



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
CAMP STRIKER, IRAQ APO AE 09322

REPLY TO
ATTENTION OF

AFZS-LF-Z

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation #07-119, Death of Local Nationals, 1-89 CAV

1. I have reviewed thoroughly the aforementioned investigation conducted by MAJ (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. The findings and recommendations of the investigating officer are:

approved.

disapproved.

approved with the following exceptions / substitutions: _____

4. After considering the recommendations of the investigating officer and the Chain-of-Command, I hereby direct the following:

that this matter be released to the Battalion Commander for any and all appropriate actions.

that this matter be closed with no further action.

Implement checklists. Provide copy of investigation to 1-89.

5. POC for this memorandum is MAJ (b)(3), b(6), Brigade Judge Advocate, at VOIP (b)(2)High.

(b)(3), b(6)

COL, IN
Commanding



REPLY TO
ATTENTION OF

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

AFZS-LF-Z

21 July 2007

MEMORANDUM FOR MAJ (b)(3), b(6), Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Camp Striker, APO AE 09322

SUBJECT: Appointment as 15-6 Investigating Officer (#07-119, Death of Local Nationals)

1. You are hereby appointed as an investigating officer (IO) to conduct an investigation pursuant to AR 15-6, into the facts and circumstances surrounding the death of Local Nationals on or about 20 July 2007, involving OCFI (CJSOTF) during a raid in Al Dhour, Iraq. 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. Identification and specific information related to the incident, to include the timeline from start of mission to completion, relevant photographs, and locations (including grid locations and imagery);
 - b. Identification of CF, ISF, and others involved in the incident, their respective missions during the occurrence of the incident, and specific actions taken in response;
 - c. Names, Ranks and Duty Positions of Soldiers or other individuals directly involved (to include any Local Nationals) in this incident and their specific actions;
 - d. Specific information as to any Local Nationals or suspected AIF involved (to include those wounded or killed during this incident);
 - e. The type and extent of training or guidance the Soldiers involved received with regard to ROE, Law of War, and Law of Armed Conflict;
 - f. What remedial measures should be taken; and
 - g. 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
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.

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AFZS-LF-Z

SUBJECT: Appointment as 15-6 Investigating Officer (#07-119, Death of Local Nationals)

7. If during the course of your investigation you discover systemic training/management deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.

FOR THE COMMANDER

(b)(3), b(6)

MAJ, FA
Brigade Adjutant

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 COL (b)(3), b(6), Commander, 2d IBCT, 10th Mountain Division (LI), Camp Striker, Iraq APO AE 09398
(Appointing authority)

on 21 July 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 2d IBCT, 10th Mountain Division (LI) HQs, CP Striker, Iraq at 1847
(Place) (Time)

on 23 July 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 _____ on _____
(Time) (Date)
and completed findings and recommendations at _____ on _____
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any?(See item 9, below)			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 (Certificate, if statement provided orally)?	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	X		
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) 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 (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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 17 August 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 xx August 2007.

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)

(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) (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-ZC

16 August 2007

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for Investigation #07-119 (OCF-I OBJECTIVE (b)(2) High – Deaths of 2 x Local Nationals)

1. On 20 July 2007, Task Force 16 personnel conducted a mission on OBJECTIVE (b)(2) High in the vicinity of Al Dhour Village to capture or kill (b)(6). (b)(6) (b)(6) and associated AQI personnel related to IED and DUSTWUN have been reported throughout the Al Dhour area of operations. The threat posed by (b)(6) and members of the same cell commanded and controlled by (b)(6) and (b)(6) (b)(6), AQI leaders in the Al Dhour area, had consistently been assessed as high, based on (b)(6) and associated target's seniority in the AQI network operating in the vicinity of the Al Dhour area of operations.

TF 16 forces in conjunction with limited input and support from TF 1-89 and the Brigade Staff of the 2nd IBCT, 10th Mountain Division planned, coordinated, and executed; with fractional success; a raid into the village of Al Dhour on 19/20 July 2007 during POD. The end result was the detainment of 16 local nationals and the deaths of (b)(6) aka (b)(6), an OCF-I High Value Target, and his son, (b)(6), an identified Iraqi local national Volunteer/Concerned Citizen; all in accordance with applicable ROE and policy and procedures governing Law of Land Warfare and this particular scenario.

2. Summary of the Facts. The following is a summary of the relevant facts that contributed to the findings and recommendations for this investigation – 15-6 Investigation #07-119 (OCF-I OBJECTIVE (b)(2) High – Deaths of 2 x Local Nationals).

On 14 July 2007, OBJECTIVE (b)(2) High is executed with a TOT 140208D July 2007 in order to gain actionable intelligence and disrupt the AQI network/cells operating IVO Al Dhour. 3 x detainees, to include (b)(6), were captured on the OBJECTIVE (b)(2) High. Detainees taken off of OBJECTIVE (b)(2) High divulged intelligence and map track the IED cell under command and control of (b)(6) back to the Al Dhour Village vicinity (b)(2) High. (Exhibits U and X)

On 15 July 2007, OBJECTIVE (b)(2) High is executed with a TOT 150219D July 2007 in order to gain actionable intelligence and disrupt the AQI network/cells operating IVO Al Dhour. 2 x detainees, to include (b)(6), were captured on the

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SUBJECT: Findings and Recommendations for Investigation #07-119 (OCF-I OBJECTIVE

(b)(2) High – Deaths of 2 x Local Nationals)

OBJECTIVE (b)(2) High. Detainees taken off of the objective divulged intelligence and map tracked the IED cell under (b)(6) command and control back to the Al Dhour Village vicinity (b)(2) High (Exhibits U and X)

On 17 July 2007 and up through the evening of 19 July 2007, several e-mails and phone calls sent and made to 2/10 MTN BCT CHOPS and S2 Plans and Targeting and TF 1-89 staff that facilitated the progress of OBJECTIVE (b)(2) High inside the village of Al Dhour. At 171630 July 2007 the TF-16 MAR LNO contacted the 2/10 MTN CHOPS to coordinate future operations in vicinity of Al Dhour Village (b)(2) High (b)(2) High). The TF 16 LNO required the confirmation of several pieces of information with regards to the operational environment surrounding and inside of the village Al Dhour (Exhibits B and P) At 172301 July 2007 the TF 1-89, S3 (MAJ (b)(3), b(6)) disseminated via e-mail answers to the TF 16 MAR LNO's requests for information in order to deconflict the operations ongoing inside of AO (b)(2) High and the future execution of OBJECTIVE (b)(2) High in vicinity of Al Dhour Village during period of darkness on or about 18/19/20 July 2007. TF 1-89's Battlespace Deconfliction Document for the village of Al Dhour area of operations included data about the COP Ellis, TF 1-89's ground QRF composition and disposition, Iraqi Army positions, the newly established local national Volunteers/Concerned Citizen Check Point composition and disposition, and the history of the target area with regards to operations conducted by both 2/10 MTN and OCF-I. Of most significance was a list of names of identified individuals; provided by a TF 1-89 vetted source who lives in Al Dhour. The TF 1-89 Al Dhour source named AIF individuals who were, at the time, intimidating the local nationals of Al Dhour and threatening them if they continued their support of Coalition Forces. At the top of this list of individuals provided by the TF 1-89 Al Dhour Village source was (b)(6) (Exhibit P); otherwise known as (b)(6) through E/1-18 IN's local national cataloging process operations inside of (b)(2) High (Exhibit W)

Over the course of two and a half days specific targets to be engaged by TF 16/TF WEST/TM AL ASAD were never discussed in depth amongst the three entities (TF 16/TF WEST; 2/10 MTN S2 Plans and Targeting; or TF 1-89). The names of three targets, but no target packets, were passed by TF 16/TF WEST to the 2/10 MTN S2 Planner or down to TF 1-89's S3 and or S2; despite requests from CPT (b)(3), b(6), the TF 1-89 S2. The TF 1-89 Intelligence Officer, CPT (b)(3), b(6), or 1LT (b)(3), b(6) had no information in their target data bases in order to corroborate the 2/10 MTN intel and AQI target COP with that of TF 16/TF WEST/TM AL ASAD for OBJECTIVE (b)(2) High (Exhibit Q)

