



AR 15-6 Investigation

7 JUL 08

D CO, 2-30 IN, 4-10 MTN

Investigating Officer: LTC

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

MND-B ISF Chief

SVOIP:

(b)(2), (b)(6)

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 MG Jeffery W. Hammond, Commander, 4th Infantry Division (Mechanized), Multi-National Division-Baghdad
(Appointing authority)

on 25 June 2008 (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 MND-B Headquarters, Camp Liberty, Iraq at 1930
(Place) (Time)
on 25 June 2008 (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.)
See attachments.

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)
N/A

The (investigating officer) (board) finished gathering/hearing evidence at 1200 on 6 July 2008
(Time) (Date)
and completed findings and recommendations at 2355 on 7 July 2008
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ¹⁾	NA ²⁾
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (<i>para 3-16, AR 15-6</i>)			
	a. Are all items offered (<i>whether or not received</i>) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (<i>if substituted for real or documentary evidence</i>) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (<i>para 3-6b, AR 15-6</i>)?	X		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (<i>para 3-16d, AR 15-6</i>)?			X
3	Was a quorum present when the board voted on findings and recommendations (<i>paras 4-1 and 5-2b, AR 15-6</i>)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (<i>para 5-3b, AR 15-6</i>)?			
5	Was a quorum present at every session of the board (<i>para 5-2b, AR 15-6</i>)?			
6	Was each absence of any member properly excused (<i>para 5-2a, AR 15-6</i>)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (<i>para 3-1, AR 15-6</i>)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (<i>para 5-2d, AR 15-6</i>)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>)				
9	Notice to respondents (<i>para 5-5, AR 15-6</i>):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate –			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (<i>or otherwise was absent during part of the proceedings</i>):			
	a. Was he properly notified (<i>para 5-5, AR 15-6</i>)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (<i>para 5-4c, AR 15-6</i>)?			
11	Counsel (<i>para 5-6, AR 15-6</i>):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(<i>If counsel is a lawyer, check here</i> <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (<i>or, if oral, a summary</i>) of the request and the action taken on it included in the report (<i>para 5-6b, AR 15-6</i>)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (<i>para 5-7, AR 15-6</i>):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (<i>para 5-8a, AR 15-6</i>):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (<i>para 5-9, AR 15-6</i>)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (<i>para 5-8b, AR 15-6</i>)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (<i>para 5-11, AR 15-6</i>)?			

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the NA 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 attachments.

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

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

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Member)

(Member)

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

(Member)

(Member)

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

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

(Member)

(Member)

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

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



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED)
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP AL-TAHREER (LIBERTY) APO AE 09344

AFYB-G3-ISF

7 July 2008

MEMORANDUM FOR Commanding General, 4th Infantry Division (Mechanized), Multi-National Division – Baghdad, Al-Tahreer (Liberty) APO AE 09344

SUBJECT: AR 15-6 Investigation (D Co, 2-30 IN, 4-10 MTN)

1. Appointing Authority. I was appointed by MG Jeffery W. Hammond, Commander, Multi-National Division-Baghdad (MND-B) to conduct, per U.S. Army Regulation 15-6, an independent investigation into the facts and circumstances surrounding the Small Arms Fire (SAF) engagement between 2nd Platoon, Company D, 2-30 Infantry, 4-10 Mountain Division and three civilians near Baghdad International Airport (BIAP) on 25 June 2008. I was directed to issue findings and recommendations that cover, at a minimum (Enclosure III):

- a. The events prior to, during, and after the exchange of fire.
- b. Determine who initiated the event.
- c. Verify the arming status while traveling on BIAP.
- d. Determine what security measures are in place when entering BIAP, for both military and civilian vehicles.
- e. Describe the actions taken by the Iraqi Army upon arrival to the scene.

2. Incident summary. On 25 June 2008, 2/D/2-30 IN, 4-10 MTN departed Forward Operating Base (FOB) Loyalty with 18 Soldiers, one interpreter, and four vehicles (one M114 and three M1151s) enroute to Camp Cropper. The platoon entered the BIAP area by bypassing Entry Control Point (ECP) 13, proceeded south, and experienced maintenance difficulties with the third vehicle in the convoy. The platoon pulled over, assessed the situation, and began recovery operations. The rear most dismounted Soldier in the convoy then utilized proper Escalation of Force (EOF) procedures against one four door red Opal Local National (LN) vehicle containing three occupants. Several members of the platoon then engaged the car resulting in its destruction and the death of the three occupants.

