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~~S//REL USA, AUS, CAN, and GBR //20170330~~

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 1ST ARMORED DIVISION
MULTI NATIONAL DIVISION-NORTH
COB SPEICHER, IRAQ, APO AE 09393

REPLY TO
ATTENTION OF

AETV-THH-AL

22 December 2007

MEMORANDUM THRU Staff Judge Advocate, 1st Armored Division, MND-N, COB Speicher, Iraq, APO AE 09393

FOR Commander, 1st Armored Division, MND-N, COB Speicher, Iraq, APO AE 09393

SUBJECT: Legal Review of AR 15-6 Investigation of Air Weapons Team Engagement of Unidentified Enemy, 3-82 ABN, 18 October 2007

1. (U) Short Answer. The investigation is legally sufficient.

2. (U//FOUO) Background.

a. (U//FOUO) Findings. On 18 October 2007, an Air Weapons Team (AWT) (F-16) engaged a black four-door sedan and killed four local nationals believed to be unidentified enemy (UE). A short time earlier, a black four-door sedan containing at least three occupants stopped near an observation post (OP) of FOB Summerall. One of the occupants exited the vehicle and fired at the OP. When the vehicle drove away, the OP (manned by civilian contractor employees) reported the activity to the TF 1-505 IN command post. Almost immediately, the command post visually acquired a black, four-door sedan with the RAID-A. The RAID-A operators looked throughout the area for another vehicle matching the description and were not able to locate one. The command post believed the vehicle that the RAID-A acquired contained the UE who fired on the OP. The RAID-A continued to observe the UE vehicle and talked the AWT onto the vehicle's location. The AWT visually observed the vehicle and fired on the vehicle three times before disabling it. When the vehicle stopped, four UE ran away from the vehicle. The TF 1-505 IN ground commander authorized the AWT to engage the individuals with an air-burst munition. Two of the four UE were killed. The other two were identified as a woman and child, and the AWT did not subsequently engage them. The two survivors filed a complaint with a British Member of Parliament and filed a claim in the MNF-W AOR. The investigating officer states the engagement was in accordance with the rules of engagement (ROE).

b. (U//FOUO) Investigating Officer Recommendations. The IO recommends that any further investigation be completed by 3-82 ABN.

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3. ~~(S//REL)~~ Discussion. With one exception, the IO's findings are supported by a preponderance of the evidence, and his recommendations are consistent with the findings. The IO otherwise complied with his appointment orders.

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a. ~~(S//REL)~~ The applicable (b)(2)High

(b)(2)High

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b. ~~(S//REL)~~ However, (b)(2)High

(b)(2)High

(b)(2)High The only (b)(2)High that saw the hostile act in this case was a civilian contractor employee, and it is unknown what, if any, other factors the CF in the TOC considered. It appears CF did not, therefore, have positive identification of the hostile actor and could not engage. Further investigation of the 1-505 IN personnel in the TOC could reveal other sources of intelligence that might have corroborated the civilian contractor's eyewitness account and provided PID (b)(2)High

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4. ~~(S//REL)~~ Recommendation. I recommend you do the following:

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a. ~~(S//REL)~~ (b)(5)

(b)(5)

(b)(5) Non-Coalition Forces civilian contractor employees identified the hostile actors. It is unclear whether there were any other factors the CF in the 1-505 IN TOC considered in conjunction with the eyewitness accounts prior to engaging the vehicle. Interviews of the actual participants from 3-82 ABN, who have redeployed, is necessary before making a finding regarding the legitimacy of the engagement."

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SUBJECT: Legal Review of AR 15-6 Investigation of Air Weapons Team Engagement of Unidentified Enemy, 3-82 ABN, 18 October 2007

b. (U//FOUO) Forward this investigation to MNC-I for further investigation, including interviewing the 3-82 ABN Soldiers that were involved in the decision-making. You may do this by writing the following in Section VIII of the DA Form 1574: "I recommend MNC-I further investigate this engagement by interviewing the 3-82 ABN Soldiers that were involved in the decision-making in order to confirm compliance with the rules of engagement."

5. (U) POC is the undersigned at VOIP (b)(2)High.

for

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

MAJ, JA
Chief, Administrative & Civil Law

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by IAD Chief of Staff, COL (b)(3)(b)(6) (Appointing authority)

on 7 DEC 07 (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 COB Speicher (Place) at 1500 (Time)

on 8 DEC 07 (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 1200 (Time) on 19 DEC 07 (Date)

and completed findings and recommendations at 1700 (Time) on 19 DEC 07 (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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Copy of notice to respondent, if any?(See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Other correspondence with respondent or counsel, if any?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<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.

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<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"/>	
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<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"/>	
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"/>	
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"/>	
c.	Does each letter of notification indicate –	<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"/>	
(2)	the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	
(3)	the respondent's rights with regard to counsel?	<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"/>	
(5)	the respondent's rights to be present, present evidence, and call witnesses?	<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"/>	
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"/>	
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"/>	
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"/>	
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?	<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"/>	
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"/>	
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"/>	
b.	Did each member successfully challenged cease to participate in the proceedings?	<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"/>	
b.	Examine and object to the introduction of real and documentary evidence, including written statements?	<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"/>	
d.	Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	
e.	Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	
f.	Make or have his counsel make a final statement or argument (para 5-8, AR 15-6)?	<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"/>	
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"/>	
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

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

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

SEE ATTACHED MEMORANDUM

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)	_____ (Investigating Officer) (President)
_____ (Member)	_____ (Member)
_____ (Member)	_____ (Member)

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

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)
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SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 3-13, AR 15-6)

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

(b)(5) Non- Coalition Forces civilian contractor employees identified the hostile actors, and therefore PID was not established IAW the ROE. Further, there was no "chain of custody" in passing the correct black sedan from the original sighting by the civilian contractors to the RAID operators, who then began following a similar vehicle but not necessarily the same vehicle identified by the contractors. Additionally, there was confusion regarding who cleared the target in the TOC and whether they had authority to do so. Consequently, there was no positive identification of hostile intent or acts by the occupants of the vehicle our forces ultimately engaged.

(b)(5) Any additional facts they might have (three months later and after they have redeployed) will likely further confuse an already confused issue. That unit did not follow a rigorous application of the ROE.

I am taking the following actions:

- 1) I am forwarding this investigation to 3/82 ABN for their consideration and future training;
- 2) I am sending a condolence letter to _____ (b)(6) for her losses; and
- 3) I am authorizing a CERP condolence payment to _____

(b)(3)(b)(6)
MARK P. HERTLING
Major General, U.S.A. (b)(3)(b)(6)
Commanding

30 Jan 08



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st BRIGADE COMBAT TEAM
101st AIRBORNE DIVISION (AIR ASSAULT)
COB SPEICHER, TIKRIT, IRAQ APO AE 09393



AFZB-KA-S4

31 December 2007

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for AR 15-6 Investigation, CAS Engagement in Support of OP 9 FOB Summerall, 18 OCT 07

1. The following are the facts as I know them regarding an engagement by fixed wing CAS on 18 October 2007 in the vicinity of FOB Summerall, Bayji, Iraq. The engagement occurred during the Relief in Place of 1st Battalion, 505th PIR, 3rd BCT, 82nd ABN DIV (1-505) by 1st Battalion, 327th IN, 1st BCT 101st ABN DIV (1-327). 1-505 was still the unit in charge during this engagement and has since redeployed.

2. The engagement was initiated by a radio call from (b)(2)High on FOB Summerall to the 1-505 TOC at approximately 1115. (b)(2)High was manned by contracted security personnel from SOC SMG (contract provider). (b)(2)High gave the report of two individuals dismounting a four-door black sedan and firing approximately five rounds at the OP. The report was relayed from the battalion TOC to the (b)(2)High operator who began a search for the vehicle and located a vehicle matching the description on (b)(2)High moving south at a high rate of speed. The (b)(2)High was operated by a Soldier from 1-505 with a Soldier from 1-327 conducting his RIP. The personnel operating the (b)(2)High made a search for any other vehicles in the area matching the description of the suspect vehicle and found no other vehicles. The (b)(2)High continued to observe the vehicle as the 1-505 TOC talked an F-16 (Ninja 25) on to the vehicle. After fixed wing acquired the vehicle, the 1-505 had two sources to verify the target; the (b)(2)High and the fixed wing. There were no rotary wing assets on station at this time. At that point the fixed wing aircraft were cleared to engage the target by someone in the 1-505 TOC through the JTAC that was on duty at the time. None of the personnel I talked to know who cleared the engagement. The JTAC team that supported 1-505 during this engagement redeployed when 1-505 did and was not available for statements. The (b)(2)High maintained visual contact with the vehicle through the first two engagements by (b)(2)High missed the target. After those engagements, the (b)(2)High lost visual contact with the vehicle and the 1-505 maintained visual contact through the JTAC Rover Feed straight from the F-16. The fixed wing came around for another attempt with a (b)(2)High striking the rear of the vehicle. The vehicle then came to a stop on the side of the road. At this point approximately four individuals dismounted the vehicle, which can be seen on the footage from the F-16. The fixed wing engaged a fourth time with a (b)(2)High set to air burst at approximately 1140, while the individuals were outside of the vehicle killing four. Looking at the footage from the F-16, approximately five people can be seen prior to the bomb exploding. The storyboard for this engagement states that two survivors could be seen and (b)(2)High was authorized by the ground force commander (no name given). The (b)(2)High was aborted when the two remaining individuals were observed to be a woman and a small child. The first Coalition Force elements to arrive at the location of the engagement were Military Police from MNF-W who were part of a Police Transition Team with 170th MP Company. They were notified via (b)(2)High to conduct a (b)(2)High

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by the 1-505 TOC since they were the closest unit to the site. They arrived on site shortly after a local motorist stopped and took the two wounded individuals to the hospital. The Iraqi Police also arrived on the scene with the MPs and began to clean up the area. The MPs verified four dead individuals; two adult males, one adult female and a female child. The QRF was dispatched from FOB Summerall led by CPT (b)(3)(b)(6) of 1-327, who was KIA on 5 DEC 07. Statements received from the 170th MP PTT indicate pictures were taken of the scene by them as well as the 1-327 QRF. The pictures taken by the 1-327 QRF were downloaded on the battalion's SIPR share drive, which has since crashed. They have not been able to retrieve the pictures. I have not been able to get a list of names of the IPs on scene from MNF-W either. No (b)(2)High (b)(2)High footage exists. According to the personnel from 1-327, it was not able to record during this incident.

