



UNITED STATES MARINE CORPS

MULTI NATIONAL FORCE - WEST
I MARINE EXPEDITIONARY FORCE (FORWARD)
UIC 42510
FPO AP 96426-2510

IN REPLY REFER TO:

(b)(2)High

MAY 07 2008

THIRD ENDORSEMENT on 1stLt (b)(3), (b)(6) PrelimInq 5800 CO I of
22 Feb 06

From: Commanding General, I Marine Expeditionary Force
(Forward)

To: Staff Judge Advocate (File)

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED ON 19 FEBRUARY 2006, IN VICINITY OF
(b)(6) IRAQ INVOLVING MARINES OF INDIA COMPANY,
3RD BATTALION, 6TH MARINES RESULTING IN THE DEATH OF ONE
MALE IRAQI CITIZEN

1. I have reviewed the subject investigation and find it in compliance with reference (a). I approve the findings of fact and recommendations of the investigating officer as endorsed by the Commanding Officer, Regimental Combat Team 7.

2. I specifically find that the Marines involved acted within the rules of engagement and escalation of force procedures.

3. Unfortunately, as his commanders' note, not enough was done for this young Marine and his patrol to ensure success. The lack of flash bangs, pen flares, dazzlers or even a readily accessible M16 with tracers necessitated disabling shots before otherwise necessary. The several pages of commanders' perceptive and appropriate recommendations may be summed up accordingly: ensure proper training and equipping of Marines. No further investigation is warranted.

ROBERT B. NELLER
Deputy Commanding General

Copy to:
CO, RCT-7 (endo only)
CO, 3dBn, 6thMar (endo only)
IO, 1stLt (b)(3), (b)(6) (endo only)
File



UNITED STATES MARINE CORPS
REGIMENTAL COMBAT TEAM 7
I MARINE EXPEDITIONARY FORCE (FWD)
UNIT 41505
FPO AP 96426-1505

TO APPLY HERE TO:

(b)(2)High

MAR 1 2 2006

SECOND ENDORSEMENT on 1stLt (b)(3), (b)(6) PrelimInqRpt ltr 5800 CO I
Of 22 Feb 06

From: Commanding Officer
To: Commanding General, I Marine Expeditionary Force (Fwd)

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED ON 19 FEBRUARY 2006, IN VICINITY OF (b)(6)
IRAQ INVOLVING MARINES OF INDIA COMPANY, 3RD BATTALION, 6TH
MARINES RESULTING IN THE DEATH OF ONE MALE IRAQI CITIZEN

Ref: (e) RCT-2 FragO 0194-05 [Updated Escalation of Force
Procedures and Recommended TTPs for Vehicle
Checkpoints, Convoys, Patrols, and Entry Control
Points]

1. Forwarded. The subject line has been modified to more accurately describe the subject incident. The via line has been changed to reflect the assumption of command of Regimental Combat Team 7.

2. I have reviewed the subject preliminary inquiry in its entirety. I concur with the Investigating Officer's findings and the Commanding Officer, 3rd Battalion, 6th Marines, as modified below.

3. After careful review of the preliminary inquiry, I agree with the opinions of the Investigating Officer and the Battalion Commander and find that the rules of engagement and escalation of force procedures were complied with during this incident. The speed of the subject vehicle, its eradicate swerving movements, its failure to heed the red warning flag, and its possible similarity to a previously identified SBVIED vehicle all combined to create the appearance of hostile intent. Additionally, the rapid closing rate of the subject vehicle coupled with the number of pedestrians observed in the area limited LCpl (b)(3), (b)(6) options short of engaging with disabling fire. Escalation of force measures are not a checklist that must be mechanically followed regardless of the circumstances. They are procedures whose execution are dependant on the situation, terrain, threat, and availability of assets. Based

006937

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED ON 19 FEBRUARY 2006, IN VICINITY OF (b)(6)
IRAQ INVOLVING MARINES OF INDIA COMPANY, 3RD BATTALION, 6TH
MARINES RESULTING IN THE DEATH OF ONE MALE IRAQI CITIZEN

on the situation as it appeared to LCpl (b)(3), (b)(6), he was justified in firing disabling shots at the vehicle as an exercise of individual and unit self-defense under the rules of engagement and escalation of force procedures in effect at the time.

(b)(5), (b)(3), (b)(6), (b)(2)High

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

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED ON 19 FEBRUARY 2006, IN VICINITY OF (b)(6)
IRAQ INVOLVING MARINES OF INDIA COMPANY, 3RD BATTALION, 6TH
MARINES RESULTING IN THE DEATH OF ONE MALE IRAQI CITIZEN

(b)(5)

6. I direct that Corporal (b)(3), (b)(6) and Corporal (b)(3), (b)(6) be informally counseled for their leadership failures as the patrol leader and vehicle commander respectively. Proper pre-combat inspections prior to the commencement of the patrol would have revealed that Lance Corporal (b)(3), (b)(6) rifle was in the back seat of the HMMWV and thus unavailable for use during an escalation of force incident.

6. I concur with the \$2500 CERP payment made to the family of the deceased.

7. No further investigation into this matter is warranted.

8. My point of contact on this matter is the Regimental Judge Advocate, Lieutenant Colonel (b)(3), (b)(6) Lieutenant Colonel (b)(3), (b)(6) can be reached via email at (b)(3), (b)(6), (b)(2) High

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

Copy to:
CO, 3d Bn, 6th Mar



UNITED STATES MARINE CORPS

3D BATTALION, 6TH MARINES
CAMP AL QA'IM IRAQ
UNIT 73290
FPO AE 09509-3290

IN REPLY REFER TO:

(b)(2)High

20 Feb 06

FIRST ENDORSEMENT on First Lieutenant (b)(3), (b)(6) Preliminary Inquiry
ltr 5800 dtd on 20 Feb 06

From: Commanding Officer
To: Commanding General, 2d Marine Division
Via: Commanding Officer, 2d Marine Regiment

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
THAT OCCURRED ON 19 FEBRUARY 2006 IN THE VICINITY OF
(b)(6) IRAQ, INVOLVING COMPANY I, 3D BATTALION, 6TH
MARINES, RCT-2, RESULTING IN THE DEATH OF ONE MALE IRAQI
CIVILIAN.

1. Forwarded. I have reviewed the subject inquiry in its entirety.
2. I concur with the findings of fact, opinions, and recommendations of the Investigating Officer. Specifically, I find that the Marines complied with the escalation of force (EOF) procedures and the death of the Iraqi civilian was not a violation of the Rules of Engagement or the Law of Armed Conflict.
3. When the civilian SUV was first spotted, at approximately 400 meters, the Marines stopped their HMMWV in an attempt to get the attention of the driver and signal him to stop. At approximately (b)(6) meters, the gunner began waving the red signal flag. The civilian driver disregarded the warning signals and failed to stop, slow his vehicle, or alter his course. As the vehicle continued to approach, the gunner was directed to fire warning shots toward the oncoming vehicle. There were numerous civilians on the side of the road and the Marine was concerned about injuring innocent bystanders. Rather than attempt to fire warning shots with his M240G, the gunner decided to use his 9mm pistol to fire warning shots. The gunner believed that any ricochet damage caused by a (b)(2)High ground would be less severe than that of a (b)(2)High
4. As the gunner attempted to draw his pistol, the civilian vehicle continued to approach the HMMWV and was swerving from side to side. Due to the speed of the oncoming SUV and its proximity

006940

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED ON 19 FEBRUARY 2006 IN THE VICINITY OF (b)(6) IRAQ, INVOLVING COMPANY I, 3D BATTALION, 6TH MARINES, RCT-2, RESULTING IN THE DEATH OF ONE MALE IRAQI CIVILIAN.

(b)(6) meters) to the patrol, the gunner abandoned his efforts to draw his pistol and believed he needed to escalate to disabling shots in order to bring the vehicle to a halt. The gunner fired disabling shots with his M240G toward the grill of the oncoming vehicle, but unfortunately, one of these rounds struck the windshield and killed the driver.