The evening of 17 July, the 2/10 MTN S2 Planner, 1LT (b)(3), b(6) conferred with the TF 16/WEST intelligence analyst, (b)(3), b(6) with regards to the recent shift in and current atmospherics of the village of Al Dhour – local national Volunteer recent operations and presence versus AQI current and sustained presence and operations in the vicinity of Al Dhour Village. Through the course of the conversation between 1LT (b)(3), b(6) and (b)(3), b(6), he acknowledged the shift in atmospherics and the reduction

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SUBJECT: Findings and Recommendations for Investigation #07-119 (OCF-I OBJECTIVE

(b)(2) High – Deaths of 2 x Local Nationals)

in AQI influence in the Al Dhour village area of operations. 1LT (b)(6) explained there would be many more questions and apprehension, especially from TF 1-89, with regards to OCF-I operations against designated targets inside of local national Volunteer controlled areas within the 2/10 MTN area of operations. (b)(3), b(6) explained that HUMINT, detainees apprehended during operations on OBJECTIVES (b)(2) High and (b)(2) High had map-tracked and IMINT had corroborated the presence of AQI High Value Individuals associated with IEDs and DUSTWUN residing in and operating out of the Al Dhour village area; otherwise known as OBJECTIVE (b)(2) High. (Exhibit X) What never was passed through the course of the multiple conversations and e-mails were the specific details about the targets to be engaged on OBJECTIVE (b)(2) High.

From the initial TF 16/TF WEST contact made with TF 1-89 on 17 July 2007, TF 1-89 staff and C/1-89 Commander and the C Troop leadership voiced their concerns over the possibilities of negative second and third order effects of a kinetic operation to be conducted by TF 16/TF WEST in an area that was under local national Volunteer/Concerned Citizen control. (Exhibits D, O, P, Q and R) TF 1-89 and C/1-89 leadership had in great detail and with much emphasis explained, before and during the execution of actions on OBJECTIVE (b)(2) High to TF 16/TF WEST and the TFs' LNOs that since 01 July 2007 Al Dhour Village was under the control of local national Volunteers/Concerned citizens. The TF 16/TF WEST/TM AL ASAD LNOs had assured the TF 1-89 Command Group that the operations conducted on OBJECTIVE (b)(2) High (b)(2) High would be non-kinetic in nature in order to confirm/deny intelligence, to detain 4-5 targets and exploit a reported cache possibly related to the 12 May 2007 2/10 MTN DUSTWUN incident. (Exhibits K and O)

Over the course of 11 months of operations inside of Al Dhour, by both OCF-I and TF 1-89 units, a shot was never fired during an operation and routinely local nationals never engaged Coalition Forces or OCF-I. Normal procedure for Al Dhour Village local nationals upon recognizing that an operation; a raid or cordon and search; by Coalition Forces was being conducted was to place their hands up in the air and get down on their knees for the duration of the of the search and or raid of a house. (Exhibits O, P, Q and R)

The TF 1-89 S3, AS3, and S2 had several misgivings with regards to the execution of OBJECTIVE (b)(2) High and (b)(5)

(b)(5)
The TF 1-89 S3 had even offered to take the TF 16/TF WEST target set for this mission and execute it themselves. For this reason TF 1-89 specifically requested that TF 16/TF WEST LNOs be placed with the TF 1-89 Ground QRF (3/C/1-89) during the execution of OBJECTIVE (b)(2) High to facilitate greater command and control. (Exhibits O, P, Q, R and Z) Throughout the duration of the mission the TF 16/TF WEST LNOs were in direct contact with the 3/C/1-89 Platoon Leader and Sergeant until the EXFIL of the TF 16/TF WEST forces off of OBJECTIVE (b)(2) High. (Exhibits D, E, and J)

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SUBJECT: Findings and Recommendations for Investigation #07-119 (OCF-I OBJECTIVE

(b)(2) High – Deaths of 2 x Local Nationals)

On 19/20 July 2007 during period of darkness; and after a 24-hour weather delay; the OBJECTIVE (b)(2) High mission was executed by both elements of TF 16/TF WEST and 3/C/1-89. (Exhibits A through O, P, S, V, Y, and Z)

On 19 July 2007, TF 16/TF WEST personnel departed Al Asad to conduct an insertion onto OBJECTIVE (b)(2) High. The assault force inserted approximately 2.5 kilometers south of the objective at 200004 July 2007. During the movement to the objective area the patrol received target updates from ISR that multiple individuals were sleeping on the rooftops of the target building and adjacent buildings. (Exhibit Y)

At approximately 200126 July 2007, TF 16/TF WEST personnel commenced the assault of building A1. As some members of the assault team approached building A1, a second portion of the assault element climbed to the rooftop of building A2 and occupied the southeast corner. A third portion of the assault force moved into an overwatch position along the rooftops to building A3 in order to protect the other assault team elements. Concurrently ISR reported movers on building A1. While moving along the rooftop of building A3, TF 16/WEST personnel identified two Military Age Males and one woman sleeping on the roof of building A2. TF 16/TF WEST personnel identified a weapon, an AK-47 assault rifle, within arms reach of both MAMs and held on the MAMs until reinforcements could support a safe clearance. (Exhibits A, S and Y)

The assault element on building A2 covered both males (as they appeared not be moving) while the assault force below continued to find an area to make a silent entry. Several movers were observed by the assault element on the adjacent rooftops which the assault elements remained cognizant of while still covering the two males with the weapon in arms reach. The assault element on building A2 was located on an adjacent rooftop southeast to the males within reach of the AK-47 assault rifle. At a point, both males were roused by the explosive forced entry, sat up and noticed the assault element members on building A2. (Exhibits A and S) The assault element on building A2 verbally identified themselves; both males continued to maneuver for the weapon; TF 16/TF WEST forces determined hostile intent on the part of both identified MAMs and engaged in order to protect themselves and the assault team below them at ground level. (Exhibits A, S and Y) The assault element called EOD team up and remotely pulled away all blankets and mats to clear the Iraqi local nationals. A phone was also found with one of the EKIA, posthumously identified as (b)(6), that was exploited and turned up dirty numbers. (Exhibit S) Detainees at the TSA post-OBJECTIVE (b)(2) High positively identified one of the EKIA - (b)(6) as (b)(6) (b)(6) a reported member of (b)(6) AQ group; an individual named by the TF 1-89 source from the Al Dhour Village; and a TF 16/TF WEST primary target for OBJECTIVE (b)(2) High. The TSA is still questioning detainees taken off of (b)(2) High and (b)(2) High in order to further exploit this PID of (b)(6) aka (b)(6). (Exhibits A, S, U, and Y)

(b)(2) High – Deaths of 2 x Local Nationals)

After completing tactical questioning and sensitive site exploitation, TF 16/TF WEST personnel commenced exfiltration to their helicopter landing zone and closed on their base at Al Asad at 200540 July 2007 with sixteen detainees. (Exhibit Y)

Post-OBJECTIVE (b)(2) High operations on the 20th of July 2007 included Consequence Management Operations conducted by both E/1-18 IN and C/1-89, the battle space owner. The company and troop commanders for E/1-18 IN and C/1-89 collected several statements from the wife and mother of the two deceased, other local nationals and company and troop sources residing in and in the vicinity of Al Dhour.