3. Further discussion with the contracted security personnel who were manning (b)(2)High and made the initial report of shots being fired yielded additional information on the occupants of the vehicle. They stated that one individual dismounted the car and fired in the direction of the OP and the individual was dressed in black clothing. They also stated that they could see at least two people in the vehicle but could not be sure if more were in the back seat. There is a discrepancy between the statement made to me by the contracted security guards and the photos taken at the scene by the MPs. The photos show that the individuals were wearing white clothing not black. The one contract employee who stated the individual were wearing black provided this information to me two months after the incident. This individual's memory could have been clouded by events of the preceding two months. None of the other contract employees mentioned the color of the clothing.

4. A claim was made by the family to MNF-W (copy of the claim is enclosed); however, adjudication of the claim is being withheld until the conclusion of the investigation of this incident (not necessarily limited to the conclusion of my investigation. No adjudication has been awaiting the results of this inquiry. No claim was filed in MND-N. The claim made by the family states that they were at the vehicle when the last bomb was dropped. The statements from the MPs and the F-16 footage both indicate that the individuals were nowhere near the vehicle. The MP statements put the individuals approximately (b)(2)High away from the car and the F-16 footage shows that to be the most likely location. The family statements also make reference to them waving white towels or cloths at the aircraft which can not be seen in the footage and the MP statements make no reference of this material found on the scene.

5. Due to the limited involvement of 1-327 IN and 1st BCT 101st ABN in this engagement, facts available are limited. All personnel directly involved, including the JTAC have redeployed. Positive identification (PID) of the target was acquired prior to engaging per the (b)(2)High making this a legitimate engagement. The following sequence of events establish how PID was acquired; 1) the OP called in the contact to the TOC, 2) the TOC passed the information to the (b)(2)High operator, 3) the (b)(2)High operator quickly acquired the vehicle matching the description and ruled out other vehicles in the area, 4) the (b)(2)High then passed PID to the F-16. If further investigation and facts are required, this inquiry will have to go to 3rd BCT, 82 ABN DIV.

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

MAJ, OD
Investigating Officer



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

AETV-THZ-CS

7 December 2007

MEMORANDUM FOR MAJ (b)(3)(b)(6) HHC, 1BCT

SUBJECT: Appointment as Investigating Officer to Conduct AR 15-6 Informal Investigation, Air Weapons Team (AWT) Engagement in Support of OP 9 FOB Summerall, 18 Oct 2007

1. You are hereby appointed an Investigating Officer pursuant to AR 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation into the engagement that occurred on 18 Oct 2007 while providing AWT support to OP 9 FOB Summerall against small arms fire. (b)(2)High The incident resulted in 4 LN deaths.
2. The purpose of your investigation is to determine the pertinent facts surrounding this incident and determine its cause. In particular, you should ensure that the following issues are addressed:
 - a. What were the facts and circumstances surrounding the incident;
 - b. What CF units were involved in the incident;
 - c. What communication took place between the AWT and the CF on the ground prior to the engagement;
 - d. What fire clearance procedures were used between all CF units involved. Did the air mission commander clear his fires? If so, with whom did he clear the fires?;
 - e. How was the AWT target positively identified as the enemy;
 - f. What, if any, corrective action is warranted;
 - g. What recommendations should be made to prevent similar accidents; and
 - i. All other matters you deem relevant.
3. You will provide an index of all exhibits and, as a separate exhibit, a list of all parties to this event and a brief explanation of the role they played. Include any footage available of the engagement.
4. Coordinate with MNF-W for all information from the 170th Military Police Company involved in the engagement and other commands to be included in the investigation.

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AETV-THZ-CS

SUBJECT: Appointment as Investigating Officer to Conduct AR 15-6 Informal Investigation, Air Weapons Team (AWT) Engagement in Support of OP 9 FOB Summerall, 18 Oct 2007

5. Based on your findings, you will make recommendations for any actions that should be taken with respect to any culpably responsible individual. You will also make recommendations on any other matter under the control of this command that you deem appropriate.
6. You will conduct your investigation in accordance with the informal procedures of Chapter 4, AR 15-6. All witness statements will be sworn and memorialized on DA Form 2823, Sworn Statement, unless impracticable or otherwise directed by your legal advisor.
7. If, in the course of your investigation, you suspect an individual of committing a criminal offense under the Uniform Code of Military Justice (UCMJ), you will advise that person of his or her rights under Article 31, UCMJ, using a DA Form 3881, Rights Warning Procedure/Waiver Certificate, and proceed with questioning only if the individual waives his or her rights.
8. Consult with MAJ (b)(3)(b)(6), Brigade Judge Advocate, VoIP (b)(2)High, or email (b)(3)(b)(6), (b)(2)High for legal advice on the conduct of this investigation before beginning and prior to submitting the completed investigation.
9. Your findings will be supported by a preponderance of the evidence. Submit your findings and recommendations in the form of a memorandum for record, attach it to the DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, and include all exhibits. Submit the complete report, through MAJ (b)(3)(b)(6) to the Office of the Staff Judge Advocate, ATTN: Administrative Law ((b)(3)(b)(6)), MND-N, no later than 23 Nov 07. The Chief of Staff, MND-N, is the approval authority for any extensions of time.

Encl
as

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

COL,
Chief Staff (b)(3)(b)(6)

CPOF Web



Home | CCIR's | SigActs | Products | Log out (logged in as: guest)

list <previous | next>

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name 3/82 10:322

type SAF

timeobservedlong 10/18/07 11:30

textComments

Initial Report: At 181113OCT2007, A SAF attack was initiated on OP 9 on FOB Summerali, (b)(2)High (b)(2)High in the SALAH AD DIN Province, BAYJI. OP 9 reported 5 x rnds of SAF from 2 x UE who had dismounted 1 x 4 door (b)(6) sedan. OP 9 reported NIDE. The vehicle then fled southwest on (b)(2)High at a high rate of speed. CAS was on station (b)(2)High CAS obtained PID and engaged with 1 x AGM 55 with no effect. Vehicle continued to travel southwest and was engaged with 2 x GBU12?s. The first one had no effect and the second one struck the rear of the vehicle sending shrapnel into the vehicle. 4x pax exited the vehicle moving west on foot. CAS conducted a second engagement at (b)(3)(b)(6) with 1 x GBU 38 (air burst) resulting in 2 x UE KIA, and lost PID on the two other pax. QRF was dispatched to the site to assess BDA. A PITT element from MNF-W (Warlord 1) was nearby and began SSE. Follow up Report: Tiger 6 (QRF) was dispatched to site to obtain BDA. Tiger 6 reported 4 x UE KIA and 2 x UE WIA. The 2 x WIA were taken to a Bayji Hospital by LNs prior to QRF's arrival on scene. CLOSED: 18 1318C Oct 07

Grid Coords (b)(2)High

affiliation Hostile

color Red

outcome INEFFECTIVE

place name SALAH AD DIN, BAYJI

zone 1-505 PIR

Page 14 redacted for the following reason:

Foreign Language Text, (b)(6)

To whom may be concerned

Subject:- Claim for re-investigation and compensation.

Narration of accident

I am writing to express my extreme anger and outrage at the recent massacre of members of my family. who committed by the Americans, I lost two of my uncles, my aunt and her baby.

On 18th of October 2007, I and two of my uncles, (b)(6) and (b)(6) (b)(6), aunt (b)(6) (wife of (b)(6)) and two female cousins, (b)(6) and (b)(6) (daughters of (b)(6)) left Mosul north of Iraq after a hospital appointment heading for Barwana (west of Iraq). We were in a private car driven by one of my uncles. I joined my aunt who was cradling a baby in her arms, and my 4 years old cousin in the back seat. We were all mindful of the troubled areas the road takes us through and thus left Mosul after day break, expecting to arrive at our destination mid afternoon.

We were making good progress and left the town of Baiji behind us at around 11:00 am o'clock. Shortly afterwards though, our peaceful journey was shockingly disrupted by what appeared to be warning shots fired by an American fighter plane around our car. In response and terrified, we pulled over to one side of the road and left the car in a hurry. In an effort to signal to the pilot that we were unarmed civilians, we waved white cloths as we walked away from the car. We breathed a sigh of relief when the helicopter appeared to leave the scene. We waited for about 15 minutes after the fighter plane disappeared from view and could no longer be heard before we made our way back to the car.

My two uncles led us back to the car, followed by my aunt and her baby who was followed by my young cousin and me. As my two uncles were about to open the car doors, the fighter plane suddenly reappeared and fired a missile causing a huge explosion which ripped apart the group and threw us away from the car.