3. Pre-Incident.

a. Site Description.

1.) The event occurred on a stretch of road within the BIAP complex commonly referred to as the BIAP Racetrack. This road consists of two northbound lanes and two southbound lanes,

each of them are 15 meters wide. In addition, the southbound lanes have a three meter wide shoulder on the right side of travel. There is a 22 meter wide dirt surface median between the northbound and southbound lanes which contains an extensive water sprinkler system (Exhibit 2, Tab A).

2.) Two points of severe buckling of the concrete surface and one large pothole on the southbound lanes are present. The first point of buckling is located approximately 100 meters north from where the last vehicle in the U.S. Army convoy was positioned on the southbound median. Several meters later the large pothole is present on the right side of the road. The second point of severe concrete buckling is located just 12 meters from where the last vehicle was positioned. The twelve meter distance is verifiable due to the large stain, still visible at this time, from a steady leak of transmission fluid which came from the last vehicle in the convoy at the time of the engagement. The concrete deterioration nearest the last vehicle is 50 feet long and ranges between 4-6 inches deep along its entire length (Exhibit 1).

3.) On 27 June 2008 the investigating officer stood several feet from the transmission fluid stain for approximately one hour to observe traffic patterns of the area. After observing approximately 100 vehicles pass by, it was obvious that LN drivers were in the habit of driving to the right side of the road to avoid the first buckling spot, veer left and/or slow down to avoid the pothole, and then steer back to the right to skirt the second buckling spot – this driving pattern placed the red car exactly where SPC (b)(3), (b)(6) claimed it was; and also makes a reasonable person believe that the red car drove that pattern out of force of daily habit. The car's driver had worked at the BIAP bank for roughly two years which means he was quite familiar with the road obstacles (Exhibit 1).

4.) There is a relatively flat twenty meter wide dirt surface extending from the shoulder of the southbound lanes up to a security fence constructed of cement posts and hurricane style fencing which runs the entire length of the BIAP airfield (Exhibit 1).

b. Coalition Forces (CF) personnel involved.

1.) 2LT (b)(3), (b)(6) Platoon Leader, assigned to the platoon for approximately two months (Exhibit 4, Tab G2): this was his first SAF incident and first EOF incident (Exhibit 4, Tab G3).

2.) SSG (b)(3), (b)(6) Section Leader, assigned to the platoon for one week (Exhibit 4, Tab K1): this was his first SAF incident and first EOF incident (Exhibit 4, Tab K2).

3.) SGT (b)(3), (b)(6); Squad Leader, assigned to the platoon for thirty three months (Exhibit 4, Tab B1): this was his second SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab B2).

4.) SGT [redacted] Squad Leader, assigned to the platoon for 8 months (Exhibit 4, Tab O2): this was his third SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab O3).

5.) CPL [redacted] Rifleman, attached to the platoon for approximately three weeks (Exhibit 4, Tab E1): this was his fifth SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab E2).

6.) SPC [redacted] Driver, attached to the platoon for approximately three weeks (Exhibit 4, Tab A1): this was at least his tenth SAF incident this tour and the first EOF incident resulting in SAF (Exhibit 4, Tab A2).

7.) SPC [redacted] Gunner, assigned to the platoon for ten months (Exhibit 4, Tab C1): this was his sixth SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab C2).

8.) SPC [redacted] Rifleman, assigned to the platoon for 11 months (Exhibit 4, Tab D2): this was his first SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab D3).

9.) SPC [redacted] Gunner, assigned to the platoon for fifteen months (Exhibit 4, Tab P2): this was his third SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab P3).

10.) SPC [redacted] Rifleman, attached to the platoon for two days (Exhibit 4, Tab R1): this was his approximated sixth SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab R2).

11.) SPC [redacted] Rifleman, attached to the platoon for 10 months (Exhibit 4, Tab Q4): this was his seventh SAF incident and the second EOF incident resulting in SAF (Exhibit 4, Tab Q5).

12.) SPC [redacted] Gunner, assigned to the platoon for over 2 years (Exhibit 4, Tab H1): this was his second SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab H2.)

13.) SPC [redacted] Rifleman, assigned to the platoon for 13 months (Exhibit 4, Tab I1): this was his third SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab I2).