After the subsequent exfiltration of TF 16/TF WEST forces and during the course of E/1-18 IN's Consequence Management CPT (b)(3), b(6), the company commander, spoke with (b)(6) - the wife and mother of (b)(6) (b)(6) aka (b)(6) and his son, (b)(6), an identified Iraqi local national Volunteer/Concerned Citizen. She stated that a soldier wearing night vision climbed over the wall; she screamed and the Soldier shot the man on her left (to the north), her son, and then the man to her right (to the south), her husband. (b)(6) stated that her son and husband never picked up the AK-47 nor made any movements towards the weapon; the two men were shot while sleeping. Her husband woke up after being initially wounded by gunfire; stated to his wife he had been shot; then was shot again by the American, finally killing him. (b)(6) finally stated that the Soldiers said nothing to warn the men and reiterated the two men were just sleeping when they were shot by the Soldiers. CPT (b)(6) generally agreed with the widow's statements. (Exhibits K, L, M and N)

The E/1-18 IN medics conducted an informal autopsy captured on video. (Exhibit N) The gunshot wounds are consistent with statements received from the OBJECTIVE (b)(2) High Ground Force Commander via the TF 16 Legal Advisor that a .45 caliber pistol and an MP-7 (4.66mm caliber) pistol were used by the members of the assault team on top of building A2. (Exhibit Z)

Both commanders of E/1-18 IN and C/1-89, on 20 July 2007, were told by numerous local nationals and sources that (b)(6) and his family were new to the Al Dhour Village. They had only lived in this house for a short period; and that the house had previously been owned and lived in by (b)(6) who had recently fled the Al Dhour area of operations. (Exhibits K, L, M, and N)

The TF 16 Commander and his Legal Advisor, on 06 August 2007, through the conduct of their own unit internal Commander's Inquiry into the 2 x local national deaths on OBJECTIVE (b)(2) High found that the TF 16/TF WEST personnel acted in accordance with the rules of engagement. The TF 16 Commander's Inquiry further determined that the assault element on top of building A2 correctly assessed that the two individuals they engaged each displayed a hostile act and intent in reaching for the

AK-47 assault rifle and ignored the commands of the assault element overwatching them; resulting in their deaths.

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

a. TF 16/TF WEST's intelligence driving them towards the mission planning and execution of OBJECTIVE (b)(2) High, specifically the building A2 target set, was valid and corroborated by timely HUMINT (map track) divulged by detainees pulled off of OBJECTIVES (b)(2) High and (b)(2) High both before and after the execution of OBJ (b)(2) High - the TF 1-89 Battle Space Deconfliction Document's embedded list of insurgent and terrorist individuals operating in the Al Dhour AO (provided by the TF 1-89 source living inside of Al Dhour) and IMINT. The issue was not everyone possessed the same Common Operational Picture. (b)(5)

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

(b)(5)

(b)(5) Every echelon involved, from TF 16 down to 3/C/1-89, with OBJECTIVE (b)(2) High did not have the same Common Operational Picture with regards to the most current intelligence driving the missing; the actual targets being prosecuted on the objective area and the actual Iraqi Volunteer/concerned Citizen composition and disposition; not only at the IV Check Points but those Iraqi Volunteers/Concerned Citizens residing inside of Al Dhour Village. The data and intelligence was accessible, if not discernable, by all elements - both OCF-I and 2/10 MTN - if a single system was in place for all unit designated personnel (Intel, Targeting, and Current Operations sections) to receive, confirm or deny intel, and refine targets to assist with OCF-I and CJSOTF operations. (b)(5)

(b)(5)

c. The TF 16/TF WEST assault team on building A2 acted and appropriately and in accordance with the Rules of Engagement during their engagement with the two MAMs. Although (b)(6) - the wife and mother of (b)(6)

(b)(6) aka (b)(6) and their son, (b)(6), an identified Iraqi local national Volunteer/Concerned

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(b)(2) High – Deaths of 2 x Local Nationals)

Citizen - stated the men were shot in their sleep with no warning from the Soldiers, I must firmly disagree. The point of entry for the gunshot wounds to both men and the pictures taken on the rooftop of building A2 clearly delineates that the two MAMs stood or sat up and turned towards the assault element. The position of (b)(6) (b)(6) hands demonstrates that he had possession of the AK-47 at some point during the engagement. (b)(6) aka (b)(6) final resting point also indicates movement towards the AK-47 positioned beside his son. I must believe that the two MAMs demonstrated hostile intent and acts that created the scenario subsequently forcing the two members of TF 16/TF WEST to engage them lethally with a .45 caliber pistol ((b)(6)) and an MP-7/4.66mm caliber pistol ((b)(6)).

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

(b) (5)

5. The point of contact for this memorandum is the undersigned at VOIP (b)(2)High, and

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

(b)(3), b(6)

MAJ, FA
Investigating Officer

CHRONOLOGY OF EVENTS

Investigation #07-119 (Actions On OBJECTIVE (b)(2) High) - 2 x Local National Deaths)

14 July 2007

- OBJECTIVE (b)(2) High is executed with a TOT 140208D July 2007 in order to gain actionable intelligence and disrupt the AQI network/cells operating IVO Al Dhour.
- 3 x detainees, to include (b)(2) High, were captured on the OBJECTIVE (b)(2) High. Detainees taken off of OBJECTIVE (b)(2) High divulged intelligence and map track the IED cell under command and control of (b)(2) High back to the Al Dhour Village vicinity (b)(2) High.

15 July 2007

- OBJECTIVE (b)(2) High is executed with a TOT 150219D July 2007 in order to gain actionable intelligence and disrupt the AQI network/cells operating IVO Al Dhour.
- 2 x detainees, to include (b)(6), were captured on the OBJECTIVE (b)(2) High. Detainees taken off of the objective divulged intelligence and map tracked the IED cell under (b)(6) command and control back to the Al Dhour Village vicinity (b)(2) High (b)(2) High.

17 July 2007

- 171630 July 2007 - TF-16 MAR LNO contacts the 2/10 MTN CHOPS to coordinate future operations in vicinity of Al Dhour Village (b)(2) High. (Exhibit)
- 172301 July 2007 - TF 1-89, S3 (MAJ (b)(3), b(6)) disseminates answers to TF 16 MAR LNO requests for information in order to deconflict the operations ongoing inside of AO (b)(2) High and the future execution of OBJECTIVE (b)(2) High in vicinity of Al Dhour Village on or about 19 July 2007.
- 2/10 MTN S2 Planner, 1LT (b)(3), b(6) confers with the TF 16/WEST intelligence analyst, (b)(3), b(6), with regards to the recent shift in and current atmospheric conditions of the village of Al Dhour – local national volunteer recent operations and presence versus AQI current and sustained presence and operations in the vicinity of Al Dhour Village.

18 July 2007

- 3/C/1-89 is given the task/purpose and mission by the TF 1-89 Command Group and Troop Commander to provide a Quick Reaction Force and Liaison to the Local National Iraqi Volunteers, NET 190200 July 2007, to support and facilitate the TF 16 actions on OBJECTIVE (b)(2) High
- Due to weather, operations in support of actions on OBJECTIVE (b)(2) High were delayed and subsequently shifted to the right by 24 hours with a new time on target of 200200 July 2007.

19 July 2007

- 192300 July 2007 - 3/C/1-89 arrives @ COP Ellis in order to conduct link-up with TF WEST/TM AL ASAD LNO in order to establish the QRF in support of mission contingency operations and provide liaison between the local Iraqi Volunteers and the elements of TF WEST/TM AL ASAD to prevent unwanted collateral effects in the vicinity of Al Dhour Village; specifically the local national volunteers.

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SUBJECT: Findings and Recommendations for Investigation #07-119 (Death of Local Nationals)

20 July 2007

- 200004 July 2007 - TM AL ASAD, the operation's assault force, is inserted 2.5 kilometers due south of the objective area.

- 200045 July 2007 - 3/C/1-89 conducts link-up with TF WEST/TM AL ASAD LNO @ COP Ellis; LNO briefs the concept of the operation for OBJECTIVE (b)(2) High to the Platoon Leader and Platoon Sergeant.