5. The incident was tragic, but the Marines were in compliance with the escalation of force requirements as outlined in the (b)(6) (b)(6) and Battalion Order (b)(6). The patrol occurred in a built up area where civilian bystanders were present. Per (b)(6) (b)(6) handheld pyrotechnics are not to be used in these areas. The Marine was concerned about civilian casualties and did not want to fire (b)(2)High warning shots into the deck where they could cause injury to innocent bystanders. The vehicle was speeding toward the patrol at approximately 40 - 50 mph. The civilian SUV was also driving erratically, swerving from side to side as it approached the HMMWV. Due to recent Suicide Vehicle Borne Improvised Explosive Device (SVBIED) attacks in the area, a BOLO that matched the description of the civilian SUV and the strange behavior of the vehicle, the Marines believed that this vehicle constituted a viable threat and felt that disabling shots were necessary in order to bring the vehicle to a stop. The Marine did not intend to kill the driver and the death was an unfortunate accident resulting from an errant disabling shot.

6. There are several points that need to be addressed:

(b)(5)

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED ON 19 FEBRUARY 2006 IN THE VICINITY OF (b)(6) IRAQ, INVOLVING COMPANY I, 3D BATTALION, 6TH MARINES, RCT-2, RESULTING IN THE DEATH OF ONE MALE IRAQI CIVILIAN.

(b)(5)

b. Warning shots need to be fired with tracer rounds. Although Marines should try to use the smallest caliber weapon reasonable under the circumstances in order to minimize collateral damage, tracer rounds are required because they increase the visibility of warning shots. Warning shots should not be fired with 9mm because (b)(2)High rounds are not available for that weapon.

7. All Company Commanders and other commanders of 3rd Battalion, 6th Marines and supporting units are hereby directed to do the following:

a. Continue to train Marines and reinforce the escalation of force guidelines outlined in (b)(2) High and the (b)(2) High (b)(2) High

b. Disseminate pyrotechnics, pin flares, "flash bangs", red flags, lazer dazzlers, flash lights and other attention getting devices throughout all vehicles on a mounted patrol. Leaders need to consider the types of environment in which the patrols will be operating. Leaders also must ensure that warning devices are situated in the vehicle so that they are easily accessible to the Marines who need to employ them.

c. Continue to provide ongoing training on escalation of force procedures at the Battalion, Company, Platoon and Squad levels including EOF fact scenarios.

8. The Iraqi male, (b)(6), was shot with a single 7.62 round through the throat. He was immediately treated by a corpsman, however, he was pronounced dead as a result of air asphyxiation and massive blood loss. He was then placed into a body bag and turned over to Iraqi personnel.

9. CW04 (b)(3), (b)(6) 6th CAG, made a CERP condolence payment to the family of the deceased on 21 February, 2006 in the amount of

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MARINES, RCT-2, RESULTING IN THE DEATH OF ONE MALE IRAQI
CIVILIAN.

\$2500.00 in order to express our sincere regret for this
unfortunate event.

10. No further investigation warranted.

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

Copy to:
File
2d Marine Regiment



UNITED STATES MARINE CORPS

INDIA COMPANY
3D BATTALION 6TH MARINES
CAMP AL QA'IM IRAQ
UNIT 73290
FFO AE 09509-3290

IN REPLY REFER TO:

(b)(2)High

22 Feb 06

From: 1st Lieutenant (b)(3), (b)(6) USMC
To: Commanding Officer

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

Ref: (a) JAGINST 5800.7C (JAGMAN)
(b) FRAGO 183 [23 JUL 05 DTU] TO MNC-I OPORD 05-02
(c) FRAGO 388 [10 NOV 05 DTU] TO MNC-I OPORD 05-02
(d) MNF-W FRAGO 379-05 [Reporting and Investigation Requirements for Escalation of Force]

- Encl: (1) Letter of Appointment
- (2) SPOT REPORT 191325C FEB 06
- (3) Photographs of scene
- (4) Summary of interview, Corporal (b)(3), (b)(6)
- (5) Summary of interview, Lance Corporal (b)(3), (b)(6)
- (6) Summary of interview, PFC (b)(3), (b)(6)
- (7) Witness statement & diagram of scene, Corporal (b)(3), (b)(6)
- (8) Witness statement & diagram of scene, Lance Corporal (b)(3), (b)(6)
- (9) Witness statement & diagram of scene, PFC (b)(3), (b)(6)
- (10) Witness statement HN (b)(3), (b)(6)

1. In accordance with references (a) and (b), I was appointed to conduct a Preliminary Inquiry into the facts and circumstances surrounding the escalation of force (EOF) that occurred vicinity of grid (b)(2)High on 20060219, involving Marines of Weapons Platoon, India Company, 3d Battalion, 6th Marines, and resulting in the death of an Iraqi civilian.

2. On 20060219 between 1200-1300, a section of 4 gun trucks manned by Marines from Weapons Platoon, India Company were conducting a mounted patrol in northern (b)(6). The patrol traveled north on Route (b)(2)High and preceded eastbound on Route (b)(2)High, with the lead gun truck signaling all oncoming traffic to stop and pull to the side of the road. Once all oncoming traffic had stopped, the lead gun truck continued to head east on Route (b)(2)High and then south on Route (b)(2)High. The second gun truck, commanded by Corporal (b)(3), (b)(6) was facing east in the center of (b)(2)High with the remaining 2 vehicles in the patrol trailing behind. At this time, a (b)(6) land cruiser appeared, heading westbound towards the mounted patrol on Route (b)(2)High roughly (b)(6) meters out. Corporal (b)(3), (b)(6) ordered his driver, PFC (b)(3), (b)(6) to stop their gun truck in order to signal the (b)(6) to stop, so the rest of the patrol could proceed safely down Route (b)(2)High. Without showing any signs of slowing down, the (b)(6) continued to head west on (b)(2)High at an approx. speed of 40-50 mph. Once the (b)(6) was (b)(6) meters away from the mounted patrol, Corporal (b)(3), (b)(6) immediately notified his gunner, Lance Corporal (b)(3), (b)(6) to signal the vehicle to stop. Lance Corporal (b)(3), (b)(6) began to wave his signal flag back and forth from his turret, motioning the oncoming vehicle to stop. At this time, all of the

SUBJ: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

Marines in Corporal (b)(3), (b)(6) vehicle observed the (b)(6) begin to swerve erratically from left to right maintaining the same speed and momentum towards their gun truck. Lance Corporal (b)(3), (b)(6) did not choose to grab the white star pop-up within his vehicle as an alternate means of signaling the driver, because he could not get to it in time. The white star pop-up was secured underneath the hatch of the turret behind him, and the pen-flares were with the gunner in lead vehicle. When the (b)(6) closed within (b)(6) meters, Corporal (b)(3), (b)(6) ordered Lance Corporal (b)(3), (b)(6) to fire warning shots at the vehicle. Lance Corporal (b)(3), (b)(6) attempted to draw his M9 pistol for warning shots because he did not have his rifle up in the turret with him. His rifle was located inside the vehicle. While going to draw his pistol, Lance Corporal (b)(3), (b)(6) continued to signal the oncoming (b)(6) to stop. When the (b)(6) closed within (b)(6) meters, Lance Corporal (b)(3), (b)(6) abandoned the action of drawing his pistol and immediately went to his M240G to fire disabling shots into the grill of the vehicle. Lance Corporal (b)(3), (b)(6) fired a burst of (5) (b)(2)High rounds into the grill of the vehicle including (1) (b)(2)High round that went through the windshield of the vehicle. The driver of the (b)(6) ducked down underneath his dashboard when the rounds impacted into the front of his vehicle. The (b)(6) swerved south off the main road and impacted into a building.

3. Corporal (b)(3), (b)(6) Patrol Leader, was leading a vehicle-mounted area patrol with 4 gun trucks, 12 Marines, 1 Corpsman, and 2 Iraqi soldiers covering central (b)(6) from the 86 easting to the 88 easting. The patrol headed north up (b)(2)High and then continued east on Route (b)(2)High. The patrol was beginning to continue south down Route (b)(2)High when the (b)(6) began to drive towards their patrol on (b)(2)High.