14.) SPC [redacted] Gunner, assigned to the platoon for 9 months (Exhibit 4, Tab L4): this was his eighth SAF incident and the fourth EOF incident resulting in SAF (Exhibit 4, Tab L5).

15.) SPC [redacted] Medic, attached briefly due to the platoon medic being on leave (Exhibit 4, Tab M1): this was his third SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab M2).

16.) PFC [redacted] Driver, assigned to the platoon for ten months (Exhibit 4, Tab N1): this was his first SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab N2).

17.) PV2 [redacted] Driver, assigned to the platoon for two weeks (Exhibit 4, Tab F1): this was his third SAF incident and the third EOF incident resulting in SAF (Exhibit 4, Tab F2).

18.) PVT [redacted] Driver, attached to the platoon for 8 months (Exhibit 4, Tab J1): this was at least his third SAF incident and the first EOF incident resulting in SAF (Exhibit 4, Tab J2).

19.) The platoon itself has been in Iraq for approximately seven months.

c. Local National (LN) personnel involved (Exhibit 3, Tab F).

1.) [redacted] employee of BIAP Bank.

2.) [redacted] employee of BIAP Bank.

3.) [redacted]; employee of BIAP Bank.

d. The mission. The platoon departed FOB Loyalty 250735JUN08 (Exhibit 4, Tab G1) in order to (IOT) convoy to Camp Cropper for the purpose of securing and processing 48 detainees identified for release and delivering them to various locations throughout Baghdad.

e. Mission preparation. The entire platoon received a thorough Operations Order (OPORD) 242000JUN08 covering the mission the following day (Exhibit 4, Tab G1). First call the next day was at 0530 at which time the Squad Leaders conducted their various Pre-Combat Checks (PCCs) in preparation for (IPF) the 0735 departure (Exhibit 4, Tab G2).

f. Convoy operation from FOB Loyalty to Victory Base Complex (VBC). The trip from FOB Loyalty to the outskirts of ECP 13 at Camp Slayer was largely uneventful except for D27 exhibiting early signs of maintenance complications (Exhibit 4, Tab J1).

g. Arrival at ECP 1 and ECP 13.

1.) ECPs 1 and 13 are co-located at the western most end of Route Irish between Camp Victory and Camp Slayer. ECP 1 belongs to the Government of Iraq (GOI) and no CF vehicles are permitted to utilize it. The British based company, Global Business, Risk and Development

Strategies (referred to hereafter as Global) is contracted to provide 650 personnel IOT operate ECP 1 and provide security for the entire BIAP complex. After extensive conversation with the Global Supervisor, [REDACTED] (b)(6) it was clear that Global frequently turns away CF vehicles attempting to enter BIAP via ECP 1.

2.) ECP 13 is operated by VBC personnel and directly enters onto Camp Slayer. CF convoys frequently bypass ECP 13 (many unknowingly) and proceed onto the BIAP complex utilizing the LN oncoming traffic lane (Exhibit 6, Tab C). Many CF personnel fail to realize they never actually entered ECP 13 (Exhibit 4, Tab V), because once onto the BIAP complex, any CF convoy will eventually approach either ECP 8 at the Southwest corner of BIAP or ECP 5 at the Northwest corner of BIAP and be allowed to proceed onto VBC. This is the route 2/D/2-30 INF inadvertently took the morning of the incident (Exhibit 6, Tab C). All eighteen Soldiers either in a sworn statement or discussion stated that they thought they were on the FOB after they saw the signs prior to approaching ECP 13 telling them to orient weapons to the 0100 position. In reality, they were not on the FOB. The convoy complied with all signs and turned off all electronic counter measures (ECMs) and oriented all four crew served weapons to the 0100 position. They did not clear any weapons because they encountered no clearing barrels or signs instructing them to clear weapons (Exhibit 4, Tabs A2, C2, E2, F2, G3, H2, I2, K2, L5, M2, N2, Q5, R2).

h. Convoy inadvertently bypassing ECP 13.

1.) The platoon continued to proceed west at ECP 13, instead of turning south onto Camp Slayer (Exhibit 6, Tabs C and D).

2.) The platoon traveled against the flow of oncoming traffic for several hundred meters, utilizing the outbound exit lane for the northbound BIAP racetrack lanes. The platoon then turned southward; driving on the northbound BIAP racetrack lanes (Exhibit 6, Tab C).