- On or about 200100 July 2007 - 3/C/1-89 with the TF WEST/TM AL ASAD LNO SP from COP Ellis in order to link-up with the local national volunteers and establish their QRF positions IVO (b)(2) High.

- At approximately 200110 July 2007 - The Platoon Leader and Platoon Sergeant established their QRF position IVO (b)(2) High and to control of approximately 20 local national volunteers.

- 200110 through 200500 July 2007 - 3/C/1-89 provided QRF and liaison between TF WEST and the local national volunteers.

- At approximately 200115 July 2007 - TM AL ASAD entered Al Dhour Village and onto OBJECTIVE (b)(2) High.

- 200126-200240 July 2007 - Designated members of TM AL ASAD; organized into three sub-elements of the assault force; commenced the assault of buildings A1, A2, and A3:

- Sub-element #1 commenced the assault of Building A1;

- Simultaneously sub-element #2 climbed to the rooftop of building A2 while its ground assault force attempted to locate a silent point of entry; and

- Sub-element #3 climbed to the rooftop of building A3 into an overwatch position in order to protect the other assault team elements on the rooftops and on the ground. Sub-element #3 identifies 2 x MAM and 1 x woman sleeping on the roof of building A2 with a rifle in between the northern most MAM and woman; and movers on the top of building A1.

- Ground assault force of sub-element #2 cannot locate silent entry and conducts an explosive breach in order to enter A2.

- 2 x MAM on the top of building A2 maneuver for the same AK-47 and are engaged and killed by TM AL ASAD personnel.

- 200240 July 2007 - the three sub-elements of the assault force vicinity buildings A1, A2, and A3 and remainder of TM AL ASAD raid force declare the primary objectives secured; and call EOD to interrogate the dead local nationals for boobytraps and confiscate the weapon identified on building A2 by the assault force.

- 200441-0540 July 2007 - TF WEST/TM AL ASAD conduct rotary wing extraction with 16 detainees and return to base.

- 20 July 2007 - At approximately 0900 hours E/1-18 IN receives a phone call from (b)(6), a trusted source, telling the Company Commander, CPT (b)(3), (b)(6) of the events in Al Dhour earlier that morning and requests E/1-18 IN come see the damages and deaths resulting from the raid conducted by Coalition Forces.

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SUBJECT: Findings and Recommendations for Investigation #07-119 (Death of Local Nationals)

20 July 2007 (Continued)

- 200800-UTC July 2007 - E/1-18 conducts initial consequence management, BDA, and interviews with regards to the events that transpired earlier that morning in Al Dhour.
- 201729 July 2007 Ground Force Commander for TM AL ASAD and OBJECTIVE (b)(2) High disseminates an initial report that a detainee from OBJECTIVE (b)(2) High at the Al Asad TSA positively identified (b)(6) as (b)(6) (b)(6) for (b)(6), a known AQI leader in the Al Dhour area.

21 July 2007

- 3/C/1-89 conducts consequence management in the village of Al Dhour.

23 July 2007

- 2nd IBCT, 10th Mountain Division Assistant SJA assigns MAJ (b)(3), b(6) as the Investigating Officer for 15-6 Investigation #07-119, Death of Local Nationals.
- MAJ (b)(3), b(6) begins information and data collection with regard to the intelligence that drove the planning and execution of OBJECTIVE (b)(2) High and the actions on OBJECTIVE (b)(2) High that led to the deaths of two local nationals in the village of Al Dhour.

24 July 2007

- MAJ (b)(3), b(6), the Investigating Officer, continues evidence and data collection and review in order to proceed with the investigation into the 2 deaths on OBJECTIVE (b)(2) High in the vicinity of Al Dhour Village in the morning of 20 July 2007.

25 July 2007

- 250709 July 2007 - Coordinate with LTC (b)(3), b(6) the 4th IBCT, 1st ID Executive Officer, to conduct a follow-up interview with CPT (b)(3), b(6), the E/1-18 IN Company Commander, on 30 July 2007.

- TF 1-89 conducts consequence management in Al Dhour Village and disperses condolence payments to the widow and mother of (b)(6) and (b)(6) (b)(6)

- 250907 July 2007 - MAJ (b)(3), b(6) the Investigating Officer, establishes contact via VOIP and passes requests for information to MAJ (b)(3), b(6), the MND-C OCF-I and TF 714 LNO in order to proceed with the investigation.

- 251115 July 2007 - MAJ (b)(3), b(6) the Investigating Officer, establishes contact via VOIP and passes requests for information to CPT (b)(3), b(6) TF WEST LNO, from TF WEST in order to proceed with the investigation.

- 252000-2100 July 2007 - MAJ (b)(3), b(6) the Investigating Officer, interviews and takes Sworn Statements from TF 1-89's S3 – Operations Officer (MAJ (b)(3), b(6)), Assistant S3 (CPT (b)(3), b(6)), and S2 – Intelligence Officer (CPT (b)(3), b(6)).

AFZS-LF-ZC

SUBJECT: Findings and Recommendations for Investigation #07-119 (Death of Local Nationals)

26 July 2007

- 261100-1200 July 2007 - MAJ (b)(3), b(6), the Investigating Officer, interviews and takes Sworn Statements from 3/C/1-89's Platoon Leader – 1LT (b)(3), b(6) and Squad Leader – SGT (b)(3), b(6)

- TF 16 Legal Advisor establishes e-mail contact with MAJ (b)(3), b(6), the Investigating Officer, in order to inform him a Commander's Inquiry is being initiated by both the TF 16 and TF WEST Commanders with regards to allegations of possible ROE violations resulting in the deaths of 2 local national on OBJECTIVE (b)(2) High on 20 July 2007.

27 July 2007

- 271100-1200 July 2007 - MAJ (b)(3), b(6), the Investigating Officer, interviews and takes Sworn Statements from 3/C/1-89's Platoon Sergeant – SFC (b)(3), b(6) and Squad Leader – SGT (b)(3), b(6).

29 July 2007

- 292150 July 2007 – MAJ (b)(3), b(6), the Investigating Officer, receives e-mail correspondence from the TF 16 Legal Advisor stating the TF 16 Investigating Officer has requested assistance with drafting findings and recommendations. No estimated time for the inquiry's final findings and recommendations.

30 July 2007

- 301530-1730 July 2007 – MAJ (b)(3), b(6), the Investigating Officer, conducts interview and takes Sworn Statement from CPT (b)(3), b(6), the E/1-18 IN Company Commander, at COP ELLIS.

01 August 2007

- 011830 August 2007 – MAJ (b)(3), b(6), the Investigating Officer, conducts interview and takes Sworn Statement from CPT (b)(3), b(6), the C/1-89 Troop Commander.

02 August 2007

- 022230 August 2007 - MAJ (b)(3), b(6), the Investigating Officer, receives phone call via VOIP correspondence from the TF 16 Legal Advisor stating he will need approximately 7-9 more days for the he and the TF 16 Commanders' Inquiry Investigating Officer to complete, staff, and review the final findings and recommendations and produce the OBJECTIVE (b)(2) High Commanders' Inquiry EXSUM for 2/10 MTN review. Estimated time for the receipt of the EXSUM for the Commanders' Inquiry final findings and recommendations is between 9-11 August 2007.

03 August 2007

- 032300 August 2007 – MAJ (b)(3), b(6), the Investigating Officer, conducts interview and takes Sworn Statement from 1LT (b)(3), b(6), the 2/10 MTN Intelligence Planner.

AFZS-LF-ZC

SUBJECT: Findings and Recommendations for Investigation #07-119 (Death of Local Nationals)

09 August 2007

- 092350 August 2007 – TF 16 Legal Advisor sends the TF 16 Commander's Inquiry EXSUM with regards to the actions on OBJECTIVE (b)(2) High via e-mail.