Upon regaining consciousness and feeling dazed and terrified, I could see that I had lost parts of my left hand and was covered with blood everywhere. I ran around to check on the others, only to discover to my horror that the explosion has killed my two uncles, (b)(6) (b)(6) aged (b)(6) years who was an electrical engineer, married and a father of six children, (b)(6) aged (b)(6) who was a chemist, also married and a father of 4 children. Also killed were my aunt (b)(6) aged (b)(6) years (house wife) and her baby (b)(6) who was only (b)(6) days old. Only two survived the brutal assault; my cousin (b)(6) who was (b)(6) years old myself a (b)(6) years old who sustained serious injuries to my head, hand and face.

Confused and bewildered, I screamed at other vehicles driving by asking for help, but help wasn't coming. The terror of war has lost Iraqis their humanity and compassion. Help came after a long while when a man stopped and took me and my young cousin to the main hospital in Tikrit.

At the hospital, I underwent a major operation but unfortunately I lost three fingers on my left hand and I was treated for head/facial injuries. (b)(6), the little girl, who witnessed the horrific events, was traumatised and to date does not fully understand what has happened to her parents.

I discovered afterwards, the bodies of my beloved uncles, aunt and baby cousin were hurriedly collected by the Iraqi police and dispatched to my family home in (b)(6). The police ordered the family to bury the dead immediately fearing consequences by the Americans.

The above facts disclose that an unjustifiable act of aggression was committed by American military forces against helpless civilian victims, contrary to the Laws of War and the Geneva Conventions. My family was not a belligerent enemy armed force and neither was the force used against them proportionate, since there was no military necessity to use any force in this case. They were simply travelling home in a civilian car on a highway used by other members of the public

My family and I wept for days and are grief stricken. Our grief is compounded by the worry and concerns about the well being of the children left behind by my two uncles.

(b)(6) has left behind a wife and six children (5 boys and a girl) whose ages range from (b)(6) months to (b)(6) years. (b)(6) and his wife (b)(6) left behind 3 children (2 boys and a girl aged between (b)(6) years). In war torn Iraq who will care and provide for them if one can neither rely upon the Iraqi authorities nor the American armed forces

I and my family are determined not to simply accept the fate imposed by the Americans. Whilst we know that this is one of many such unjust incidents in a troubled country like Iraq, we vow to our lost family members to seek and attain justice on their behalf.

I therefore humbly request your assistance and see justice done for myself, my uncles, their wives and orphaned children, as I trust in your good reputation as a responsible person. I hope that you will look into this matter and raise it with the American authorities so that the victims' orphans are compensated and similar acts be avoided in the future.

Description of the damaged

No.	Name	Sex	Age	Brith date	Brief description of the damaged
1	(b)(6)	Male	(b)(6) years	(b)(6)	Killed
2	(b)(6)	Male	(b)(6) years	(b)(6)	Killed
3	(b)(6)	female	(b)(6) years	(b)(6)	Killed
4	(b)(6)	female	(b)(6) days only	(b)(6)	Killed
5	(b)(6)	female	(b)(6) years	(b)(6)	* Injuries in head *Fingers of the left hand had been cut * Trauma and hysteria shock
6	(b)(6)	female	(b)(6) years	(b)(6)	*Trauma and hysteria shock, especially when she hears sound of American's plane.
7	Vehicle Model : (b)(6) Color : (b)(6) Number: (b)(6) Owner: (b)(6) (b)(6)	-	-	-	Damaged

(b)(6)

Narrator /witness signature

Miss (b)(6)

Haditha /Barwan

October 2007

(b)(6)

Claimant signature

(b)(6)

Nov.2007

Pages 18 through 19 redacted for the following reasons:

Foreign Language Text

Foreign Language Text

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

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

Foreign Language Text

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 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: Barwanah Iraqi Police Station, Barwanah Iraq
2. DATE (YYYYMMDD): 2007/10/(b)(3)(b)(6)
3. TIME: 2235 (b)(3)(b)(6)
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: SFC/RA
8. ORGANIZATION OR ADDRESS: 170th Military Police Company

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

On 18 October 2007, at 0800hrs I was a member of a joint patrol conducted by the Barwanah Iraqi Police and the Barwanah Police Transition Team (PTT). Our mission was to conduct a patrol from Expeditionary Patrol Base Barwanah (EPB) to Lake Thar Thar bridge in order to present a police presence in the furthest reaches of the Barwanah Police jurisdiction and check on reports the Iraqi Police (IP) had received that there were Anti Iraqi Forces (AIF) operating checkpoints and conducting kidnappings on the Haditha/Baji road in the vicinity of Thar Thar Bridge. I had briefed the task force commander and the EPB commander of the United States Marine Corps (USMC) on the mission and intent the night prior to the patrol at approximately 2200hrs during the task force base operations order. Upon leaving EPB Barwanah we called in our start point to EPB Barwanah and provided them with a trip ticket that listed all members on the patrol, their weapons serial numbers, blood type and other pertinent information. Once we exited traffic control point we proceeded northeasterly on and the IPs stopped and searched several vehicles which were suspicious or matched vehicles listed on the be on the look out (BOLO) list they also identified the drivers and checked their badges and gensia against the high value individual (HIV) list. The patrol progressed up (b)(2)High to the Thar Thar bridge where the IPs received a report that there was AIF conducting a checkpoint a few kilometers up the road. The IPs hurriedly proceeded northeasterly on (b)(2)High stopping every vehicle they can across who stated the same thing. The IPs crossed their jurisdictional boundary which I allowed because I considered them to be in pursuit mode of a time sensitive crime in progress. The IPs saw a vehicle matching the description given to them by the citizens they had already stopped about (b)(2)High off the roadway and drove out to it (a white bongo truck) upon contact they searched the vehicle and driver, checked his identification against the HIV list, and released him at the scene after he stated the same thing the previous vehicles had said that he was just stopped by men in ski mask on. The IPs continued on for another kilometer or so until they came to a abandon oil refinery where they searched the buildings and decided to set up a TCP to search the vehicles that had been trailing our convoy and vehicles coming from the North. this lasted for approximately 45 min to an hour. While they were conducting their TCP we heard explosions approximately 12 to 15 kilometers to the Northeast of our location. I did not know what the explosions where but decided against further investigation because the IPs where already out of their jurisdiction and we needed to proceed back to EPB Barwanah. The last explosion caused a distinct mushroom cloud that we could see from our location and turned our vehicle so that I could get a better view. Once I could see the cloud the vehicle commander started conducting sensitive items checks in preparation for movement back to the EPB. Once the check was complete he told to start heading towards the road. Once the convoy was staged on the road we started heading southwesterly towards Barwanah. We had traveled approximately one kilometer or less when informed me that we had received a blue force tracker message that said "need BDA". I told to let know and get the convoy turned around. While we turning around the IPs informed us that a car had stopped them and stated that a family had been bombed by an aircraft. We proceeded approximately 12 to 15 kilometers northeasterly on when we came across a scene of what looked to be 3 dead or wounded civilians laying in a field approximately (b)(2)High southeast of a car headed southwesterly on (b)(2)High. As soon as the vehicle stopped the Medic got out of the vehicle.

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT Barwanah IPS DATED 2007/10/18

9. STATEMENT (Continued)

(b)(3)(b)(6) and started towards the scene. I also got out of the vehicle and headed towards the scene and could see that there were four Soldiers ahead of me and several IPs. As I was walking towards the bodies I noticed that the sand in a circle around them appeared to be a different color. I also noticed several small holes that appeared to be the impact of shrapnel. I did not see a crater and thought to myself that this must have been an airburst. Upon arrival at the bodies the IPs had already covered them with blankets out of their trucks. I moved aside the blankets and took pictures of the bodies and positions for later analysis, there was one infant who appeared to be no more than (b)(6) old, one adult female of approximately (b)(6) years of age, a male of approximately (b)(6) years of age and another male of approximately (b)(6) years of age. My Medic stated that he had checked all of the bodies and they were all dead. None of the casualties had any weapons or explosives on them and all were dressed in traditional Iraqi clothing. I then proceeded northeasterly approximately (b)(2)High to the vehicle a black in color (b)(6) prince, four door, sedan, with a black in color Arabic license plate (b)(6) which had a hole in it from shrapnel. A search of the vehicle was conducted which met with negative results for weapons or explosives. The car contained a bag of baby clothes that looked new, some fuel in a plastic can and several packages of diapers. I then proceeded approximately (b)(2)High to a crater that was approximately (b)(2)High off the roadway and (b)(2)High in diameter. From the evidence I saw on the scene I felt that the car had been traveling on (b)(2)High in a southwesterly direction when it was struck by the first explosion and continued on for approximately (b)(2)High where the occupants decided to get out of the car and run in a southwesterly direction away from it when they were killed by a airburst explosion. I was then told that we were receiving BFT messages as to who we were and why were we here to which (b)(6) sent a message stating we were the Barwanah PTT team of the 170th MP Co and we were requested to make a BDA of the area. I sent a message requesting further information on the EOF in case there was something I had missed in my assessment to which I received no reply. I then received a BFT message from my parent company asking why we were there and stating that my task force commander had no ideal we were on this mission. I reply by BFT and called them on the (b)(6) explaining that I had informed my task force of the mission and was requested by the 82nd Airborne. I was then told that we had received a BFT stating we were to stand by until the quick reaction force arrived and then clear the area. While I was responding to all this traffic, the IPs had set up a d-file operation and were searching all vehicles coming through the area. They had also driven truck out to the scene and policed up the bodies. When I address (b)(6) about this he stated that they knew the family and it was a good family from Barwanah. He also stated that they needed to get the bodies back to Barwanah so they could be buried before sundown. He also stated that a good Samaritan had arrived on the scene prior to our arrival and transported two wounded (one adult female and one child female) to the Baji hospital. I then received a BFT message from the QRF commander stating that getting to us was going to take longer because there were many culverts and wadis that he had to clear to get to us he expected it would take 90 minutes. Once the QRF arrived I walked him through the scene, told him what I knew, and traded e-mail address with him in case he needed to get in contact with me. I also told him about the bodies which he took pictures of and asked if it was all right if the IPs took the car to the family to which he replied they couldn't do anything with it. He had his personnel search the car again which turned up negative for weapons and explosives. I then had my Soldiers conduct sensitive items checks and we returned to Barwanah. The IPs stated again that they had to bury the body before sundown and I allowed them to take three trucks and 15 IPs ahead of the convoy and convoyed back with the victims car and 1 IP truck with 5 IPs. Upon arrival I met with my task force commander and told he what I knew and saw as well as explained that we were called to the scene. When I arrived back at the Barwanah IPS I was told that the victims were the neighbors of (b)(6) and that of the two wounded (b)(6) year old child had died at the hospital (NT (b)(3)(b)(6))

Q: (b)(6)

A: (b)(3)(b)(6)

Q: IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?