4. All Marines in this EOF incident have attended multiple classes and periods of instruction on EOF/ROE before deploying to Iraq, and have attended multiple EOF/ROE periods of instruction since being in Iraq. The Marines involved were given an EOF/ROE period of instruction for the month of February before the incident occurred, and have signed company rosters documenting their attendance.

5. After the 5 round burst, the car veered to the south side of the road impacting into a building. The driver of the vehicle was the only occupant, and he was lying down underneath the dashboard of the vehicle. Corporal (b)(3), (b)(6) and HM (b)(3), (b)(6) the platoon corpsman, were the first on the scene after the collision. HM (b)(3), (b)(6) checked for breath and pulse of the driver and found neither. There was a single shot from a (b)(2)High round to the driver's throat. HM (b)(3), (b)(6) determined that the cause of death to the occupant, (b)(6), was from air asphyxiation and massive blood loss. The 4 gun trucks within the patrol provided 360 security, while the platoon commander, 1st Lt (b)(3), (b)(6) took pictures of the driver and vehicle. The body was placed in a body bag and loaded into the back of a high back.

6. I believe the EOF measures employed in this incident were adequate considering the threatening posture of the (b)(6) and the large presence of the local populace on the street. The driver of the (b)(6) (b)(6) was driving in an erratic nature, swerving in and out down the center of Route (b)(2)High and made no attempt towards slowing or stopping his vehicle. This coupled with the fact that all the other vehicles on (b)(2)High

SUBJ: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

were halted to the side of the road, and Lance Corporal (b)(3), (b)(6) was signaling with his red flag from the center of (b)(2)High makes the actions of the driver highly suspicious. The prevalent and recent incidents of Vehicle Born Improvised Explosive Devices (VBIEDs) in and around (b)(6) have created a heightened security level in patrols that leave the wire. The incidents of VBIEDS in our area of operations have usually involved the driver as the only occupant in the vehicle. The (b)(6) matched the description of a BOLO that was passed to the patrol prior to them going out. All of these factors coupled with the erratic swerving of the vehicle and its failure to heed the warning flag from the gun truck made the (b)(6) appear to be a viable threat. I believe Lance Corporal (b)(3), (b)(6) was justified in directly using disabling shots because of the rapidly closing distance between him and the vehicle, and the limited time he had to react. However, Lance Corporal (b)(3), (b)(6) could have set himself up for success by ensuring his white star pop-up and rifle were made more accessible. Both should have been within arms reach up in the turret with him. The pen-flares, normally utilized in patrols, were with the lead vehicle, which was already south down Route Oklahoma. Lance Corporal (b)(3), (b)(6) was unable to use the M240G for warning shots because of the close proximity of bystanders to the vehicle. The threat of (b)(2)High rounds ricocheting off of the deck and into the crowds of Iraqis on either side of the road was very probable. He had to make a decision to resort to a lower caliber weapon, his only option being his pistol. While he attempted to draw his pistol, the oncoming (b)(6) had already crossed his limit of advance for warning shots. At this point, Lance Corporal (b)(3), (b)(6) had no choice but to resort immediately to disabling shots. I believe there was no violation of ROE.

7. Measures are being implemented in order to prevent further occurrences of this incident, in addition to the procedures already in place. The town leadership has been told before, and was reminded after this incident, to ensure that the civilians who drive are aware that foot mobile and vehicle patrols are conducted on a daily basis throughout the city and to make sure they are paying attention and pull off of the road when signaled to do so. The patrol should have used the additional measures at their disposal (i.e. hand held pyrotechnics) to attempt to stop the vehicle before having to fire warning shots or disabling shots. The gunner should have ensured that he had an alternate means of firing warning shots quickly at his disposal besides his 9mm pistol. As per the SOP for EOF within the battalion, (b)(2)High are the preferred choice for making warning shots. If the gunner had his rifle easily accessible, than he could have utilized it quickly to fire warning shots at the vehicle.

8. The family of (b)(6) was contacted and paid a CERP condolence payment of \$2,500 on 20060221 by CWO4 (b)(3), (b)(6), 6th CAG.

9. The cause of this incident was the failure of the driver of the vehicle to stop after the waving of a warning flag. The methods that were utilized in this incident are the basic methods used by every foot mobile and vehicle patrol that leaves the wire. The gunner should have ensured that he had other alternate means of signaling and firing warning shots in order to mitigate the situation. Most vehicles respond to the waving of a signal flag, and usually stop their vehicles immediately before warning shots are fired. Due to previous incidents that have occurred within the vicinity of (b)(6)

SUBJ: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED
IN THE VICINITY OF (b)(2)High ON 20060219, INVOLVING MARINES
OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

there is a heightened security in patrols when they leave the wire. As a result, patrols will fire disabling shots in an attempt to halt a vehicle when it fails to stop after a warning flag and warning shots in order to prevent it from getting too close to the patrol. In this case, the gunner was unable to fire warning shots because of the close proximity of bystanders to the vehicle, the rate of speed that the vehicle was traveling, and his inability to reach for his rifle in time.

10. After reviewing all statements and all interviews given by Marines and Corpsman involved in this incident, it is my opinion that no further investigation is required. The gunner on this patrol followed the SOP set for EOF incidents as best he could. Given the time constraints of the situation, the gunner utilized what effective and adequate measures he had in order to stop the approaching vehicle prior to firing disabling shots. The disabling shots were aimed at the grill of the vehicle, and not at the driver. Lance Corporal (b)(3), (b)(6) fired a burst of (5) (b)(2)High rounds, and the (1) (b)(2)High round unintentionally went through the windshield hitting the driver in the throat as he ducked beneath the dashboard.

11. Please direct any further questions to First Lieutenant (b)(3), (b)(6)
(b)(3), (b)(6) Executive Officer, India Company, Third Battalion, Sixth Marines.

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



UNITED STATES MARINE CORPS
3D BATTALION 6TH MARINES
CAMP AL'QAIM IRAQ
UNIT 73290
FPO AE 09509-3290

IN REPLY REFER TO:

(b)(2)High

20 Feb 06

From: Commanding Officer, 3d Battalion, 6th Marines
To: 1stLt [REDACTED] (b)(3), (b)(6) USMC

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE THAT
OCCURRED ON 19 FEBRUARY 2006 IN THE VICINITY OF
[REDACTED] (b)(6), IRAQ, INVOLVING COMPANY I, 3D BATTALION, 6TH
MARINES, RCT-2, RESULTING IN THE DEATH OF ONE MALE IRAQI
CIVILIAN.

Ref: (a) JAGMAN

1. This appoints you, per Chapter II of the reference, to inquire into the facts and circumstances surrounding the escalation of force that occurred on 19 February 2006 in the vicinity of Karabilah, Iraq, involving Company I, 3d Battalion, 6th Marines, RCT-2, resulting in the death of one male Iraqi Civilian.
2. Investigate the injuries, and any fault, neglect, or responsibility therefore, and recommend if a command investigation is warranted. Report your personnel contacted, materials reviewed, summary of findings, and recommendations in letterform by 23 February 2006, unless an extension is granted. If you have not previously done so, read Chapter II of the reference in its entirety before beginning your investigation.
3. You may seek legal advice from Capt [REDACTED] (b)(3), (b)(6) Judge Advocate, 3d Battalion, 6th Marines, [REDACTED] (b)(6) Iraq, during the course of your investigation.
4. By copy of this appointing order, Adjutant, 3d Battalion, 6th Marines is directed to furnish necessary clerical assistance.

[REDACTED] (b)(3), (b)(6)

Copy to:
FILES
RCT-2

006948

SPOTREP

LINE 1: 3/6

LINE 2: At 191325C FEB 06, I/3/6 was involved in an EOF IVO (b)(2)High (b)(2)High while conducting a mounted patrol in (b)(6) I/3/6 was moving E on ASR (b)(2)High when a (b)(6) (b)(6) approached. At (b)(6), the gunner on the lead vehicle waved a red flag in an attempt to signal the truck to stop. When the lead vehicle turned S onto PL (b)(6) the gunner on the second vehicle in the patrol continued waving a red flag. The (b)(6) did not stop. The gunner did not fire warning shots due to the large number of civilians in the area. At (b)(6), the gunner fired disabling shots. The gunner fired a burst of (5) (b)(2)High rounds, including (1) (b)(2)High intending to disable the vehicle, but unintentionally had (1) round strike the MAM in the throat. As a result, the MAM, (b)(6) DOW. He was the only occupant of the vehicle. The (b)(6) was searched with NSTR. The vehicle commander of the vehicle from which the shots were fired reported that the MAM had been driving erratically and swerving as he approached at a high speed. The MAM's home address was on his ID and his body was taken to his family. No casualties or damages reported.

