</i>)?			X

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.

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

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

See attached memorandum of findings and recommendations dated 10 June 2007.

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

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

See attached memorandum of findings and recommendations dated 10 June 2007.

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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.)

(Recorder)

(Member)

(Member)

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

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS & HEADQUARTERS COMPANY
2D BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
CAMP STRIKER, IRAQ APO AE 09398



AFZS-LF-C

10 June 2007

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for Investigation #07-090, Escalation of Force, 3rd Platoon, A Troop, 1-89 Cavalry Regiment

1. On 27 May 2007 at 1820 hours, 3rd Platoon, A Troop, 1-89 Cavalry Regiment led by 1LT (b)(3)(b)(6) and SFC (b)(3)(b)(6) conducted an escalation of force that resulted in the death of (b)(6) a local national, during an AIF direct fire engagement at (b)(2)High (Exhibit B, C, D)

2. Summary of the Facts. The mission of 3rd Platoon, A Troop, 1-89 CAV, on 27 May 2007, was to conduct an area reconnaissance of Zone 60A in order to gain intelligence for future operations. During this combat patrol 3rd Platoon, A Troop, 1-89 CAV encountered a complex attack consisting of a command wire IED and sustained gunfire. The task and purpose of 3rd Platoon, A Troop, 1-89 CAV upon receiving enemy contact was to close with and destroy the enemy in order to deny AIF influence in Zone 60A. (Exhibit B, C, D)

On 27 May 2007 3rd Platoon, A Troop, 1-89 CAV SP'd at 1600 hours through ECP 7, Camp Striker, Iraq and conducted movement to Zone 60A west on Route (b)(2)High and north on MSR (b)(2)High in order to conduct area reconnaissance for a future dismounted OP position. (Exhibit B) At 1820 while conducting movement north on MSR (b)(2)High 3/A identified an IED at (b)(2)High (southbound lane of MSR (b)(2)High) described as two 130 mm rounds with 5 pound bag of HME and command wire initiator running to a shack located at (b)(2)High (Exhibit A, B, C, D) Once 3/A established near and far security at the location of the IED SSG (b)(3)(b)(6) on the A 32 vehicle identified a local national in a tan distasha running from the shack, which has been a historical trigger point for previous IEDs. (Exhibit G) The local national ran west from the shack toward a white Bongo truck and a white pickup truck, vicinity (b)(2)High At this time the A 34 vehicle engaged the triggerman with the (b)(2)High (Exhibit B) Although the triggerman was believed to be hit, no body could be confirmed; it is speculated that the body of the triggerman was recovered by other AIF in the area. Shortly after 3/A engaged the fleeing triggerman, 2nd Platoon, A Troop, 1-89 CAV moved to the location of 3/A and conducted a link up in order to assist and maneuver on the remaining threat. After consolidating dismount teams from 3/A and 2/A, both elements began to conduct a search of the area up to Route (b)(2)High from east to west where AIF was attempting to egress. (Exhibit B, F) Two vehicles were identified

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AFZS-LF-C

SUBJECT: Findings and Recommendations for Investigation #07-090, Escalation of Force, 3rd Platoon, A Troop, 1-89 Cavalry Regiment

as suspicious and dismount teams from 2/A and 3/A closed on the hasty objective. The hasty objective was an outhouse with adjacent residential unit, the two vehicles on the hasty objective were identified as one white Bongo truck and one white pickup truck. As dismount teams from 3/A and 2/A approached they took sustained automatic weapons fire from the northwest of their location. (Exhibit A, B, C, F) Dismounts from 2/A returned fire. Unable to confirm BDA 2/A suppressed the area while 3/A maneuvered to the flank parallel to Route (b)(2)High. Dismounts from 2/A maintained a defensive posture while dismounts from 3/A searched and cleared the house where the triggerman ran to. While 3/A was conducting search and clearance of the objective, 2/A continued to take on sustained automatic weapons fire from the northwest. (Exhibit E, F, G) Upon completion of search and clearance of the objective, both 3/A and 2/A observed a grey sedan approaching their position, west to east on Route (b)(2)High at a high rate of speed. SSG (b)(3)(b)(6) and SGT (b)(3)(b)(6) dismounts from 3/A, conducted escalation of force. SSG (b)(3)(b)(6) and SGT (b)(3)(b)(6) only had time to shoot two warning shots, then shots attempting to disable, and finally shots to destroy. (Exhibit D, G) The warning shots were fired into a field adjacent to the moving vehicle, the shots to disable successfully blew out a tire, and the shots to destroy resulted in one KIA. The driver of the grey sedan, (b)(6) was unharmed by the lethal force to stop the vehicle and was detained by 3/A. (Exhibit B, D, E, G) The passenger of the grey sedan, (b)(6) the driver's brother, was confirmed as KIA by SSG (b)(3)(b)(6) and SGT (b)(3)(b)(6) during their immediate search and clearance of the vehicle. Upon further exploitation of the objective 3/A and 2/A discovered a G-3 Automatic Weapon, RPG Launcher, suitcase with identification cards, 6 cell phones, plastic bag with cordless phone, loose 7.62 mm ammo, AK 47 magazines, 9 mm pistol, video camera, spool of copper wire, and rocket propellant. (Exhibit A)