A: NOT AT THIS TIME (b)(3)(b)(6)

END OF STATEMENT

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT Barwanah IPS DATED 2007/10/18

8. STATEMENT (Continued)

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3)(b)(6)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of October, 2007 at Barwanah Iraqi Police Station, Barwanah, Iraq

ORGANIZATION OR ADDRESS

(b)(3)(b)(6)
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(3)(b)(6)
(Typed Name of Person Administering Oath)
Article 136 (b) (4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

(b)(3)(b)(6) MAJ, 1BCT 101AA BDE S4 OIC

From: (b)(3)(b)(6) (SJA Ad Law Attorney LSST Deputy OIC) (b)(3)(b)(6), (b)(2)High
(b)(3)(b)(6), (b)(2)High

Sent: Tuesday, December 18, 2007 5:54 PM

To: (b)(3)(b)(6) MAJ, 1BCT 101AA BDE S4 OIC

Cc: (b)(3)(b)(6) LTC (b)(3)(b)(6) SJA/ OIC LSST); (b)(3)(b)(6) B LTC MNC-I SJA Chief Admin and Civil Law;
(b)(3)(b)(6) MAJ (b)(3)(b)(6) (GCE RCT-2 REGIMENTAL JUDGE ADVOCATE (b)(3)(b)(6) Maj (b)(3)(b)(6)
(AAMNF RCT-2 3/23 BN JUDGE ADVOCATE)

Subject: RE: [U] British Inquiry

Classification: UNCLASSIFIED

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

No claims have been paid to date — this is on hold pending the completion of your investigation. Please feel free to contact Maj (b)(3)(b)(6), the judge advocate who received the claim, directly with any follow-up questions. He is copied on this e-mail.
Take care.

V/r,

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

From: (b)(3)(b)(6) MAJ, 1BCT 101AA BDE S4 OIC [mailto:(b)(3)(b)(6), (b)(2)High]

Sent: Tuesday, December 18, 2007 2:49 PM

To: (b)(3)(b)(6) Maj (b)(3)(b)(6) (SJA Ad Law Attorney LSST Deputy OIC)

Subject: [U] British Inquiry

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

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

I am the I/O for the 15-6 on the 18 OCT 07 CAS engagement vic Bayji. I have seen the claim submitted by the family, just need to know if reparations have been paid and if not, why. If there is someone else I need to get in contact with for this, please let me know. Thanks.

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

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

S4, 1st BCT

VOIP (b)(2)High
Cell:

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

12/20/2007

005686

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

MAJ, 1BCT 101AA BDE S4 OIC

From: (b)(3)(b)(6) Maj (b)(3)(b)(6) (SJA Ad Law Attorney LSST Deputy OIC) (b)(3)(b)(6), (b)(2)High
(b)(3)(b)(6), (b)(2)High

Sent: Tuesday, December 18, 2007 9:11 AM

To: (b)(3)(b)(6) MAJ (1AD OSJA CHIEF ADMN LAW)

Cc: (b)(3)(b)(6) Lt Col (b)(3)(b)(6) SJA/ OIC LSST; (b)(3)(b)(6) LTC MNC-I SJA Chief Admin and Civil Law

Subject: Claims documents for 18 Oct 07 incident

Attachments: MND-N Airstrike Claim.pdf, MND-N Airstrike Statements.pdf

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

Good morning. Attached are all documents for claims relating to the 18 Oct incident. Please provide to the IO for consideration. I regret the delay in getting these to you.

V/r,

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

12/20/2007

005687

42nd MILITARY POLICE BDE

MISSION DEBRIEF

1	DATE TIME GROUP: 181900OCT2007	UNIT: 170 th MP CO PLATOON/ SQD/TM: 1/1A		
	MISSION LEADER: SGT (b)(3)(b)(6)	MISSION: MOUNTED ESCORT: QUIZNO'S, PHOENIX		
	SP: 0800 RP: 1900	STATUS ON CLOSE: GREEN		
	STATIONS VISITED	TIME ARRIVED	TIME DEPARTED	TIME ON STATION
	Barwanah	0001	2400	24hrs

2	STATION VISIT REPORT	NAME: Barwanah IPS	CDR: Major (b)(3)(b)(6)
	IP IN CHARGE: CPT (b)(3)(b)(6)	# OF IP'S ON SHIFT: 34	# IP'S ON FP: 40
	DAILY ACTIVITY REPORT		
	Projects (Proposed/Ongoing):		
	Purposed: Warlord element along with the Barwanah IP's plan to travel to Al Asad on 21 Oct 2007 in order to conduct maintaince on IP vehicles. Ongoing: Still ongoing is the Open of stations in both Sinjik and Sacron.		
	Training (Planned/Conducted):		
	Planned: IPLO's and Soldiers plan to conduct training on weapon systems which will include both PSU and IP's on FOB Barwanah. Conducted: IPLO's and soldiers conducted training on Crimes against person to include both PSU and IP's.		
	Operations (Planned/ Conducted):		
	MP Planned: Mounted (b)(2)High patrol with the Barwanah IP's of (b)(2)High north to the Tharr Tharr Bridge. MP Conducted (b)(2)High patrol of (b)(2)High with the Barwanah IP's north to the Tharr Tharr Bridge. While on MSR patrol we conducted hasty TCP's as well LP's and OP's. IP Check Point: Barwanah IP's to include atleast 50% of the force currently man towers and fighting positions around the Barwanah community. IP Conducted: Mounted (b)(2)High patrol of (b)(2)High with the Warlord 1 element of the Barwanah PTT. Joint Operations Completed: Barwanah IP's and the Warlord 1 element plan to conduct a joint mounted (b)(2)High patrol north of (b)(2)High with a northing limit of Tharr Tharr Bridge.		
	Issues (Equipment, Force Protection, Training):		
	Equipment: IP's have recently start to receive supply's that were ordered when we first got here which is proof that when used correctly, the IP supply channel can work. Force Protection: IP's and MP's currently living in abundant house due to station being blown up in 2005. Ip's currently responsible for atleast 50% of the force protection. The IP's currently have shifts at the Barwanah Bridge, (b)(2)High and the main and far entrance to Barwanah EPB. Training: IPLO's and Soldiers currently training Barwanah PSU and IP's here at the Barwanah EPB atleast 3 times per week.		
	CRIMINAL ACTIVITY REPORT (Crimes Reported Since Last Report)		Date of Last Report: 302200July
	1) Murders: 0	2) Kidnappings: 0	3) Thefts: 0
	4) Assaults: 0	5) Drug Activity: 0	6) Bribery/Corruption: 0
	7) ATTACKS ON POLICE: 0	8) TERRORIST ATTACKS: 0	9) OTHER: None

INSERT CLASSIFICATION

Details of Attacks on Police:

Details of Terrorist Attacks:

Details of Other:

DETAINEE REPORT (Numbers since Last Report) None

Date of Last Report: 31AUG2007

in D-Cell:

Released:

Detained

Names of new detainees:

First Name	Father's Name	Grandfather's Name	Circumstances of Capture

3 CONTACT REPORT (5 W'S For Individuals Encountered on Patrol) None

First Name:

N/A

Father's Name:

Grandfather's Name:

Details

Available for Re-contact

4 TERRAIN REPORT

. While on patrol of (b)(2)High closest to the (b)(2)High the land and terrain all seemed to be the same. Much of the land was flat with Visibility as far as the eye could see. All the area was dry and rondon blast sites from past IEDS.