LINE 3: 191325C FEB 06

LINE 4: (b)(2)High

LINE 5: None

LINE 6: None

LINE 7: N/A



UNITED STATES MARINE CORPS

INDIA COMPANY
3D BATTALION 6TH MARINES
CAMP AL QA'IM IRAQ
UNIT 73290
FPO AE 09509-3290

IN REPLY REFER TO:

(b)(2)High

22 Feb 06

From: 1st Lieutenant (b)(3), (b)(6) USMC
To: Commanding Officer

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

Ref: (a) JAGINST 5900.7C (JAGMAN)
(b) FRAGO_183 [23 JUL 05 DTU] TO MNC-I OPORD 05-02
(c) FRAGO 388 [10 NOV 05 DTU] TO MNC-I OPORD 05-02
(d) MNF-W FRAGO 379-05 [Reporting and Investigation Requirements for Escalation of Force

- Encl: (1) Letter of Appointment
- (2) SPOT REPORT 191325C FEB 06
- (3) Photographs of scene
- (4) Summary of interview, Corporal (b)(3), (b)(6)
- (5) Summary of interview, Lance Corporal (b)(3), (b)(6)
- (6) Summary of interview, PFC (b)(3), (b)(6)
- (7) Witness statement & diagram of scene, Corporal (b)(3), (b)(6)
- (8) Witness statement & diagram of scene, Lance Corporal (b)(3), (b)(6)
- (9) Witness statement & diagram of scene, PFC (b)(3), (b)(6)
- (10) Witness statement (b)(3), (b)(6)

1. In accordance with references (a) and (b), I was appointed to conduct a Preliminary Inquiry into the facts and circumstances surrounding the escalation of force (EOF) that occurred vicinity of grid (b)(2)High on 20060219, involving Marines of Weapons Platoon, India Company, 3d Battalion, 6th Marines, and resulting in the death of an Iraqi civilian.

2. On 20060219 between 1200-1300, a section of 4 gun trucks manned by Marines from Weapons Platoon, India Company were conducting a mounted patrol in northern (b)(6). The patrol traveled north on Route (b)(2)High and preceded eastbound on Route (b)(2)High with the lead gun truck signaling all oncoming traffic to stop and pull to the side of the road. Once all oncoming traffic had stopped, the lead gun truck continued to head east on Route (b)(2)High and then south on Route (b)(2)High. The second gun truck, commanded by Corporal (b)(3), (b)(6) was facing east in the center of Route (b)(2)High with the remaining 2 vehicles in the patrol trailing behind. At this time, a (b)(6) (b)(6) appeared, heading westbound towards the mounted patrol on Route Diamond roughly (b)(6) meters out. Corporal (b)(3), (b)(6) ordered his driver, PFC (b)(3), (b)(6) to stop their gun truck in order to signal the (b)(6) to stop, so the rest of the patrol could proceed safely down Route (b)(2)High. Without showing any signs of slowing down, the (b)(6) continued to head west on (b)(2)High at an approx. speed of 40-50 mph. Once the (b)(6) was (b)(6) meters away from the mounted patrol, Corporal (b)(3), (b)(6) immediately notified his gunner, Lance Corporal (b)(3), (b)(6) to signal the vehicle to stop. Lance Corporal (b)(3), (b)(6) began to wave his signal flag back and forth from his turret, motioning the oncoming vehicle to stop. At this time, all of the

SUBJ: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

Marines in Corporal (b)(3), (b)(6) vehicle observed the (b)(6) begin to swerve erratically from left to right maintaining the same speed and momentum towards their gun truck. Lance Corporal (b)(3), (b)(6) did not choose to grab the white star pop-up within his vehicle as an alternate means of signaling the driver, because he could not get to it in time. The white star pop-up was secured underneath the hatch of the turret behind him, and the pen-flares were with the gunner in lead vehicle. When the (b)(6) closed within (b)(2) High meters, Corporal (b)(3), (b)(6) ordered Lance Corporal (b)(3), (b)(6) to fire warning shots at the vehicle. Lance Corporal (b)(3), (b)(6) attempted to draw his M9 pistol for warning shots because he did not have his rifle up in the turret with him. His rifle was located inside the vehicle. While going to draw his pistol, Lance Corporal (b)(3), (b)(6) continued to signal the oncoming (b)(6) to stop. When the (b)(6) closed within (b)(6) meters, Lance Corporal (b)(3), (b)(6) abandoned the action of drawing his pistol and immediately went to his M240G to fire disabling shots into the grill of the vehicle. Lance Corporal (b)(3), (b)(6) fired a burst of (5) (b)(2)High rounds into the grill of the vehicle including (1) (b)(2)High round that went through the windshield of the vehicle. The driver of the (b)(6) ducked down underneath his dashboard when the rounds impacted into the front of his vehicle. The (b)(6) swerved south off the main road and impacted into a building.

3. Corporal (b)(3), (b)(6), Patrol Leader, was leading a vehicle-mounted area patrol with 4 gun trucks, 12 Marines, 1 Corpsman, and 2 Iraqi soldiers covering central (b)(6) from the 86 easting to the 88 easting. The patrol headed north up Route (b)(2)High and then continued east on (b)(2)High. The patrol was beginning to continue south down (b)(2)High when the (b)(6) (b)(6) began to drive towards their patrol on (b)(2)High

4. All Marines in this EOF incident have attended multiple classes and periods of instruction on EOF/ROE before deploying to Iraq, and have attended multiple EOF/ROE periods of instruction since being in Iraq. The Marines involved were given an EOF/ROE period of instruction for the month of February before the incident occurred, and have signed company rosters documenting their attendance.

5. After the 5 round burst, the car veered to the south side of the road impacting into a building. The driver of the vehicle was the only occupant and he was lying down underneath the dashboard of the vehicle. Corporal (b)(3), (b)(6) and HN (b)(6), (b)(3) the platoon corpsman, were the first on the scene after the collision. HN (b)(6), (b)(3) checked for breath and pulse of the driver and found neither. There was a single shot from a (b)(6) round to the driver's throat. HN (b)(3), (b)(6) determined that the cause of death to the occupant, (b)(6) (b)(6) was from air asphyxiation and massive blood loss. The 4 gun trucks within the patrol provided 360 security, while the platoon commander, 1st Lt (b)(3), (b)(6) took pictures of the driver and vehicle. The body was placed in a body bag and loaded into the back of a high back.

6. I believe the EOF measures employed in this incident were adequate considering the threatening posture of the (b)(6) and the large presence of the local populace on the street. The driver of the (b)(6) (b)(6) was driving in an erratic nature, swerving in and out down the center of Route (b)(2)High and made no attempt towards slowing or stopping his vehicle. This coupled with the fact that all the other vehicles on (b)(2)High

SUBJ: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

were halted to the side of the road, and Lance Corporal (b)(3), (b)(6) was signaling with his red flag from the center of (b)(2)High makes the actions of the driver highly suspicious. The prevalent and recent incidents of Vehicle Born Improvised Explosive Devices (VBIEDs) in and around (b)(6) have created a heightened security level in patrols that leave the wire. The incidents of VBIEDS in our area of operations have usually involved the driver as the only occupant in the vehicle. The (b)(6) matched the description of a BOLO that was passed to the patrol prior to them going out. All of these factors coupled with the erratic swerving of the vehicle and its failure to heed the warning flag from the gun truck made the (b)(6) appear to be a viable threat. I believe Lance Corporal (b)(3), (b)(6) was justified in directly using disabling shots because of the rapidly closing distance between him and the vehicle, and the limited time he had to react. However, Lance Corporal (b)(3), (b)(6) could have set himself up for success by ensuring his white star pop-up and rifle were made more accessible. Both should have been within arms reach up in the turret with him. The pen-flares, normally utilized in patrols, were with the lead vehicle, which was already south down Route Oklahoma. Lance Corporal (b)(3), (b)(6) was unable to use the M240G for warning shots because of the close proximity of bystanders to the vehicle. The threat of (b)(2)High rounds ricocheting off of the deck and into the crowds of Iraqis on either side of the road was very probable. He had to make a decision to resort to a lower caliber weapon, his only option being his pistol. While he attempted to draw his pistol, the oncoming (b)(6) had already crossed his limit of advance for warning shots. At this point, Lance Corporal (b)(3), (b)(6) had no choice but to resort immediately to disabling shots. I believe there was no violation of ROE.