10 August 2007

- 100600 August 2007 – MAJ (b)(3), (b)(6) the Investigating Officer, reviews the TF 16 Commander's Inquiry EXSUM with regards to the possible ROE violation on OBJECTIVE (b)(2) High resulting in the deaths of 2 local nationals.

17 August 2007

- 170900 August 2007 – MAJ (b)(3), (b)(6) the Investigating Officer, turns in the 15-6 Investigation #07-119 (OBJECTIVE (b)(2) High - Death of 2 x Local Nationals)

Pages 20 through 21 redacted for the following reasons:

(b)(2) High

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

LIST OF EXHIBITS

Investigation #07-119 (OCF-I OBJECTIVE (b)(2) High) – Deaths of 2 x Local Nationals

<u>TAB</u>	<u>EXHIBIT</u>
A.....	Story Board
B.....	OCF-I LNO WARNO/Request for Support from 2/10 MTN OBJECTIVE (b)(2) High
C.....	OBJECTIVE (b)(2) High CONOP
D.....	Sworn Statement of SFC (b)(3), b(6)
E.....	Sworn Statement of SFC (b)(3), b(6)
F.....	Sworn Statement of SGT (b)(3), b(6)
G.....	Sworn Statement of SGT (b)(3), b(6)
H.....	Sworn Statement of SGT (b)(3), b(6)
I.....	Sworn Statement of SGT (b)(3), b(6)
J.....	Sworn Statement of 1LT (b)(3), b(6)
K.....	Sworn Statement of CPT (b)(3), b(6)
L.....	Sworn Statement of CPT (b)(3), b(6)
M.....	Sworn Statement of CPT (b)(3), b(6)
N.....	E/1-18 IN OBJECTIVE (b)(2) High /AI Dhour Village Consequence Management Mission Debrief
O.....	Sworn Statement of MAJ (b)(3), b(6)
P.....	OBJECTIVE (b)(2) High TF 1-89 AO/AI Dhour Village Battle Space Deconfliction Document To OCF-I LNO /TF 16/TM AL ASAD (172301 July 2007)
Q.....	Sworn Statement of CPT (b)(3), b(6)
R.....	Sworn Statement of CPT (b)(3), b(6)
S.....	E-mail Correspondence with Attachment: OBJECTIVE (b)(2) High SSE Power Point presentation with Ground Force Commander Comments
T.....	OBJECTIVE (b)(2) High GRGS Power Point Presentation

AFZS-LF-ZC

SUBJECT: List of Exhibits for Investigation #07-119 (Actions On OBJECTIVE (b)(2) High – 2 x LN KIA)

- U..... OCF-I Story Boards for OBJECTIVES (b)(2) High and (b)(2) High
- V..... OCF-I Story Board for OBJECTIVE (b)(2) High
- W..... E/1-18 IN Zone (b)(2) High – Local National Profiles
- X..... Sworn Statement of 1LT (b)(3), b(6)
- Y..... Executive Summary: OBJECTIVE (b)(2) High – TF 16
Commander's Inquiry Into Possible Violation of the ROE
- Z..... E-mail Correspondence: Requests For Information to TF
16 Command Group Special Staff/Legal Adviser

I

EXHIBIT A

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15-6 Investigation #07-119, Death of Local Nationals

– Story Boards/Findings/Recommendations
for Actions on OBJECTIVE

(b)(2) High



Agenda



- Story Board(s)
 - Bottom Line
 - Basic Graphics and Orientation
 - Rooftop Events Leading To The 2 x LN Deaths
- Findings
 - Target Vetting Procedures
 - Possible ROE Violation
- Recommendations

On 20 July 2007, Task Force 16

personnel conducted a mission on

OBJECTIVE (b)(2) in the vicinity of

Al Dhour Village to capture or kill (b)(6)

(b)(6) and associated

AQI personnel related to IED and

DUSTWUN have been reported

throughout the Al Dhour area of

operations. The threat posed by (b)(6)

(b)(6) and members of the same cell

commanded and controlled by (b)(6)

(b)(6) and (b)(6), AQI leaders in

the Al Dhour area, had consistently been

assessed as high, based on (b)(6)

(b)(6) and associated target's

seniority in the AQI network operating in

the vicinity of the Al Dhour area of

operations.

TF 16 forces in conjunction with limited

input and support from TF 1-89 and the

Brigade Staff of the 2nd IBCT, 10th

Mountain Division planned, coordinated,

and executed; with fractional success; a

raid into the village of Al Dhour on 19/20

July 2007 during POD. The end result

was the detainment of 16 local nationals

and the deaths of (b)(6)

(b)(6)

aka (b)(6)

for (b)(6) an OCF-I High Value

Target, and his son, (b)(6)

(b)(6) an identified Iraqi local national

Volunteer/Concerned Citizen; all in

accordance with applicable ROE and

policy and procedures governing Law of

Land Warfare and this particular scenario.

(b)(2) High

(b)(2) High

1800L 18JUL07 MICRO

(b)(2) High

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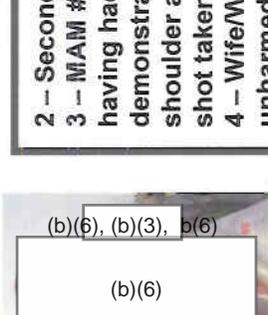
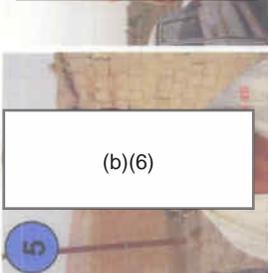
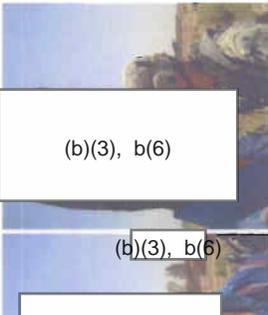
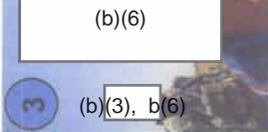
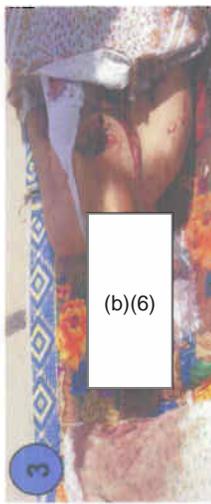
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On 17 July 07 @ CP
G8 vic MB, Wild
Deuce 6 catalogues
(b)(6) as a member
if the Iraqi Volunteers.

(b)(6) aka
(b)(6) for
by E/1-18 IN
GRID: before relocating to AI
Dhour Village with his wife and son (b)(6)

(b)(6)
was catalogued
High (b)(6)

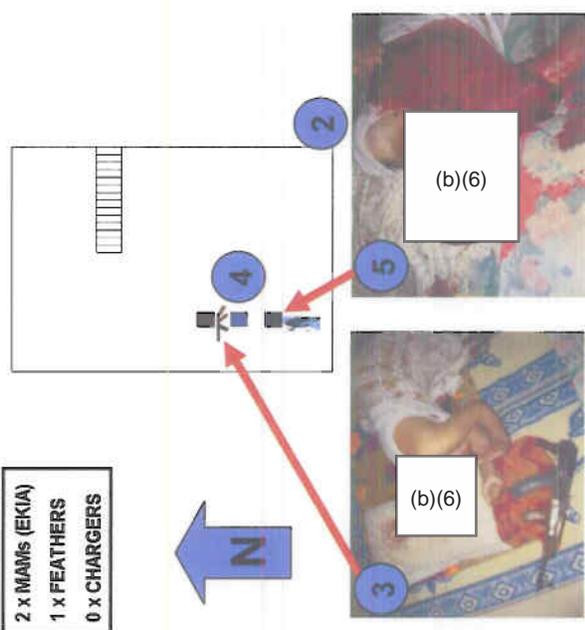


- 2 - Second portion of the asslt. force on bldg. A2 rooftop.
- 3 - MAM #1 - (b)(6) hands positioned as if having had possession of the AK-47 and demonstrating hostile intent; one gunshot crossing over the left shoulder and exiting through the neck. Indicating a shot taken from position 2.
- 4 - Wife/Widow; identified by asslt. force as a non-combatant; unharmed during the asslt. of bldg. A2 and MAM engagement.
- 5 - MAM #2 - (b)(6) later PID'd as (b)(6) for (b)(6) gun shot wounds to the front left bicep and left pectoral; came to rest at position 4; indicating movement towards the AK-47, MAM #1, and engaged by asslt. force position 2.