5 SUMMARY: (include any Raids, SIGACTS, Intel Reports, Departure & Arrival Times, Time on Station, Routes Taken)

On 18 October 2007, at 0800hrs, the Warlord 1 element along with the Barwanah IP'S SP'd on a mission to conduct (b)(2)High patrol of (b)(2)High north to the Tharr Tharr Bridge with the intent of providing ISF presence and intelligence gathering. Prior to the conception of this mission the The Barwanah IP's received complaints that there were AIF checkpoints being conducted in the area of Thar Thar bridge preventing supplies from entering Barwanah the complaints were directed to them because it is their jurisdiction. They had also received complaints that people were being kidnapped and murdered at these checkpoints. While on patrol of the (b)(2)High the IP's stopped and searched suspicious vehicles and vehicles matching descriptions on the BOLO list from these stops intelligence was gathered that there was a checkpoint being conducted a few kilometers up the road. The IPs crossed their jurisdiction line to check out the complaint but met with negative results. At or about 1130hrs the IPs decided to conduct a TCP at vicinity grid (b)(2)High where they checked ID cards and inspected vehicles. While static at the TCP at or 1230hrs about we noticed low flying aircraft approximately 12 to 15 kilometers north of our position we also heard explosions and saw clouds where it appeared that the aircraft had dropped ordinance or possibly an EOD team was conducting a controlled detonation. We did not investigate this further because it was out of our battle space. At or about 1245hrs the IPs closed down their hasty TCP and we began our trip back south to Barwanah. We then received a BFT message from TOC-3DIV-82AB telling us "need BDA". At that time we turned our convoy around to proceeded to vicinity grid (b)(2)High to conduct the BDA. While we were doing this a civillian vehicle stopped and informed the IPs that there was a family that had been killed by an American Plane. Upon arrival at the scene, there appeared to be 3 full sized adults down in the field adjacent to the (b)(2)High After assessing the situation and scene, we proceeded forward with our medic to evaluate and treat casualties. Upon further investigation we determined that 3 adults (2 male and 1 female) were KIA along with a small child that was also KIA. It appeared that the personel were killed by an Airburst above them after the fled their vehicle that had received shrapnel damage to the truck possibly from an explosion that left a cra (b)(2)High meters north of where the vehicle was located. While we were setting up security and answering BFT messages the IPs loaded the bodies into their truck. I then requested permission to take the bodies to Barwanah and clear the scene and was told to wait for the

INSERT CLASSIFICATION

INSERT CLASSIFICATION

QRF (Tiger 6) while we waited on the QRF the IPs check all north and southbound traffic. CPT (b)(3)(b)(6) told me that the family was from Barwanah and was a good family. He also stated that two people one lady and a female child had been transported from the scene by a good Samaritan (NFI). Upon arrival of Tiger 6 I briefed him on what I had found he took photos of the bodies and IDs and I left heading south on (b)(2)High as previously ordered.

MISSION LEADER SIGNATURE: SGT.

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

PHONE:

INSERT CLASSIFICATION

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 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Barwanah Iraqi Police Station, Barwanah Iraq	2. DATE (YYYYMMDD) 2007/10/10	3. TIME 2235	4. FILE NUMBER (b)(3)(b)(6)
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5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SFC/RA
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8. ORGANIZATION OR ADDRESS
170th Military Police Company

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

On 18 October 2007, at 0800hrs I was a member of a joint patrol conducted by the Barwanah Iraqi Police and the Barwanah Police Transition Team (PTT). Our mission was to conduct a patrol from Expeditionary Patrol Base Barwanah (EPB) to Lake Thar Thar bridge in order to present a police presence in the furthest reaches of the Barwanah Police jurisdiction and check on reports the Iraqi Police (IP) had received that there were Anti Iraqi Forces (AIF) operating checkpoints and conducting kidnappings on the Haditha/Baji (b)(2)High road in the vicinity of Thar Thar Bridge. I had briefed the task force commander Major (b)(3)(b)(6) and the EPB commander CPT (b)(3)(b)(6) of the United States Marine Corps (USMC) on the mission and intent the night prior to the patrol at approximately 2200hrs during the task force base operations order. Upon leaving EPB Barwanah we called in our start point to EPB Barwanah and provided them with a trip ticket that listed all members on the patrol, their weapons serial numbers, blood type and other pertinent information. Once we exited traffic control point (b)(2)High we proceeded northeasterly on (b)(2)High and the IPs stopped and searched several vehicles which were suspicious or matched vehicles listed on the be on the look out (BOLO) list they also identified the drivers and checked their badges and gensia against the high value individual (HIV) list. The patrol progressed up (b)(2)High to the Thar Thar bridge where the IPs received a report that there was AIF conducting a checkpoint a few kilometers up the road. The IPs hurriedly proceeded northeasterly on (b)(2)High stopping every vehicle they can across who stated the same thing. The IPs crossed their jurisdictional boundary which I allowed because I considered them to be in pursuit mode of a time sensitive crime in progress. The IPs saw a vehicle matching the description given to them by the citizens they had already stopped about (b)(2)High off the roadway and drove out to it (a white bongo truck) upon contact they searched the vehicle and driver, checked his identification against the HIV list, and released him at the scene after he stated the same thing the previous vehicles had said that he was just stopped by men in ski mask on (b)(2)High. The IPs continued on (b)(2)High for another kilometer or so until they came to a abandon oil refinery where they searched the buildings and decided to set up a TCP to search the vehicles that had been trailing our convoy and vehicles coming from the North. this lasted for approximately 45 min to an hour. While they were conducting their TCP we heard explosions approximately 12 to 15 kilometers to the Northeast of our location. I did not know what the explosions where but decided against further investigation because the IPs where already out of their jurisdiction and we needed to proceed back to EPB Barwanah. The last explosion caused a distinct mushroom cloud that we could see from our location and PV2 Wheeldon turned our vehicle so that I could get a better view. Once I could see the cloud the vehicle commander (SGT (b)(3)(b)(6)) started conducting sensitive items checks in preparation for movement back to the EPB. Once the check was complete he told PV2 Wheeldon to start heading towards the road. Once the convoy was staged on the road we started heading southwesterly towards Barwanah. We had traveled approximately one kilometer or less when SGT (b)(3)(b)(6) informed me that we had received a blue force tracker message that said "need BDA". I told SGT (b)(3)(b)(6) let SGT (b)(3)(b)(6) know and get the convoy turned around. While we turning around the IPs informed us that a car had stopped them and stated that a family had been bombed by an aircraft. We proceeded approximately 12 to 15 kilometers northeasterly on (b)(2)High when we came across a scene of what looked to be 3 dead or wounded civilians laying in a field approximately 100 meter southeast of a car headed southwesterly on (b)(2)High. As soon as the vehicle stopped the Medic SGT (b)(3)(b)(6) got out of the vehicle (b)(3)(b)(6).

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT Barwanah IPS DATED 2007/10/18

STATEMENT (Continued)

(b)(3)(b)(6) started towards the scene. I also got out of the vehicle and headed towards the scene and could see that there were four Soldiers ahead of me and several IPs. As I was walking towards the bodies I noticed that the sand in a circle around them appeared to be a different color. I also noticed several small holes that appeared to be the impact of shrapnel. I did not see a crater and thought to myself that this must have been an airburst. Upon arrival at the bodies the IPs had already covered them with blankets out of their trucks. I moved aside the blankets and took pictures of the bodies and positions for later analysis, there was one infant who appeared to be no more than (b)(6) old, one adult female of approximately (b)(6) years of age, a male of approximately (b)(6) years of age and another male of approximately (b)(6) years of age. My Medic stated that he had checked all of the bodies and they were all dead. None of the casualties had any weapons or explosives on them and all were dressed in traditional Iraqi clothing. I then proceeded northeasterly approximately 100 meters to the vehicle a black in color, (b)(6) prince, four door, sedan, with a black in color Arabic license plate (b)(6) which had a hole in it from shrapnel. A search of the vehicle was conducted which met with negative results for weapons or explosives. The car contained a bag of baby clothes that looked new, some fuel in a plastic can and several packages of diapers. I then proceeded approximately 50 meters to a crater that was approximately 1 meter off the roadway and (b)(2)High in diameter. From the evidence I saw on the scene I felt that the car had been traveling on (b)(2)High in a southwesterly direction when it was struck by the first explosion and continued on for approximately 50 meters where the occupants decided to get out of the car and run in a southwesterly direction away from it when they were killed by a airburst explosion. I was then told that we were receiving BFT messages as to who we were and why were we here to which SGT (b)(3)(b)(6) sent a message stating we were the Barwanah PTT team of the 170th MP Co and we were requested to make a BDA of the area. I sent a message requesting further information on the EOF in case there was something I had missed in my assessment to which I received no reply. I then received a BFT message from my parent company asking why we were there and stating that my task force commander had no ideal we were on this mission. I reply by BFT and called them on the Satellite phone explaining that I had informed my task force of the mission and was requested by the 82nd Airborne. I was then told that we had received a BFT stating we were to stand by until the quick reaction force arrived and then clear the area. While I was responding to all this traffic, the IPs had set up a d-file operation and were searching all vehicles coming through the area. They had also driven truck out to the scene and policed up the bodies. When I address CPT (b)(3)(b)(6) about this he stated that they knew the family and it was a good family from Barwanah. He also stated that they needed to get the bodies back to Barwanah so they could be buried before sundown. He also stated that a good Samaritan had arrived on the scene prior to our arrival and transported two wounded (one adult female and one child female) to the Baji hospital. I then received a BFT message from the QRF commander stating that getting to us was going to take longer because there were many culverts and wadis that he had to clear to get to us he expected it would take 90 minutes. Once the QRF arrived I walked him through the scene, told him what I knew, and traded e-mail address with him in case he needed to get in contact with me. I also told him about the bodies which he took pictures of and asked if it was all right if the IPs took the car to the family to which he replied they couldn't do anything with it. He had his personnel search the car again which turned up negative for weapons and explosives. I then had my Soldiers conduct sensitive items checks and we returned to Barwanah. The IPs stated again that they had to bury the body before sundown and I allowed them to take three trucks and 15 IPs ahead of the convoy and convoyed back with the victims car and 1 IP truck with 5 IPs. Upon arrival I met with my task force commander and told he what I knew and saw as well as explained that we were called to the scene. When I arrived back at the Barwanah IPS I was told that the victims were the neighbors of CPT (b)(3)(b)(6) and that of the two wounded (b)(6) year old child had died at the hospital (NF (b)(3)(b)(6))

Q SFC (b)(3)(b)(6)

A: SFC (b)(3)(b)(6)

Q: IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?

A: NOT AT THIS TIME (b)(3)(b)(6)

/// _____ END OF STATEMENT _____ ///
(b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6) (b)(3)(b)(6)

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of October, 2007 at Barwanah Iraqi Police Station, Barwanah, Iraq

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

(Signature)

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

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

APD PE v1.00

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.