7. Measures are being implemented in order to prevent further occurrences of this incident, in addition to the procedures already in place. The town leadership has been told before, and was reminded after this incident, to ensure that the civilians who drive are aware that foot mobile and vehicle patrols are conducted on a daily basis throughout the city and to make sure they are paying attention and pull off of the road when signaled to do so. The patrol should have used the additional measures at their disposal (i.e. hand held pyrotechnics) to attempt to stop the vehicle before having to fire warning shots or disabling shots. The gunner should have ensured that he had an alternate means of firing warning shots quickly at his disposal besides his 9mm pistol. As per the SOP for EOF within the battalion, (b)(2)High are the preferred choice for making warning shots. If the gunner had his rifle easily accessible, than he could have utilized it quickly to fire warning shots at the vehicle.

8. The family of (b)(6) was contacted and paid a CERP condolence payment of \$2,500 on 20060221 by CWO4 (b)(3), (b)(6) 6th CAG.

9. The cause of this incident was the failure of the driver of the vehicle to stop after the waving of a warning flag. The methods that were utilized in this incident are the basic methods used by every foot mobile and vehicle patrol that leaves the wire. The gunner should have ensured that he had other alternate means of signaling and firing warning shots in order to mitigate the situation. Most vehicles respond to the waving of a signal flag, and usually stop their vehicles immediately before warning shots are fired. Due to previous incidents that have occurred within the vicinity of (b)(2)High

SUBJ: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF (b)(2)High ON 20060219, INVOLVING MARINES OF WEAPONS PLATOON, INDIA COMPANY, 3D BATTALION, 6TH MARINES.

there is a heightened security in patrols when they leave the wire. As a result, patrols will fire disabling shots in an attempt to halt a vehicle when it fails to stop after a warning flag and warning shots in order to prevent it from getting too close to the patrol. In this case, the gunner was unable to fire warning shots because of the close proximity of bystanders to the vehicle, the rate of speed that the vehicle was traveling, and his inability to reach for his rifle in time.

10. After reviewing all statements and all interviews given by Marines and Corpsman involved in this incident, it is my opinion that no further investigation is required. The gunner on this patrol followed the SOP set for EOF incidents as best he could. Given the time constraints of the situation, the gunner utilized what effective and adequate measures he had in order to stop the approaching vehicle prior to firing disabling shots. The disabling shots were aimed at the grill of the vehicle, and not at the driver. Lance Corporal (b)(3), (b)(6) fired a burst of (5) (b)(2)High rounds, and the (1) (b)(2)High round unintentionally went through the windshield hitting the driver in the throat as he ducked beneath the dashboard.

11. Please direct any further questions to First Lieutenant (b)(3), (b)(6) (b)(3), (b)(6) Executive Officer, India Company, Third Battalion, Sixth Marines.

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



UNITED STATES MARINE CORPS

3D BATTALION 6TH MARINES
CAMP AL'QAIM IRAQ
UNIT 73290
FPO AE 09509-3290

IN REPLY REFER TO:

(b)(2)High

20 Feb 06

From: Commanding Officer, 3d Battalion, 6th Marines
To: 1stLt (b)(3), (b)(6) USMC

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE THAT
OCCURRED ON 19 FEBRUARY 2006 IN THE VICINITY OF
(b)(6) IRAQ, INVOLVING COMPANY I, 3D BATTALION, 6TH
MARINES, RCT-2, RESULTING IN THE DEATH OF ONE MALE IRAQI
CIVILIAN.

Ref: (a) JAGMAN

1. This appoints you, per Chapter II of the reference, to inquire into the facts and circumstances surrounding the escalation of force that occurred on 19 February 2006 in the vicinity of (b)(6) Iraq, involving Company I, 3d Battalion, 6th Marines, RCT-2, resulting in the death of one male Iraqi Civilian.

2. Investigate the injuries, and any fault, neglect, or responsibility therefore, and recommend if a command investigation is warranted. Report your personnel contacted, materials reviewed, summary of findings, and recommendations in letterform by 23 February 2006, unless an extension is granted. If you have not previously done so, read Chapter II of the reference in its entirety before beginning your investigation.

3. You may seek legal advice from Capt (b)(3), (b)(6) Judge Advocate, 3d Battalion, 6th Marines, (b)(6) Iraq, during the course of your investigation.

4. By copy of this appointing order, Adjutant, 3d Battalion, 6th Marines is directed to furnish necessary clerical assistance.

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

Copy to:
FILES
RCT-2

006954

SPOTREP

LINE 1: 3/6

LINE 2: At 191325C FEB 06, I/3/6 was involved in an EOF IVO (b)(2)High while conducting a mounted patrol in (b)(6) I/3/6 was moving E on ASH (b)(2)High when a (b)(6) approached. At (b)(6), the gunner on the lead vehicle waved a red flag in an attempt to signal the truck to stop. When the lead vehicle turned S onto PL (b)(2)High the gunner on the second vehicle in the patrol continued waving a red flag. The (b)(6) did not stop. The gunner did not fire warning shots due to the large number of civilians in the area. At (b)(6), the gunner fired disabling shots. The gunner fired a burst of (5) (b)(2)High rounds, including (1) (b)(2)High intending to disable the vehicle, but unintentionally had (1) round strike the MAM in the throat. As a result, the MAM, (b)(6) DOW. He was the only occupant of the vehicle. The (b)(6) was searched with NSTR. The vehicle commander of the vehicle from which the shots were fired reported that the MAM had been driving erratically and swerving as he approached at a high speed. The MAM's home address was on his ID and his body was taken to his family. No casualties or damages reported.