OBJ (b)(2) Hig
Building Diagram - Block: Alfa Bldg: 2-X

- 2 x MAMs (EKIA)
- 1 x FEATHERS
- 0 x CHARGERS

LEGEND	
	MAM
	Female
	Child
	EKIA
	Radio
	Computer
	Video
	Camera
	RPG
	SMG
	AK 47
	RPK
	Rifle
	Pistol
	Vehicle
	Wrangler



Two males observed on the roof by RECCE element laying on mats. A weapon was located within reach of both males (positioned by their heads). RECCE element covered both males (as they appeared not be moving) while the assault force continued to find an area to make a silent entry. Several movers were observed by RECCE element on the adjacent rooftops which the RECCE element remained cognizant of while still covering the two males w/ weapon. RECCE was located on adjacent rooftop to males with weapon. At a point, both males were roused, sat up and noticed the RECCE members, both males reached for weapon and were engaged. RECCE element called EOD team up and remotely pulled away all blankets and mats to clear the EKIA. Phone was also found with the EKIA that was exploited and turned up dirty numbers. One detainee has ID'ed one of the EKIA as (b)(6) (possibly the member of (b)(6) AQ group - TSA is still questioning). LCDR (b)(6) TF WEST/TM AI Asad GFC (Exhibit)

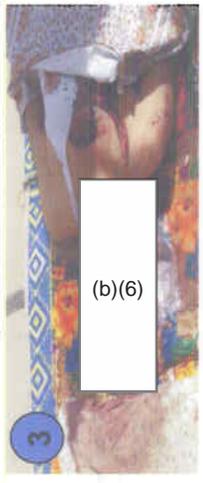


Building A3 - [redacted]

(b)(2) High

Building A2 - [redacted]

(b)(2) High



- 1 - Assault force overwatch element position; identified 2 x MAMs and 1 x female (NC).
- 2 - Second portion of the asslt. force/Recce element on bldg. A2 rooftop.
- 3 - MAM #1 - [redacted] hands positioned as if having had possession of the AK-47 and demonstrating hostile intent; one gunshot crossing over the left shoulder and exiting through the neck; indicating he turned towards and aimed his weapon at the second portion (Recce Element) on top of bldg. A2. A shot taken from position 2 with a .45 cal pistol.
- 4 - Wife/Widow; identified by asslt. force as a non-combatant; unharmed during the asslt. of bldg. A2 and MAM engagement.
- 5 - MAM #2 - [redacted] later PID'd as [redacted] for [redacted]; gun shot wounds to the front left bicep and left pectoral; came to rest at position 4; indicating movement towards the AK-47, MAM #1, and engaged by asslt. force/Recce element at position 2 on top of bldg. A2.
- 6 - Point of Forced (Explosive) Entry

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005510

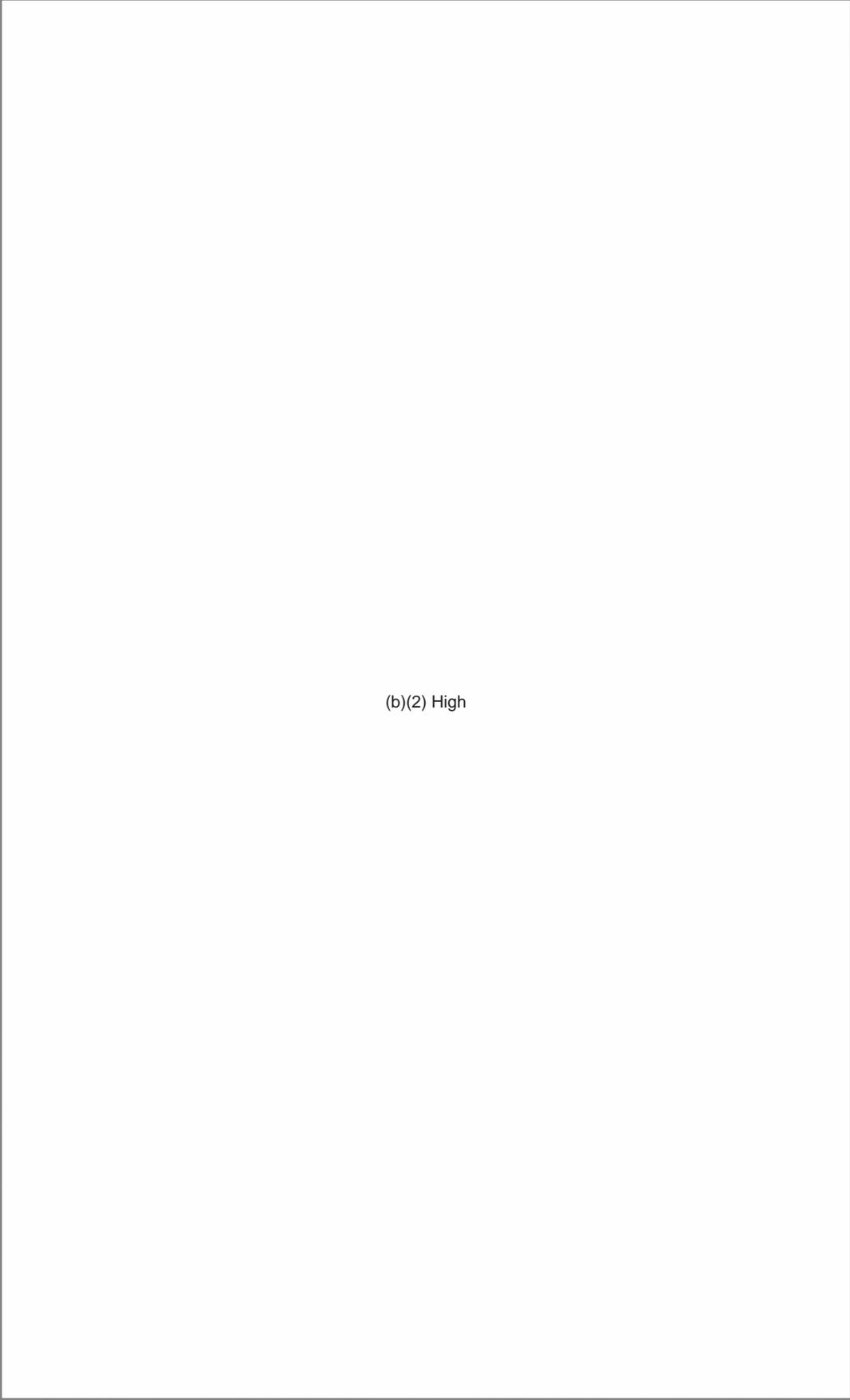
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- 4 – Wife/Widow; identified by asslt. force as a non-combatant; unharmed during the asslt. of bldg. A2 and MAM engagement.
- 5 – MAM #2 – [redacted] later PID'd as [redacted] for [redacted]; gun shot wounds to the front left bicep and left pectoral; came to rest at position 4; indicating movement towards the AK-47, MAM #1, and engaged by asslt. Force /Recce element at position 2 on top of bldg. A2.
- 6 – Forced (explosive) entry point at ground level that woke the 2 x MAMs; bringing their attention to the assault force at position 2; and their deaths.