1. LOCATION: BARWANAH IRAQI POLICE STATION
2. DATE: 2007/10/18
3. TIME: 2125
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-6/RA
8. ORGANIZATION OR ADDRESS: 170TH MILITARY POLICE COMPANY

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 18 October 2007 at 0800 hrs 1st Plt. 1st Sqd and Iraqi Police left the Barwanah IPS to conduct random TCP'S AND CP'S in the Baji area along (b)(2)High. While patrolling on (b)(2)High with the Iraqi Police multiple TCP'S were conducted by the Iraqi Police and Warlord elements. The Iraqi Police were checking vehicles, Badges and Gensia's to make sure they were valid. At approximately 1130 hrs a check point was set up on route Phoenix adjacent to a oil refinery plant that is no longer in use. While there I went with Sgt (b)(3)(b)(6) and approximately three or four IP's to clear the oil refinery plant. Once it was clear I pulled security on top of the main building in the compound with a IP overseeing the CP. While pulling security I heard approximately four explosions. the explosions sounded like they came from north of where the check point was set up. I didn't see any smoke clouds from the first two explosions. However I did see two black clouds of smoke from the last two explosions. The explosions seemed to be about 10 to 15 minutes in between each explosion. After the second explosion Sgt (b)(3)(b)(6) asked me if I knew what those explosions were. At the time of the explosions there was friendly air in the area. With the delay inbetween explosions I told Sgt (b)(3)(b)(6) I thought it was bombs being dropped by the friendly air in the area. We attempted to get communication using the BFT with any units in the area and recieved a BFT MSG asking us to go and assess BDA for the 82nd Airborne. We were headed back towards Barwanah when we received that msg and turned around and went approximately 4 miles past where the CP was set up. The msg was received approximately between 1230 and 1240 hrs to the best of my memory. Upon arrival there were multiple vehicles stopped along the side of the road and to the west side of the road there appeared to be four people laying in the desert sand. Sgt (b)(3)(b)(6) and Sp4 (b)(3)(b)(6) checked the four individuals before I did. I was maybe a minute arriving behind Sgt (b)(3)(b)(6) and Sp4 (b)(3)(b)(6) checked vitals on the victims and didnt feel a pulse. Sgt (b)(3)(b)(6) medic was called for as well and upon arrival determined that the victims were deceased. The deceased victims were two Iraqi males, one Iraqi female, and one Iraqi infant approximately two months old. SFC (b)(3)(b)(6) and I took photos of the area and the victims. I did not take any photos of the vehicle the victims were driving. The area was secured and we waited for QRF to arrive. The victims were from Barwanah and were recognized by some of the IP's there on scene. Before QRF arrived the IP's had put the victims in the back of one of the IP vehicles. The QRF was out of Baji and an element from the 101st Airborne Division. They photographed the victims, the vehicle and went out to the impact area where the victims were found. QRF arrived at approximately 1500 to the best of my memory. The officer in charge was CPT (b)(3)(b)(6) and Sp4 (b)(3)(b)(6) recieved contact information from CP (b)(3)(b)(6) three of the four IP vehicles on patrol with us returned to Barwanah with the victims bodies once CPT (b)(3)(b)(6) had all the information he needed to gather from the scene. It was around 1530 to 1545 approximately when we left the scene with the victims car which was driven by the IP's and the remaining IP vehicle that was on patrol with us. We stopped at (b)(2)High to refuel vehicles before returning to the Barwanah IPS. Also while there SFC (b)(3)(b)(6) made contact with Maj (b)(3)(b)(6) and brief him on the BDA we were asked to respond to. We RP'd at the Barwanah IPS at approximately 1800 to the best of my memory. (b)(3)(b)(6)

/// End of Statement ///

Q: Spc (b)(3)(b)(6)
A: SSG (b)(3)(b)(6)

Q: Do you want to add anything to this statement?
A: No (b)(3)(b)(6)

IV END OF STATEMENT III

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 BE INDICATED.

9. STATEMENT (Continued)

NOT USED

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

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3)(b)(6). I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of OCTOBER, 2007

at BARWANAH IRAQI POLICE STATION

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ART. 136(b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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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.

1. LOCATION Barwanah EPB	2. DATE (YYYYMMDD) (b)(3)(b)(6) 2007/10/17	3. TIME SP 0800 (b)(3)(b)(6)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6) (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-4/RA	
8. ORGANIZATION OR ADDRESS 170th MP CO 1st Plt 1st Sqd (b)(3)(b)(6)			

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

On 17 October 2007 at 0800 hours 1st Sqd Warlord I cleared friendly lines from Kilo 1 in route to (b)(2)High with the Iraqi Police to search for illegal check points that the Iraqi Police said were taking place. Around 1140 hrs we arrived at a destination that was our LOA. The IP's and our element setup a check point up and IP's began to search vehicles as they passed by the checkpoint. At about this time we heard multiple explosions and heard air in the sky flying around. At a distance we noticed a cloud of black smoke but it took a minute for us to actually hear the explosion. There was a total of about four explosions. The final explosion was the one that really got our attention. Myself and our team were looking at the direction of the explosions wondering why and what were bombs being dropped on we saw a blast on the road that looked like an IED and then the boom. A short time after that we did see a fighter jet fly low then go vertical after that there was no more explosions. Myself and Sgt (b)(3)(b)(6) my team leader were talking about maybe some one hit an IED or a bomb hit them. Once we wrapped up are checkpoint we were on our way back to Barwanah when we were told to go back via a blue force tracker message. That message stated that we needed to do a BDA of the blast area. Once we arrived at the scene myself, Sgt (b)(3)(b)(6), S (b)(3)(b)(6) and S (b)(3)(b)(6) were the first on scene to discover 4 dead bodies due to what seemed to be schrapnel injuries. The entire impact area was covered in impact holes and there was metal everywhere. There was two dead adult males one dead adult female and one dead infant. There vehicle was of the side of the road about 100 meters from where there bodies were. Our platoon Sgt SF (b)(3)(b)(6) took pictures of the scene and the IP's then picked up the bodies and we waited for the landowners to arrive. We returned to Kilo 1 after that and called RT.

END OF STATEMENT

Q: SPC (b)(3)(b)(6)
A: SPC (b)(3)(b)(6)

Q: Do You Want To Add Anything To This Statement?

A: No (b)(3)(b)(6)

END OF STATEMENT

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

STATEMENT OF Jimenez Jose Luis ^{(b)(3)(b)(6)} TAKEN AT Barwanah EPB ^{(b)(3)(b)(6)} DATED 2007/10/18 ^{(b)(3)(b)(6)}

9. STATEMENT (Continued)

[[NOT USED]] ^{(b)(3)(b)(6)}

AFFIDAVIT

I, ^{(b)(3)(b)(6)} ^{(b)(3)(b)(6)}, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 ^{(b)(3)(b)(6)}. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

^{(b)(3)(b)(6)}

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of October, 2007

at Barwanah EPB

^{(b)(3)(b)(6)}

(Printing Oath)

^{(b)(3)(b)(6)}

(Typed Name of Person Administering Oath)

ART 136(b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

^{(b)(3)(b)(6)} ^{(b)(3)(b)(6)}

PAGE 2 OF 2 PAGES ^{(b)(3)(b)(6)}

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.

1. LOCATION: Barwanah IPS, Iraq
2. DATE (YYYYMM): 2007/10/18
3. TIME: 2140
4. FILE NUMBER: (b)(3)(b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-5/RA
8. ORGANIZATION OR ADDRESS: 1st Plt, 1st Sqd 170th Military Police Company

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 18 October 2007 at around 0800 hours the Warlord elements and Iraqi Police departed the Barwanah IPS to conduct a planned mission to set up TCPs and OPs on (b)(2)High. Along the route IPs conducted multiple vehicle stops to search and verify IDs of all personnel. Further in throughout the route IPs spoke with other local populace who claimed that they've seen an unknown amount of masked men who were supposedly conducting a checkpoint along route Phoenix heading towards Baji. IPs and Coalition Forces then proceeded with the mission in search of these possible masked men with a vehicle described as a white, four door, toyota pickup truck with again an unknown amount of personnel. IPs then spotted a vehicle that was a possible match of the vehicle described by the locals near a camel farm. The vehicle was searched and the vehicle owner was questioned by IPs who gave the same information about the masked men. After searching for this unknown checkpoint the IPs decided to stop the search and set up a TCP at 1130 hours near an oil refinery and search two unknown buildings with coalition forces for approximately 40 minutes and then return back to Barwanah IPS. Thirty minutes into the TCP myself, SPC (b)(3)(b)(6) PV4 (b)(3)(b)(6) and our IPLO (b)(6) heard a loud boom not knowing where it came from until we noticed a cloud of black smoke North of route phoenix. We didn't think anything of the boom and the smoke thinking it may have been something burning in town until we heard another boom in the same area and a fighter jet flying around in the area. We discussed amongst ourselves that maybe the jet was conducting an airstrike or conducting an air coverage of the area. Minutes after the second boom we saw a flash approximately 2-3 kilometers and then a white mushroom cloud dust. IPs also noticed the dust cloud and joked amongst themselves that we should head back to Barwanah. IPs then decided to close up the TCP and head back to Barwanah 15-20 minutes after the dust cloud. As IPs and coalition forces were leaving the area approximately a kilometer south of our last position Warlord I Bravo received a BFT message at 1300 hours from TOC-3BCT-82AB asking our element to conduct a BDA for them. We then turned around and headed back up north when IPs spoke to other locals who claimed their was a family who was injured and may need medical assistance up the road. As we arrived at the scene we noticed IPs in an open field with three casualties waving us down for medical assistance. Myself, SPC (b)(3)(b)(6) and (b)(6) all dismounted along with other members of our element with CLS bags. As we got closer to the scene we noticed a fourth casualty which was an infant. I then followed IPs towards a black vehicle which was known to be the victims vehicle. Twenty meters from the vehicle IPs escorted me to see a crater possibly caused by a blast. I then walked back to one of our vehicles where SGT (b)(3)(b)(6) the squad leader was trying to coordinate BCT in charge of the area to get guidances of what they wanted to do about the situation and then returned to my vehicle until the unit arrived. (b)(3)(b)(6)

END OF STATEMENT

Q: SPC (b)(3)(b)(6)
A: SGT (b)(3)(b)(6)

Q: Do you want to add anything to this statement?