LINE 3: 191325C FEB 06

LINE 4: (b)(2)High

LINE 5: None

LINE 6: None

LINE 7: N/A

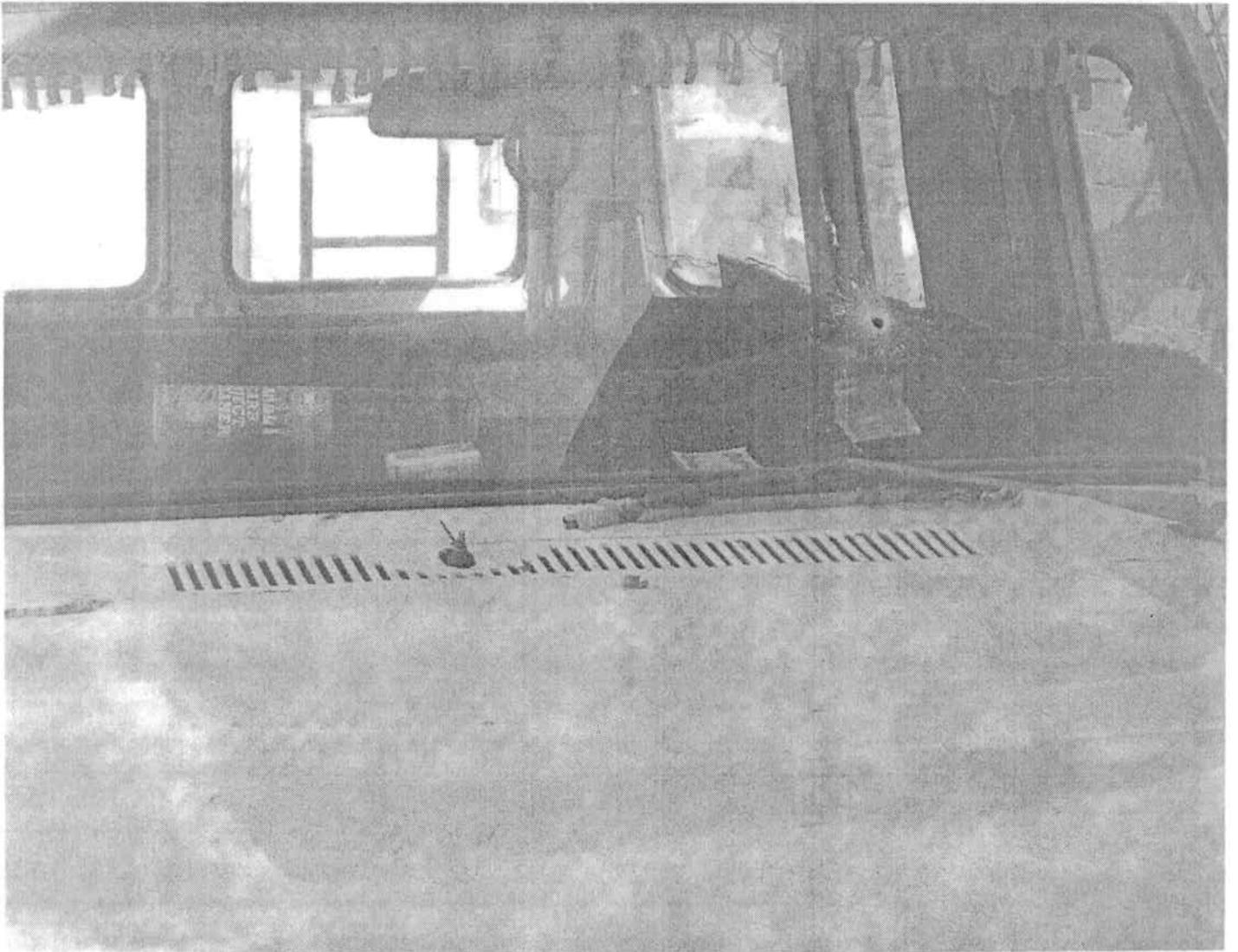


Photo taken by: 1st Lieutenant (b)(3), (b)(6) 20060219
Description: Close up of windshield of (b)(6) and the
impact of the (b)(2)High round.



Photo taken by: 1st Lieutenant (b)(3), (b)(6) 20060219
Description: Full front profile of the (b)(6) after it
crashed into a building.

006957

(b)(6)

Photo taken by: 1st Lieutenant (b)(3), (b)(6) 20060219

Description: Body of the driver of the (b)(6) The driver died from a single (b)(2)High bullet wound to the neck causing air asphyxiation and massive blood loss.

006958

Summary of Interview

Interview conducted: 20060220

Name: Corporal (b)(3), (b)(6) (Vehicle Commander)

The vehicle-mounted patrol was heading north on (b)(2)High and proceeded east on (b)(2)High. The lead gun truck containing the patrol leader Corporal (b)(3), (b)(6) continued south on (b)(2)High. The second gun truck led by Corporal (b)(3), (b)(6) was facing down the east side of (b)(2)High where all traffic had already pulled to either side of the road. At roughly (b)(6) meters out, Corporal (b)(3), (b)(6) spotted a (b)(6) heading westbound towards their position. Corporal (b)(3), (b)(6) told the driver PF (b)(3), (b)(6) to stop the vehicle, so that he could ensure the oncoming vehicle was going to stop for the rest of the convoy. He then proceeded to alert his gunner, Lance Corporal (b)(3), (b)(6) to the vehicle. Lance Corporal (b)(3), (b)(6) began signaling for the vehicle to stop by waving a red flag. Corporal (b)(3), (b)(6) noticed that the (b)(6) was swerving around on the road and making no attempt to slow down, despite Lance Corporal (b)(3), (b)(6) signaling for the vehicle to stop. When the vehicle approached within (b)(6) meters, Lcpl (b)(3), (b)(6) fired a 4-5 round burst of (b)(2)High into the grill of the vehicle. The occupant of the (b)(6) simultaneously dove underneath the dashboard of his vehicle when the rounds impacted his vehicle. Corporal (b)(3), (b)(6) stated that the driver of the land cruiser made no attempt to slow down at all, and was maintaining a steady pace of 40-50 mph up until the rounds impacted the vehicle.

Summary of Interview

Interview conducted: 20060220

Name: Lance Corporal (b)(3), (b)(6) (Vehicle Gunner)

The vehicle-mounted patrol was heading north on (b)(2)High and proceeded east on (b)(2)High. The lead gun truck continued south down (b)(2)High while Lance Corporal (b)(3), (b)(6) remained orientated east on Route (b)(2)High. Corporal (b)(3), (b)(6) notified Lance Corporal (b)(3), (b)(6) of the oncoming (b)(6) traveling west towards their gun truck on Route (b)(2)High. Lance Corporal (b)(3), (b)(6) spotted the vehicle 300-250 meters out, and immediately began to wave his flag notifying the vehicle to stop. It appeared that the vehicle was not stopping and it began to swerve as it continued to drive towards Lance Corporal (b)(3), (b)(6) gun truck. Lance Corporal (b)(3), (b)(6) went to draw his M9 pistol in order to fire warning shots, but resorted to firing disabling shots with his M240G once the vehicle broke the (b)(6) meter mark. Lance Corporal (b)(3), (b)(6) stated that the vehicle never made an effort to move to the side of the road, but just weaved down the road. The vehicle maintained a 40-45 mph pace and didn't slow down at all for the flag. Lance Corporal (b)(3), (b)(6) stated that he had no pen-flares with his vehicle, and that they were all with the lead vehicle. He had a white-star pop-up that was secured underneath the turret latch behind him. Lance Corporal (b)(3), (b)(6) also stated that he made the decision to draw his pistol because of the danger of ricochets from (b)(2)High rounds impacting off the deck and into civilian crowds on either side of the street. His rifle was underneath him in the back seat of the gun truck.

Summary of Interview

Interview conducted: 20060220

Name: PFC (b)(3), (b)(6) (Vehicle Driver)

The vehicle-mounted patrol was heading east on (b)(2)High and the lead gun truck continued to travel south on (b)(2)High. The second gun truck, which PFC (b)(3), (b)(6) was driving, was getting ready to follow the lead gun truck when Corporal (b)(3), (b)(6) told PFC (b)(3), (b)(6) to halt the vehicle. PFC (b)(3), (b)(6) observed a (b)(6) speeding towards his vehicle. Lance Corporal (b)(3), (b)(6) began waving off the vehicle to stop with his signaling flag. The vehicle continued to speed towards the gun truck and weave in and out. Corporal (b)(3), (b)(6) told Lance Corporal (b)(3), (b)(6) to fire warning shots once it was within (b)(6) meters of the gun truck. The (b)(6) continued towards the gun truck with no warning shots fired, at (b)(6) meters Lance Corporal (b)(3), (b)(6) fired into the grill of the truck with the M240G. Rounds impacted into the grill and a tracer round popped up into the windshield as the occupant of the vehicle ducked down. The vehicle then swerved to the south off the road and collided into a building.

STATEMENT:

02062208

CPL

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

3/6 INDIA CO. WAPS PLT.