3. Findings. After carefully considering the evidence, I find that:

a. No evidence of negligent or willful misconduct.

b. Proper use of escalation of force procedures.

c. Soldiers trained on ROE at Ft. Drum, Camp Buehring Kuwait, and on 27 May 2007 during platoon level patrol brief.

4. Recommendations. In view of the above findings, I recommend:

a.

b.

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

c.

AFZS-LF-C

SUBJECT: Findings and Recommendations for Investigation #07-090, Escalation of Force,
3rd Platoon, A Troop, 1-89 Cavalry Regiment

d.

e.

(b)(5)

(b)(5)

5. The point of contact for this memorandum is the undersigned at

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

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

Investigating Officer

CHRONOLOGY OF EVENTS

Investigation #07-090 (Escalation of Force, 3rd Platoon, A Troop, 1-89 CAV)

27 May 2007

1600 3rd Platoon, A Troop, 1-89 CAV SP's IOT conduct area reconnaissance of Zone 60A.

1820 3/A reports discovery of command wire running toward a shack (b)(2)High

(b)(2)High

1830 3/A reports PID of a triggerman and engages 1 X AIF VIC (b)(2)High

1900 3/A reports conducted Escalation of Force on a grey sedan resulting in one KIA.

28 May 2007

CPT (b)(3)(b)(6) is appointed to investigate the incident IAW AR 15-6.

0600 – 1400 Combat Patrol.

1500 CPT (b)(3)(b)(6) consulted with Commando Bolt (2d Brigade Operational Law Team).

1700 CPT (b)(3)(b)(6) reviewed the patrol report by 1LT (b)(3)(b)(6) Platoon Leader for 3rd PLT, A Troop, 1-89 CAV on 27 May 2007.

1900 CPT (b)(3)(b)(6) reviewed the Blue 17 report and the storyboard created by S-3.

29 May 2007

0630 – 1400 Combat Patrol.

1500 CPT (b)(3)(b)(6) interviewed 1LT (b)(3)(b)(6) and 1LT (b)(3)(b)(6)

30 May 2007

0400 – 0900 Combat Patrol.

1300 – 1800 Combat Patrol.

31 May 2007

1500 CPT (b)(3)(b)(6) consulted with Commando Bolt (2d Brigade Operational Law Team).

1900 CPT (b)(3)(b)(6) interviewed SFC (b)(3)(b)(6)

1 June 2007

0730 – 1200 Combat Patrol

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1500 CPT (b)(3)(b)(6) retrieved sworn statements prepared by all dismount team members of 3rd PLT, A Troop, 1-89 CAV.

1800 CPT (b)(3)(b)(6) retrieved sworn statements prepared by 2nd PLT, A Troop, 1-89 CAV, the first platoon to respond to the incident.

2130 CPT (b)(3)(b)(6) reviewed the patrol report by 1LT (b)(3)(b)(6).

2 June 2007

0230 – 1500 Combat Patrol.

1530 CPT (b)(3)(b)(6) consulted with Commando Bolt (2d Brigade Operational Law Team).

3 June 2007

0230 – 1500 Combat Patrol.

1600 Preparations for SKT mission.

1700 CPT (b)(3)(b)(6) consulted with Commando Bolt (2d Brigade Operational Law Team).

4 June 2007

0230 – 1700 SKT mission.