A: No (b)(3)(b)(6)

END STATEMENT

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

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

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 BE INDICATED.

STATEMENT OF Justin C. Leon Guerrero (b)(3)(b)(6) TAKEN AT Barwanah IPS, Iraq (b)(3)(b)(6) DATED 2007/10/18

9. STATEMENT (Continued)

NOT USED

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

AFFIDAVIT

I, Justin C. Leon Guerrero (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3)(b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREE OF THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of October, 2007

Barwanah IPS, Iraq

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

ORGANIZATION OR ADDRESS

(Signature)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136(b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF (b)(3)(b)(6) PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
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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.

1. LOCATION Barwanah EPB/Barwanah, Iraq	2. DATE (YYYYMMDD) 2007/10/18	3. TIME (b)(3)(b)(6) 2150	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-5/AA	

8. ORGANIZATION OR ADDRESS
170th Military Police Company

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

On 18 OCT 2007 at approx. 0800 hrs our convoy, Warlord1 and 20 Iraqi Police (IP), left our FOB in Barwanah and headed north to Baji road and the Lake TharThar bridge to look for illegal Traffic Control Points (TCP) that were being conducted along route Phoenix by an unknown number of people. The Iraqi Police led the convoy and made numerous stops along the way searching suspicious vehicles and person for any contraband or intelligence that would lead to the capture of the individual(s) conducting the TCPs. When we reached the end of our battle area we conducted a TCP of our own to stop, search, and question persons driving or (b)(3)(b)(6). We set up the TCP around 1200 hrs and stayed on site until about 1250 hrs. During that time I was out of my vehicle and I heard a single "boom" around 1215 hrs. I looked to the North and about 5 kilometers away I saw a small cloud of black smoke. I thought it was nothing to be concerned about at the time because it was out of our battle space. Then, at approx. 1235 hrs I thought I heard an aircraft fly overhead but I was unsure. At approx. 1230 hrs, I heard another "boom". I had no idea what the "boom" could have been, but I asked an IP about it and he said he thought it was Army Engineers "blowing stuff up". I knew our convoy had to leave soon so I conducted a sensitive item check on all passengers in my vehicle and got in my seat. Then at approx. 1240 hrs I heard a loud explosion and I looked to the same direction as before and I saw a huge cloud of smoke that grew into a mushroom cloud. The explosion looked to be about 5-7 kilometers away. The explosion was out of our battle space so at about 1250 hrs our convoy left the area and headed back to our FOB. At approx. 1300 hrs I received a Blue Force Tracker (BFT) message from (Roll Number) TOC-3BCT-82AB stating " We conducted a CAS engagement at grid (b)(2)High, initial assessment is 2x enemy KIA, 2x EWIA, and 1 enemy V destroyed.....can you confirm BDA". I told my Platoon Sergeant, SFC (b)(3)(b)(6) about it and he told me we had to turn around go back. So our convoy turned around and headed to the grid location given. At about 1315 hrs we arrived on scene. I had our Medic in my vehicle so I told him to go to the site and see if anyone needed medical assistance. While the Medic headed to the scene I grabbed my radio (manpack) and the Medic's big bag in case he needed it. My vehicle was parked about 250 meters from the damage site and once I walked up there I saw 3 dead bodies. 2 males and 1 female. I started to see if I could help out with anything but the SFC (b)(3)(b)(6) said everyone who didn't need to be there to go back to their vehicles. I left the area and went to my vehicle. I started to receive BFT messages from roll numbers I have not heard of. Roll number Main-2mar-2mardiv saying I was in MND-N battle space. I also received a BFT message from PL-SCT-1BN505111-3BCT stating that they were QRF with a call sign of "Tiger 6" and they were enroute to our location. So my convoy waited until the QRF got there. SFC (b)(3)(b)(6) refed "Tiger 6" on what happened and then we left heading back our FOB. We left the AO at approx. 1530 hrs and (b)(3)(b)(6) at COB Ellis to conduct re-fuel OPS at approx. 1730 hrs. We left COB at approx. 1810 hrs and arrived in our FOB at approx. 1820 hrs (b)(3)(b)(6)

Q: SPC (b)(3)(b)(6)

A: SGT (b)(3)(b)(6)

Q: Do you wish to add anything to this statement

A: NO (b)(3)(b)(6)

END OF STATEMENT

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 (b)(3)(b)(6) PAGES
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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 BE INDICATED.

STATEMENT OF (b)(3)(b)(6) TAKEN AT 2150hrs DATED 2007/10/16 (b)(3)(b)(6)

9. STATEMENT (Continued)

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

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

NOT USED
NOT USED

AFFIDAVIT

(b)(3)(b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3)(b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OF

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

g Statement/

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of October, 2007

at Barwanah EPB

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

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

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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

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.

1. LOCATION Barwanah EPB, Barwanah Iraq	2. DATE (YYYYMM) 2007/10/18	3. TIME 1140	4. FILE NUMBER (b)(3)(b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS 1/170TH MILITARY POLICE COMPANY, HADITHA DAM UNIT#73432, APO AE 09808			

(b)(3)(b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 Oct 2007, at 0800hrs my squad which is the Warlord 1 element SP'd on a mission with the Barwanah IP's which was MSR patrol (b)(2)High north to the Tharr Tharr Bridge. We were conducting this patrol at this location and time based on Intel the Barwanah IP's received stating that possible AIF members had been holding ill-legal check points in the area which prevented supplies from entering Barwanah and also maybe connected in a few recent kidnappings. While on patrol of the MSR and surrounding area we stopped random vehicles in the area in order to check ID cards and to perform vehicle searches. We then continued to travel north to grid location (b)(2)High where we stopped again and conducted a snap TCP and used the parallel oil station as cover and concealment. We were on the TCP for about 1 hour when I noticed sounds of what appeared to be aircraft flying above followed by loud booms. At that time everyone within my squad began to question what the blast were and from where did they come. No one at that time had answers due to the fact that the blast were too far away. No more than 5 mins later, I began to hear what appeared to be aircraft fly over head again which was also followed by a loud boom which was immediately followed by another for a total of 3 blast. At the sound of the 3rd blast I noticed a large mushroom appear in the distance directly to our north. At this time I thought nothing of the explosions because I knew it was too far out of our battle space and couldn't respond. Therefore, we began to pack up the TCP and conduct S.I. checks and begin our convoy back to Barwanah EPB. After heading south for about 2,000 on the way back to Barwanah, I received a message via BFT from the 82ndAB telling me to go to the blast site and conduct a BDA. At that time we turned around and headed back north to the blast site at which time the IP's were stopped by nationals on the side of the road who stated that there were people possibly hurt at the site. Upon arrival at the site, my convoy stopped and conducted sweeps and searches of the area and then proceeded on foot. When I got to the scene, SP (b)(3)(b)(6) and SP (b)(3)(b)(6) were already there at which time I asked them if any of the nationals that were lying on the ground were still alive. They both then told me that all 4 nationals were dead. I then continued up and to the nationals and began my own evaluation and noticed that all 4 were in fact were dead. I then continued to sweep the area and noticed that a car was pulled over to the side of the road with no occupants aboard. I then walked over to the car and began to search it for anything that might link it to possible AIF active. Upon completion of my search it yielded negative results and all that was found was clothing and baby supplies which appeared to have been recently bought on a shopping trip. I then proceeded back to my truck and began to send up the reports requested from the 82ndAB via BFT. The 82ndAB then advise via BFT that they had engaged based on reasons that occupants from the vehicle had fired on a coalition tower and to complete the BDA. They then stated that a QRF was responding to our area in order to investigate the recent engagement. My element then continued to collect pictures and conduct SSE until we were relieved by an element from the 82AB. I then returned back to Barwanah. (b)(3)(b)(6)

Q: SPC(P) (b)(3)(b)(6)
A: SGT (b)(3)(b)(6)

Q: IS there anything you would like to add to this statement?
A: NO (b)(3)(b)(6)

/// End of statement ///

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

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT Barwanah EPB DATED 2007/10/18 (b)(3)(b)(6)

9. STATEMENT (Continued)

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3)(b)(6). I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of October, 2007

St Barwanah EPB

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

ng Oath)

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

(Typed Name of Person Administering Oath)

ART 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)

PAGE 2 OF (b)(3), (b)(6) PAGES

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.