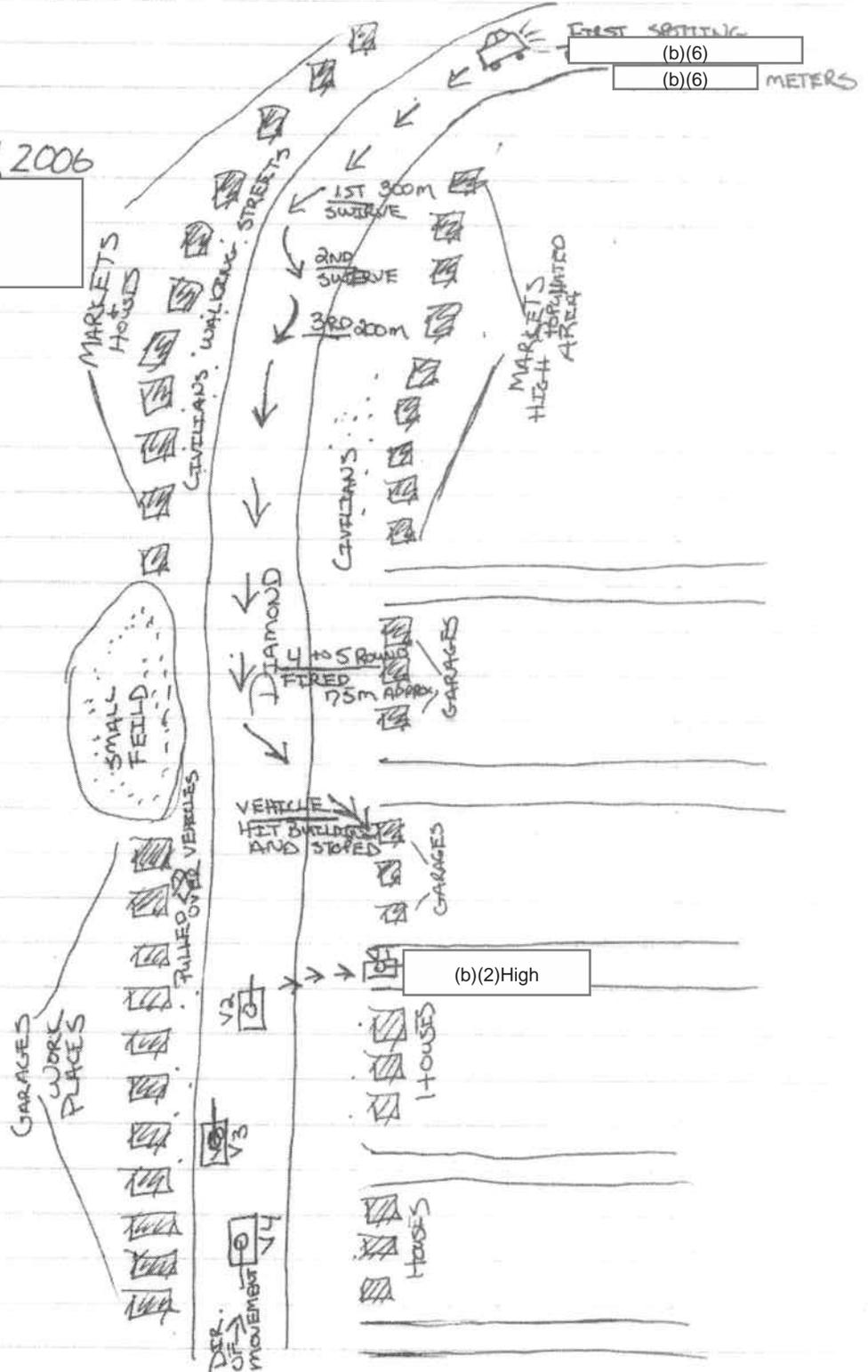
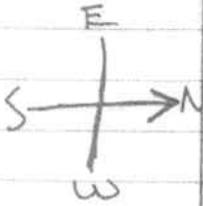
ON THE 19TH OF FEBRUARY AT APPROX. 1240, WHILE ON AN AREA PATROLE OF (b)(6) (b)(6) WAS HEADING EAST ON (b)(2)High (b)(6) WAS MAKING A RIGHT TURN OFF (b)(2)High ON TO (b)(2)High, AND THAT WAS WHEN I NOTICED A (b)(6) APPROX. (b)(6) METERS HEADING AROUND THE BEND AT A HIGH SPEED. I TOLD MY DRIVER, PFC (b)(3), (b)(6) TO STOP. MY VEHICLE WAS IN THE MIDDLE OF (b)(2)High STILL HEADING EAST. FOLLOWED BEHIND ME WAS TWO OTHER HUMVEES. THE (b)(6) WAS APPROX. ~~THE~~ (b)(6) METERS ~~AWAY~~ AT THIS TIME AND WAS STILL NOT SLOWING DOWN, I YELLED TO MY GUNNER CPL (b)(3), (b)(6) TO GIVE THEM A HEADS UP ON THE VEHICLE APPROACHING FROM THE EAST TRAVELING WEST. THE (b)(6) STARTED TO SWERVE LEFT AND RIGHT IN A VIOLENT MANNER. THE VEHICLE BROKE OUR (b)(6) METER MARK AND I THEN YELLED AGAIN TO CPL (b)(3), (b)(6) TO FIRE AT THE (b)(6) A 4 TO 5 ROUND BURST FROM THE M40G WENT OUT. AS THIS HAPPEND I NOTICED THE DRIVER TRY TO DUCK INTO THE PASSENGER SIDE OF HIS VEHICLE. I SAW ONE TRACER ROUND PERCE THE WINDSHIELD. THE DRIVER DISAPPEARED FROM VIEW, AND THE (b)(6) (b)(6) IMMEDIATELY VERED LEFT AND HIT A BUILDING. WHEN THE ROUNDS HIT THE (b)(6) IT WAS ABOUT (b)(6) METERS FROM US. THERE WERE ALSO A FEW VEHICLES PULLED OFF (b)(2)High WAITING FOR US TO PASS. THE MARKET PLACE OFF (b)(2)High WAS VERY CROWDED BY CIVILIANS. THE (b)(6) WAS THE ONLY VEHICLE ON (b)(2)High IT DID NOT HAVE

006962

ANY OTHER VEHICLES TO SWERVE AROUND, OR ANYTHING BETWEEN IT AND US.

FEBRUARY 20TH, 2006

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



(b)(2)High

ON FEBRUARY 19TH, 2006 AT APPROXIMATELY 12:40PM, (b)(6) WAS CONDUCTING AN AREA PATROL. THERE WERE FOUR GUN TRUCKS IN THE CONVOY. ALSO IN THE CONVOY WERE TWO IRAQI SOLDIERS. IN MY TRUCK (TRUCK TWO IN THE CONVOY) WAS VEHICLE COMMANDER - CORPORAL (b)(3), (b)(6), DRIVER - PFC (b)(3), (b)(6), ~~THE~~ (b)(3), (b)(6) GUNNER LCPL (b)(3), (b)(6), AND PASSENGER - IRAQI ARMY SOLDIER. THE TURRET GUN WAS A M240. WE TRAVELED NORTH ON (b)(2)High THEN MADE A RIGHT ON (b)(2)High WE WERE TRAVELING EAST ON (b)(2)High. TRUCK ONE TURNED RIGHT ONTO (b)(2)High TRAVELING SOUTH BOUND. JUST BEFORE TRUCK TWO (MY TRUCK) WAS GOING TO TURN AND FOLLOW TRUCK ONE CORPORAL (b)(3), (b)(6) MADE ME (LCPL (b)(3), (b)(6)) AWARE OF A (b)(6) TRAVELING WEST ON DIAMOND. NO VEHICLES WERE BETWEEN US. THE LAND CRUISER WAS APPROXIMATELY 250M-300M AWAY, TRAVELING AT A HIGH RATE OF SPEED FOR THAT ROAD (40-50MPH). AS SOON AS CORPORAL (b)(3), (b)(6) SAID THE VEHICLE WAS SPOTTED I BEGAN TO WAVE THE SIGNAL FLAG. BY THE TIME THE (b)(6) WAS ABOUT (b)(6) M AWAY I DREW MY M9 PISTOL. AS I DREW IT I CONTINUED TO SIGNAL HIM TO STOP. BY THIS TIME THE (b)(6) WAS (b)(6) M FROM MY TRUCK. DUE TO THE SPEED THE (b)(6) WAS TRAVELING, I DECIDED THIS VEHICLE WAS TOO CLOSE AND WAS NOT GOING TO STOP I ALSO REMEMBERED IN BRIEFING POSSIBLE VBIED'S A (b)(6). THE VEHICLE HAD ONE MILITARY AGE MALE DRIVING IT WITH NO PASSENGERS. I THEN CHARGED THE M240 AND FIRED A 4-5 ROUND BURST INTENDING TO DISABLE THE (b)(6) THE LAST ROUND IMPACTED INTO THE WINDSHIELD STRIKING THE MAN.