5 June 2007

1800 CPT (b)(3)(b)(6) completed the investigation, consulted with BOLT, and submitted findings and recommendations.

STORYBOARD
27 MAY 07 Escalation of Force at

(b)(2)High

FOUND IED [redacted], AIF DIRECT FIRE ENGAGEMENT, EOF ON 3X SUSP AIF VEHICLES

UNIT: 1-89 CAV , 2/10 MTN DIV
WHO: 2/A and 3/A
WHAT: COMPLEX ATTACK/IED/EOF
WHEN: 271820 - 280110MAY07
WHERE: IVO [redacted]

BDA:
1 x suspected AIF KIA, 1x susp AIF WIA, 1x LN KIA, and 1x LN held and released.
1x Chevy P/U recovered.
Recovered the following:
2x spools copper wire (1 full, 1 empty)
5' long cylinder (possibly rocket booster) S/N [redacted]
1x 9mm pistol+magazine
1x G-3 Automatic Rifle
1x RPG Launcher
1x suitcase full of various identification cards
6x Cell Phones
1x cordless telephone wrapped in plastic
Box of loose 7.62 rds and AK47 magazines

TIMELINE:
271820MAY07 While on patrol conducting counter IED mission along MSR [redacted] 3/A identifies possible IED at [redacted] Described as [redacted] 2x 130 mm rds w/ 5 lb bag of HME.

Followed command wire, and identified suspected triggerman at small shack in field at [redacted]. This area has been historical site of AIF activity in past. Confirmed ID as triggerman running from area, vehicle gunner engage with [redacted]. AIF was believed to be hit, but body could not be recovered. Cannot confirm KIA or WIA.

2/A patrol assisted 3/A in area for search conducted mounted and dismounted search of area up to RT [redacted] from E to W where AIF was attempting to flee.

2x vehicles were identified as suspicious and US teams closed on hasty objective and small outbuilding and house. Vehicles identified as 1x white P/U truck, and 1x white Bongo Truck.

As teams approached they took sustained automatic weapons fire from the area. 2/A returned fire. Unable to confirm BDA and suppressed the area while 3/A maneuvered to the flank near RT [redacted] B Section maintained defensive posture, and A Section searched and cleared house where suspected triggerman ran [redacted]

Possible IED was discovered during clearing operations, IVO [redacted] described as piles of rocks with plastic bags underneath.

(b)(2)High

EVENTS: (continued)

Units reported taking more sustained bursts of automatic weapons fire coming from the Northwest. 2x US cleared rooftop of building and provided overwatch for platoon.

A grey dr sedan was observed moving W to E at high rate of speed on RT [redacted]. Unit used EOF implemented EOF procedures. Vehicle did not stop. Shot out tire, vehicle continued to move. Used lethal force to stop vehicle, killing the passenger. The driver was temporarily detained on site. Driver was unharmed. Name of driver was [redacted]. Name of KIA passenger (his brother) was [redacted].

2/A patrol assisted 3/A in area for search [redacted] conducted mounted and dismounted search of area up to RT [redacted] from E to W where AIF was attempting to flee.

Unit cleared objective, received more SAF. Conducted search of white P/U truck, discovered G-3 Automatic Wpn, RPG Launcher, suitcase filled with ID cards, 6x cell phones, plastic bag w/cordless phone, and a box of loose ammo with AK47 magazines.

Unit continued to receive SAF from a second white Bongo truck approaching the objective area. Platoon conducted EOF measures, disabled the truck and wounded the driver at [redacted] close to suspected IED on RT [redacted]. Medics conducted on site treatment and called in 9-line MEDVAC. Air assets grounded due to weather, so platoon conducted ground evac to link up with 3/C Platoon on [redacted]. Wounded AIF was transported to CP Cropper for medical treatment for gunshot wounds.

A white Chevy Colorado was spotted moving at a high rate of speed on RT [redacted] from E to W near the objective. Platoon fired warning shots to stop vehicle. Truck continued to move. Platoon fired aimed shots at vehicle, where it slowed and ran into a ditch. 3x AIF took off running to the SW and broke contact vic grid [redacted]. 1x loaded 9mm pistol was recovered from the vehicle. The truck was ditched off side of the road and unable to be recovered.

On objective, white Bongo Truck was searched, discovering 1x new spool of copper wire, 1x empty spool, and 1x long hollow cylindrical object described as a rocket booster, S/N [redacted]. The Bongo truck was unable to be moved due to flat tires and mechanical failure, so it was further disabled as not to be recovered by local nationals or AIF.

1x White Chevy P/U truck was recovered and able to be returned to base for further exploitation. Truck was driven in by interpreter, embedded with the patrol.

28110AMY07: 3/A RTB with above listed truck, weapons and recovered items from searches on other vehicles.

(b)(2)-High



FINDINGS

- No evidence of negligent or willful misconduct.
- Proper use of escalation of force procedure.
- Soldiers trained on ROE at Ft. Drum, Camp Buehring Kuwait, and on 27 May 2007 during platoon level patrol brief.

RECOMMENDATIONS

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

• • • • •

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