(b)(2) High

(b)(2) High



- 1 - Assault force overwatch element position; identified 2 x MAMs and 1 x female (NC).
- 2 - Second portion of the asslt. force on bldg. A2 rooftop.
- 3 - MAM #1 - [redacted] hands positioned as if having had possession of the AK-47 and demonstrating hostile intent; one gunshot crossing over the left shoulder and exiting through the neck. Indicating a shot taken from position 2.
- 4 - Wife/Widow: identified by asslt. force as a non-combatant; ~~un~~harmed during the asslt. of bldg. A2 and MAM engagement.
- 5 - MAM #2 - [redacted] later PID'd as [redacted] for [redacted]; gun shot wounds to the front left bicep and chest; came to rest at position 4; indicating movement towards the AK-47, MAM #1, and engaged by asslt. force position 2.
- 6 - Point of Forced (Explosive) Entry



(b)(2) High



Findings



- TF 16/TF WEST's intelligence driving them towards the mission planning and execution of OBJECTIVE [redacted], specifically the building A2 target set, was valid and corroborated by timely HUMINT (map tracks) divulged by detainees pulled off of OBJECTIVES [redacted] and [redacted] - both before and after the execution of OBJ [redacted] - the TF 1-89 Battle Space Deconfliction Document's embedded list of insurgent and terrorist individuals operating in the Al Dhour AO (provided by the TF 1-89 source living inside of Al Dhour) and IMINT. The issue was not everyone possessed the same Common Operational Picture. A

[redacted]

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



Findings



The process for requesting support from conventional units; informing conventional units of impending OCF-I and CJSOTF operations; and disseminating and vetting target information (b)(5) Especially in the 2/10 MTN Area of Operations with the dynamic environment consisting of Shia and Sunni Volunteers; Iraqi Army and Police; Shia and Sunni extremists; JAM and AQIZ elements. Every echelon involved, from TF 16 down to 3/C/1-89, with OBJECTIVE (2) Hg did not have the same Common Operational Picture with regards to the most current intelligence driving the missing; the actual targets being prosecuted on the objective area and the actual Iraqi Volunteer/concerned Citizen composition and disposition; not only at the IV Check Points but those Iraqi Volunteers/Concerned Citizens residing inside of (2) Hg Village. The data and intelligence was accessible, if not discernable, by all elements - both OCF-I and 2/10 MTN - if a single system was in place for all unit designated personnel (Intel, Targeting, and Current Operations sections) to receive, confirm or deny intel, and refine targets to assist with OCF-I and CJSOTF operations. Currently the system for collaboration and corroboration (b)(5)

(b)(5)

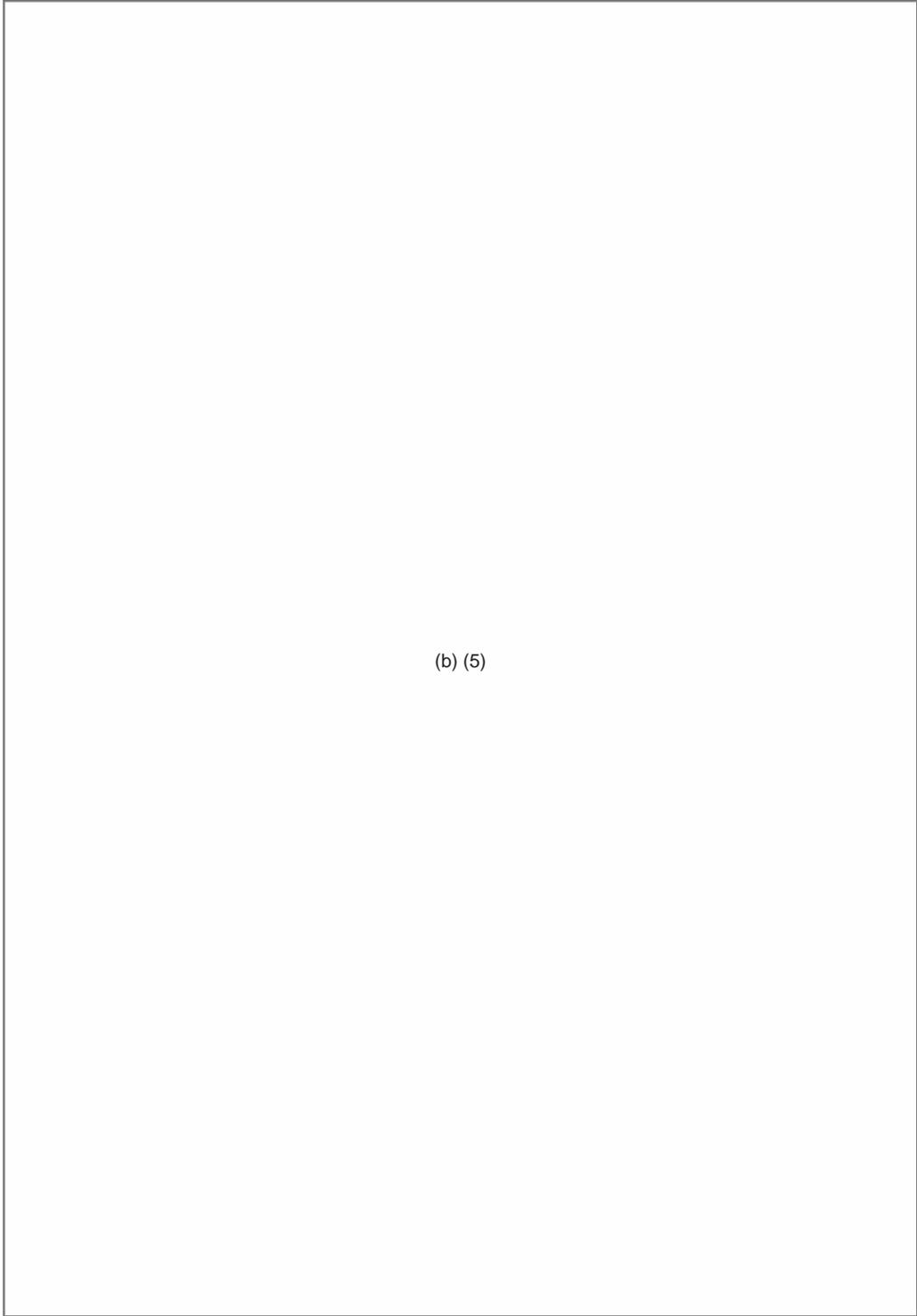


Findings

- The TF 16/TF WEST assault team on building A2 acted and appropriately and in accordance with the Rules of Engagement during their engagement with the two MAMs. Although (b)(6) (b)(6) (b)(6) (b)(6) - the wife and mother of (b)(6) (b)(6) for (b)(6) an (b)(6) and their son, (b)(6) identified Iraqi local national Volunteer/Concerned Citizen - stated the men were shot in their sleep with no warning from the Soldiers, I must firmly disagree. The point of entry for the gunshot wounds to both men and the pictures taken on the rooftop of building A2 clearly delineates that the two MAMs stood or sat up and turned towards the assault element. The position of (b)(6) (b)(6) hands demonstrates that he had possession of the AK-47 at some point during the engagement. (b)(6) (b)(6) aka (b)(6) final resting point also indicates movement towards the AK-47 positioned beside his son. I must believe that the two MAMs demonstrated hostile intent and acts that created the scenario subsequently forcing the two members of TF 16/TF WEST to engage them lethally with a .45 caliber pistol ((b)(6) (b)(6)) and an MP-7/4.66mm caliber pistol ((b)(6)).