STATEMENT: CONTINUED

2006.02.20

THE VEHICLE WAS ALSO DRIVING IRRADICTLY SWERVING LEFT TO RIGHT ON (b)(2)High BEFORE I SHOT. HE CLEARLY MADE NO EFFORT TO PULL OVER. AFTER THE SHOOTING VEHICLE VEERED OFF TO MY RIGHT AND RAN INTO A BUILDING. THE ONE ROUND (b)(2)High THAT HIT HIM, STRUCK HIM IN THE THROAT. HE SUFFERED MASS LOSS OF BLOOD AND DIED BEFORE WE COULD GET TO HIM. HN (b)(3), (b)(6) WAS THE CORPSMAN ON SCENE. OUR CONVOY THEN SET UP 360° SECURITY. AT FIRST WE THOUGHT HIS BRAKES COULD HAVE FAILED BUT CORPORAL (b)(3), (b)(6) TESTED THE BRAKES ON THE (b)(6) AND THEY WERE GOOD. THE FINAL DISTANCE BETWEEN US AND THE (b)(6) WAS AROUND (b)(6) M.

FEBRUARY 20TH, 2006

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

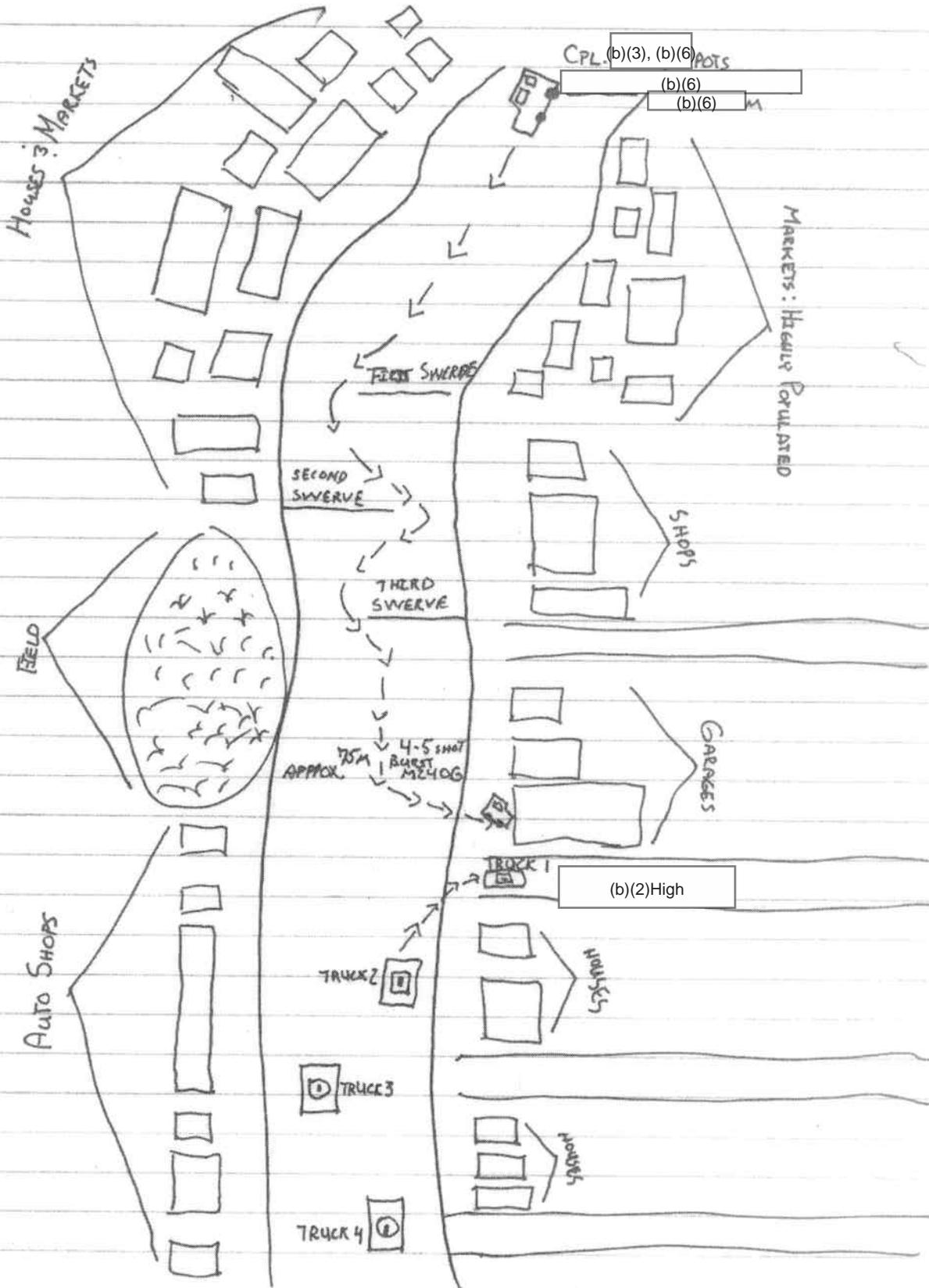
LCPL. (b)(3), (b)(6) USMC

006965

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

DIAGRAM: ESCALATION OF FORCE

2006-02-20



STATEMENT: ESCALATION OF FORCE

2006-02-20

ON FEBRUARY 19th, 2006 AT 1240 PM,
(b)(6) ONE WAS PATROLLING THE CITY OF
(b)(6) THE PATROL CONSISTED OF 4 GUN TRUCKS
WITH TWO IRAQI SOLDIER PASSENGERS. IN
(b)(6) WAS MYSELF, PFC (b)(3), (b)(6) DRIVING.
CORPORAL (b)(3), (b)(6) WAS THE VEHICLE COMMANDER,
AND LCPL (b)(3), (b)(6) WAS OUR GUNNER ON THE
M240 GOLF. THERE WAS ONE IRAQI SOLDIER
IN OUR VEHICLE. WE WERE HEADING EAST ON
(b)(2)High (b)(6) HAD ALREADY TURNED
SOUTH ONTO (b)(2)High. AS I WAS MAKING THE
TURN, CPL (b)(3), (b)(6) TOLD ME TO STOP. WE STOPPED
FACING EAST ON (b)(2)High. AS I LOOKED AHEAD, I
SAW A (b)(6) WITH ONE MALE
DRIVER SPEEDING TOWARD MY VEHICLE. LCPL
(b)(3), (b)(6) WAS WAVING THE VEHICLE OFF AND
CPL (b)(3), (b)(6) TOLD HIM TO FIRE WARNING SHOTS.
THE VEHICLE WAS ABOUT (b)(6) METERS AWAY, AT
ABOUT 50 MPH. THE (b)(6) KEPT SPEEDING
TOWARD US AS LCPL (b)(3), (b)(6) WAVED IT OFF.
AS THE VEHICLE CLOSED WITHIN (b)(6) METERS,
LCPL (b)(3), (b)(6) BEGAN FIRING INTO THE GRILL
OF THE TRUCK; THERE WERE TOO MANY CIVILIANS FOR
HIM TO HAVE SHOT INTO THE DOLL, AND IT WAS
APPARENT THAT THE VEHICLE HAD NO INTENTION OF
DISENGAGING. A 4-5 ROUND BURST WAS FIRED
INTO THE TRUCK. AS THE VICTIM DUCKED DOWN IN
HIS VEHICLE, THE LAST ROUND ENTERED THROUGH THE
WINDSHIELD. THE VEHICLE SWEVED OFF THE ROAD AND
CRASHED INTO A NEARBY BUILDING. MARINES DISMOUNTED,
CHECKED THE VEHICLE, AND PRONOUNCED THE DRIVER DEAD.

006967

FEBRUARY 20TH 2006

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

PFC / (b)(6) / USMC

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

2006-02-20

DIAGRAM: ESCALATION OF FORCE