1. LOCATION Barwanah EPB, Barwanah Iraq	2. DATE (YYYYMMDD) (b)(3)(b)(6) 07/10/18	3. TIME (b)(3)(b)(6) 142	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-4/SPC	

8. ORGANIZATION OR ADDRESS
1/170TH MILITARY POLICE COMPANY

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

On 17 October 2007 1st Sqd Warlord 1 Element cleared Kilo 1 in route for (b)(2)High route clearance with the Iraqi Police in search of illegal check points. Around 1300 hrs we arrived at are LOA. We set are check point up and IPs began there searches and meet and greet with the community. At or about 1430 hrs we heard multiple explosions and frequent airplane fly bys. As we wrapped up are checkpoint we then recieved a blue force message from one of the 82nd elements. That message indicated that we needed to proceed to the blast area and conduct a BDA. Upon arrival to the scene Sp (b)(3)(b)(6) Sp (b)(3)(b)(6) Sp (b)(3)(b)(6) and myself were the first on scene to discovered 4 mangled bodies due to major shrapnel wounds. The area was covered in scrap metal and holes due to the air strike. We then exploited the site and waited for QRF to come out and assess the situation. We returned to Kilo 1 and called RB (b)(3)(b)(6)

Q: Sp (b)(3)(b)(6)

A: SPC (b)(3)(b)(6)

Q: Do you want to ADD ANYTHING TO THIS STATEMENT?

A: No (b)(3)(b)(6)

||| END OF STATEMENT |||

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF (b)(3)(b)(6) PAGES
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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 BE INDICATED.

9. STATEMENT (Continued)

NOT
(b)(3)(b)(6)

AFFIDAVIT

(b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3)(b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of October, 2007

at Barwanah EPB

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

(b)(3)(b)(6)
(Typed Name of Person Administering Oath)

ART 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES (b)(3)(b)(6)

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 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: Barwanah Police Station, Barwanah, Iraq
2. DATE: 2007/10/18
3. TIME: 2330
4. FILE NUMBER: (b)(3)(b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-5/ SGT
8. ORGANIZATION OR ADDRESS: 170TH MILITARY POLICE COMPANY/ BARWANAH PTT, BARWANAH, IRAQ

I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 18 October 2007, at approximately 0800 hrs, I being the medic for the Warlord 1 element SP'd with them and the Barwanah Police to Baji Road. I was in the vehicle with SFC (b)(3)(b)(6) SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) and PV2 (b)(3)(b)(6) while they set up check points along Baji Road. My seat was the right, rear of our M1114. SFC (b)(3)(b)(6) SGT (b)(3)(b)(6) and myself had just finished looking at a suspicious looking well and had returned to our vehicle. Our vehicle was facing west towards Baji Road. The At approximately 1430 hrs our vehicle was parked, I heard an explosion and looked to my 3 O'clock position. I saw a small cloud and alerted SGT (b)(3)(b)(6) to what I saw. About a minute or 2 later I saw a much larger white cloud followed by a larger explosion from my 3 O'clock position and pointed it out to SFC (b)(3)(b)(6) and SGT (b)(3)(b)(6) thought that they might have been IEDs or VBIEDs, and questioned SGT (b)(3)(b)(6) if they were from US forces. He said that it was US forces. PV2 (b)(3)(b)(6) moved our vehicle so that it faced northeast towards the mushroom cloud. About 5 to 10 minutes later we moved back to Baji Road facing south bound towards Barwanah. About 15-20 minutes later after the Barwanah Police finished getting ready to head back to Barwanah we proceeded back to Barwanah about 2-5 clicks. SGT (b)(3)(b)(6) received a Blue Force message asking for us to do a BFA of the area, stating that there were 2 enemy KIAs, 2 enemy WIAs, and 1 destroyed vehicle. We then turned around with the IPs and headed to the scene of the explosion. Once arriving at the scene we were the trailing vehicle and took up rear position on Baji Road. I was then instructed to grab my aid bag and proceed to where the casualties were. I entered the location from the south, southeast and immediately inquired to the casualties status. I was told that they were all KIA. I then started evaluating them to verify that they were in fact KIA. I found 2 male adults, 1 female adult, 1 infant child who were all KIA with shrapnel trauma. The adults had obvious abdominal wounds, the infant had an amputated hand, abdominal wound, and was cyanotic. They appeared to be some distance from their vehicle. There were no weapons present or anything indicating hostile intent or hostile action at the scene. I noticed that there were pieces of what looked like ceramic shrapnel from the munition used all around the scene. Once my evaluation was over, I returned to my vehicle and waited for the QRF force to arrive. About 1 hour later, Tiger 6, the QRF force arrived, was back briefed by SFC (b)(3)(b)(6) and then we departed the scene. The IPs took the victims and their vehicle back to Barwanah and we followed shortly afterward. We arrived back in Barwanah after refueling at COP Ellis approximately 1830 hrs. (b)(3)(b)(6)

Q: SPC (b)(3)(b)(6)
A: SGT (b)(3)(b)(6)

Q: Do You Want To Add Anything To This Statement?
A: No
MI (b)(3)(b)(6) END OF STATEMENT 111

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.

005706

9. STATEMENT (Continued)

Not Used
(b)(3)(b)(6)

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3)(b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of OCTOBER, 2007 at BARWANAH IPS

(b)(3)(b)(6) _____
(Typed Name of Person Administering Oath)

(b)(3)(b)(6) _____
(Typed Name of Person Administering Oath)

ART. 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)

PAGE 2 OF 2 PAGES (b)(3)(b)(6)

**Kinetic Strike
Ninja 2-6/2-7**

112218OCT2007

(b)(2)High (b)(2)High



UNCLASSIFIED

SECRET//REL USA, MCFI

(b)(2)High

- 1113- a SAF attack was initiated on OP 9 on FOB Summerland in the Salah Ad Din province. Vicinity (b)(2)High
- OP 9 reported rounds of SAF from 2x UE that dismounted 1x 4 door black sedan. OP 9 reported NIDE.
- RAID Aerostat attained PIED and tracked the vehicle moving southwest on (b)(2)High
- The vehicle fled southwest on (b)(2)High at a high rate of speed.
- CAS on station (b)(2)High was tasked with reducing the UE threat.
- CAS obtained PID after a battle hand over with the RAID Aerostat system. The UE's vehicle continued at a high rate of speed and passed multiple vehicles as it continued south. CAS was given clearance to engage the UE vehicle with 1x AGM 65 (Maverick) with no effect.
- The UE vehicle continued to travel southwest and was engaged with 2x GBU12's. The first one had no effect on the target. The second GBU-12 struck the rear of the vehicle sending shrapnel into the vehicle effectively disabling the UE vehicle.
- 4x UE pax were observed exiting the vehicle moving west on foot.
- TF 1-505 ground commander cleared a 4th engagement with 1x GBU-38 (air burst) on dismounted UE pax.
- Initial BDA: observed 2x UE pax believed to be KIA with 2x UE continuing to flee the area. Ground force commander approved a final strafe on the remaining 2x UE pax. However, strafe was aborted after 2x remaining pax were observed to be a female and adolescent child.
- Tiger 6 (ORF, SCT/1-327) was dispatched to site to confirm BDA.
- Tiger 6 reported 4 x UE KIA and 2 x UE WIA. The 2 x WIA were taken to a (b)(6) Hospital by LNs prior to QRF arriving on scene.
- IP on site recovered the remains of the UE KIA and the vehicle.

(b)(2)High

(b)(2)High

SIGACT Report

Title: (ENEMY ACTION) DIRECT FIRE RPT (Small Arms) (b)(2)High 2
AIF KIA

Tracking Number: (b)(2)High Report Precedence: Routine
REL

Classification: SECRET Releasability: USA,
MCFI

Reporting Unit Name: MND-NORTH OPS LNO Report Source: Coalition

SPOT Section

Unit Name Involved: (b)(2)High Call Sign: Not Reported

Type of Involved Unit: CF Involved Unit Activity: Not Reported

DTG of Incident (Local Time): 2007-10-18
11:13:00.0 Battlespace Lead: Coalition

Location

MGRS: (b)(2)High Route: Not Reported

Events

Event Type: Enemy Action Modes Of Attack: Small Arms,
Event Category: Direct Fire

Coordinated Attack: No

Complex Attack: No

Counter Attack: No

Summary: 3/82 10:322

(b)(2)High

1-505 PIR

Initial Report:

At 181113OCT2007, A SAF attack was initiated on OP 9 on FOB Summerall, (b)(2)High, in the SALAH AD DIN Province, BAYJI (b)(2)High reported 5 rounds of SAF from 2x UE that dismounted 1x 4 door black sedan. (b)(2)High reported NIDE.

The vehicle fled southwest on (b)(2)High at a high

rate of speed. CAS was on station (Ninja 25 / 26, 2x F-16 CGs). CAS obtained PID and engaged with 1x AGM 65 with no effect.

Vehicle continued to travel southwest and was engaged with 2x GBU12s. The first one had no effect and the second one struck the rear of the vehicle sending shrapnel into the vehicle. 4x pax exited the vehicle moving west on foot.

The last engagement was 1x GBU 38 (air burst) resulting in 2x UE KIA, and lost PID on the two other pax. QRF was dispatched to the site to assess BDA.

MTF.

Enemy			Coalition			Civilian			Host Nation		
WIA	KIA	DET	WIA	KIA	ABD	WIA	KIA	ABD	WIA	KIA	ABD
0	2	0	0	0	0	0	0	0	0	0	0

CCIR Status

Casualty Details

Battle Roster Number:

Force Type: AIF

Nationality: Not Reported

Category: Not Reported

Affiliation: Enemy

Casualty Type: KIA

Position: Not Reported

Wound Points: None Reported

Target(s) of Attack

Precedence Primary

Affiliation: Coalition

Details: Base/Station

Type: Type:Coalition

Sect: Not Reported

Nationality: UNITED STATES

Status: Unaffected

Description: Not Reported

Vehicle/Convoy Details

Number of Vehicles: 0

Convoy Speed: 0
MPH

Distance Between Vehicles: 0 Meters

Nearest ECM Dist to IED: 0 Meters

Nearest ECM Dist to Vehicle Struck: 0 Meters Other Countermeasures on Vehicle Struck: Not Reported
Vehicle Summary: Not Reported

Individual Vehicle Details

Media