Recommendations



(b) (5)

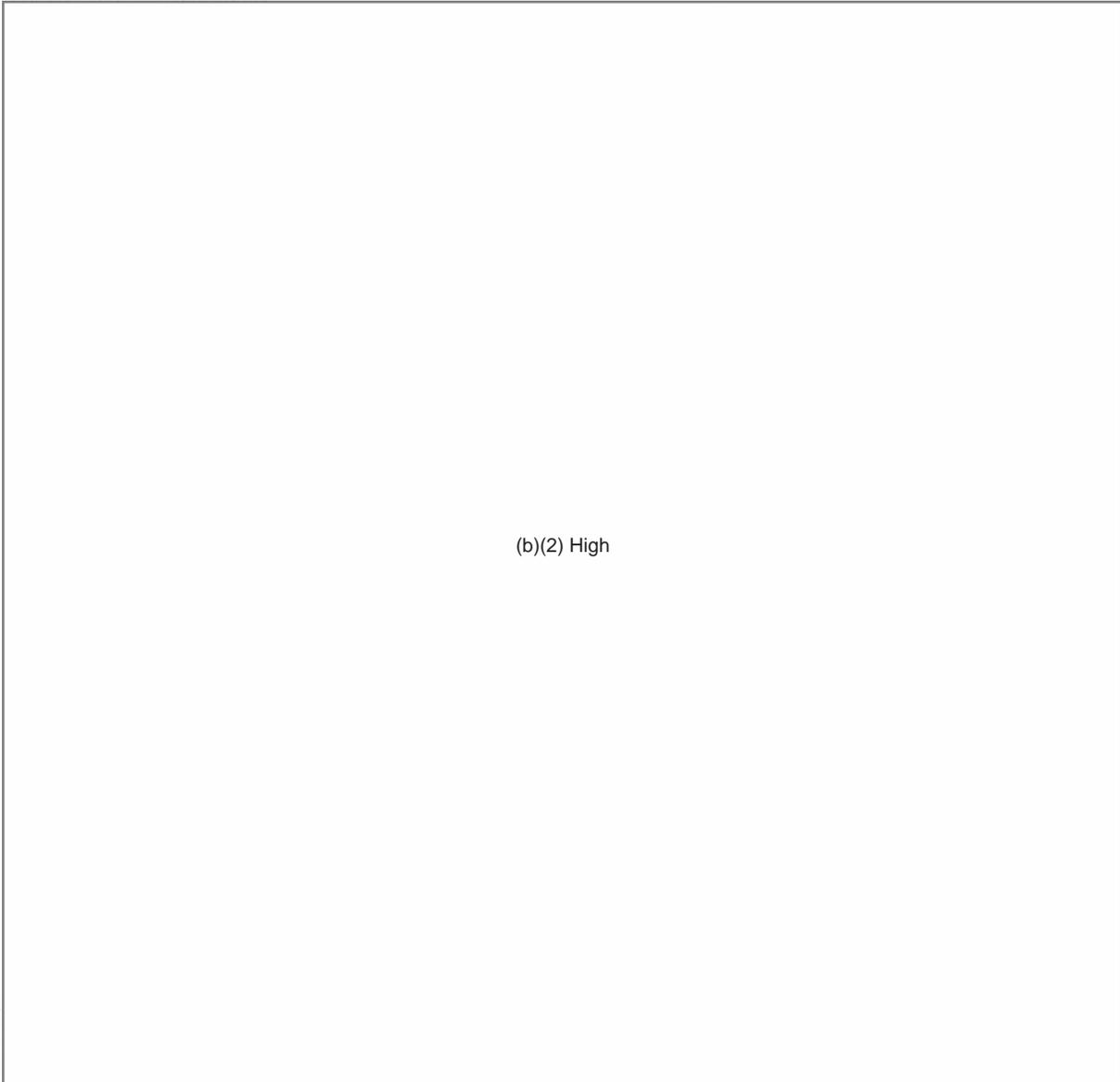


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EXHIBIT B

Gentlemen,

OCF has received actionable intelligence on structure IVO: **OBJ** (b)(2) High : (b)(2) High
(b)(2) High OCF is looking at the possibility of targeting this structure during POD 19JUL07. Thanks
for your input I will keep you posted on the target development.



(b)(2) High

V/R

(b)(3), b(6)

OCF-I LNO

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

VOIP: (b)(2)High

SCAMPI RED: (b)(3), b(6)

005518
005518

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EXHIBIT C

UNCLASSIFIED

~~SECRET ORCON REL UKAUS~~

TM AL ASAD

(b)(2)High

OBJECTIVE

**NAIs 637
638
639**

18/19 JUL 2007

~~SECRET ORCON REL UKAUS~~

UNCLASSIFIED

UNCLASSIFIED

~~SECRET ORCON REL UKAUS~~

MISSION

TM AL ASAD will conduct assault on OBJ
(b)(2)High **NET 180100DJUL2007 IOT** gain
access to HVI to disrupt the AQIZ network and
develop our understanding of the AQIZ Senior
Leadership Network.

005521
005521

UNCLASSIFIED

~~SECRET ORCON REL UKAUS~~



CONCEPT OF OPERATIONS

(b)(2) High

(b)(2) High

(b)(2) High

(b)(2) High

Page 45 redacted for the following reason:

(b)(2) High

(b)(2) High

(b)(2) High

(b)(2) High

(b)(2) High

(b)(2)High

PRIMARY QRF

UNIT B/S Owner: 1-89IN

QRF: 4XHMWWV+14 PAX

CALL SIGN: WOLVERINE XRAY

FREQ: (b)(2)High sc/ct

RESPONSE TIME: 05 MIN

Pages 51 through 53 redacted for the following reasons:

(b)(2) High

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EXHIBIT D

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary. (b)(3), b(6) (b)(3), b(6)

1. LOCATION: CAMP STRIKER, IZ
2. DATE: 2007 07 21
3. TIME: 2100
4. FILE NUMBER
5. NAME: (b)(3), b(6)
6. SSN: (b)(3), b(6)
7. GRADE/STATUS: E-7 / AD

8. ORGANIZATION OR ADDRESS: C TRP 1-89 CAV, CAMP STRIKER, IZ

9. I, (b)(3), b(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 192300 July 2007 my platoon arrived at COP ELLIS grid (b)(2) High
To conduct a link-up with OCFI LNO's for a RAID in the village of AL-DOWR grid (b)(2) High
control of the AL-DOWR volunteer security force located at grid (b)(2) High AND ACT AS QRF.
AT 200045 July 07 I conducted linkup with the OCFI LNO AND RTO AT COP ELLIS, in charge of TASK FORCE WEST. I WAS BRIEFED ON THE MISSION, and my platoon with LNO ATTACHED SP'D TO OUR POSITION AT GRID (b)(2) High. AT 0110 we secured our OBJ and gained control of the volunteer security force of about 20 individuals.
AT APPROXIMATELY 0115 the LNO STATED THAT THE RAID FORCE HAD ENTERED THE VILLAGE. I OBSERVED LASERS IN THE VILLAGE WHICH CONFIRMED HIS STATEMENT.
Between the time of 0115 and 0200 on a roof top vicinity grid (b)(2) High, one of TF WEST'S OBJECTIVES, I HEARD APPROXIMATELY SIX ROUNDS OF SMALL ARMS FIRE, AT LEAST ONE PERSON APPEARED ON THE ROOF TOP WITH AN IR STROBE LIGHT ON WITHIN SECONDS OF THE SMALL ARMS FIRE, IF NOT SIMULTANEOUSLY.
Between the hours of 0200-0400, Two explosive breaches were conducted immediately followed by small arms fire.
AT APPROXIMATELY 0500 TF WEST TO INCLUDE THE LNO AND RTO WERE EXFILLED BY HELICOPTER. MY PLATOON THEN RETURNED TO CAMP STRIKER.
While conducting security during the operation I spoke with the LNO about the current security situation and my extensive knowledge of the village. I stated to him that about 3-4 week ago Local SHIEK'S

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), b(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.