3.) Continuing south after approximately one kilometer, the platoon crossed over the dirt median between the northbound and southbound lanes; finally assuming the proper direction of travel in the southbound lanes of the BIAP racetrack (Exhibit 6, Tab C).

i. D27 mechanical breakdown. From the time the platoon passed ECP 13 until it arrived at the engagement scene, D27 was experiencing increasing instability of the front right tire. SSG [REDACTED] (b)(3), (b)(6) Truck Commander (TC) of D27 stated they hit a bump that caused shaking in the vehicle (Exhibit 4, Tab K1). The convoy pulled onto the three meter median (Exhibit 1), where D27 then became non mission capable (NMC) (Exhibit 4, Tabs J1 and O1).

j. D27 recovery operation.

1.) SGT [REDACTED] (b)(3), (b)(6) the TC traveling in the rear vehicle (D22) radioed SSG [REDACTED] (b)(3), (b)(6) the TC of D27; and stated that he could see D27 had a severe problem with its front right tire and should pull over (Exhibit 4, Tab O1).

2.) D27 and D22 then pulled over onto the median (Exhibit 4, Tab B1).

3.) There was a brief break in contact at this time between the two lead vehicles, D23 (SGT (b)(3), (b)(6) was the TC) and D26 (2LT (b)(3), (b)(6) was the TC) and the last two vehicles, D27 and D22. D23 and D26 then reversed, and backed up to the proximity of D27 and D22 (Exhibit 4, Tabs A1, C1, E1, G1, H1, I1, J1, K1, L1, O1, and P1).

4.) The driver of D27, PV2 (b)(3), (b)(6) got under the vehicle to conduct an inspection of the problem. At this time, D27 developed the Class III leak and the collective decision was made to tow the vehicle (Exhibit 4, Tab B1). At least eight Soldiers dismounted to inspect and help with the problem with D27. According to statements, the dismounted Soldiers were: SPC (b)(3), (b)(6) PV2 (b)(3), (b)(6) SSG (b)(3), (b)(6) SPC (b)(3), (b)(6) SPC (b)(3), (b)(6) SGT (b)(3), (b)(6) SGT (b)(3), (b)(6) and 2LT (b)(3), (b)(6)

5.) D22 then pulled in front of D27 IOT hook up the tow-bar and continue on with the mission to Camp Cropper. This was the final position of all four vehicles when the engagement occurred (Exhibit 1 and Exhibit 6, Tab A).

6.) SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) were directing traffic initially. SGT (b)(3), (b)(6) stated that he maintained a loose traffic control posture (Exhibit 4, Tab O1). SGT (b)(3), (b)(6) then went to help supervise the recovery of the broken vehicle and tasked SPC (b)(3), (b)(6) to continue directing traffic and pulling security. The crew served weapons were still oriented to the 0100 position. The Soldiers believed they would only briefly be on the median so no signaling devices to alert oncoming traffic were employed. For the same reason, no temporary obstacles were emplaced to control and direct/divert traffic. SPC (b)(3), (b)(6) only used hand gestures in the initial stages of recovery operations to direct traffic, as did SPC (b)(3), (b)(6) and SGT (b)(3), (b)(6) (Exhibit 4, Tabs O2 and L3). (b)(3), (b)(6) utilized the green lazer as an early warning device after the initial engagement to direct traffic (Exhibit 4, Tab L3).

7.) The Soldiers discovered that the tow-bar transported on D22 was missing a pin, which rendered it unusable (Exhibit 4, Tabs B1, C1, G1, J1, K1, M1, N1, O1, P1, and R1). They proceeded to retrieve the second tow-bar from D23 and discovered that it was not placed on the vehicle prior to departing FOB Loyalty (Exhibit 4, Tab B1). The decision was made to tow D27 with a combination of a cable and a chain (Exhibit 4, Tabs G1 and K1).

8.) Either during the process of hooking up D22 to D27 or immediately after it was hooked up, is when the majority of Soldiers working on D27 heard firing (Exhibit 4, Tabs A1, B1, C1, F1, G1, I1, J1, L1, M1, N1, O1, P1, and R1).

4. Incident.

a. SPC (b)(3), (b)(6) positioned himself at the rear of D27 to control traffic. He utilized arm gestures to direct traffic to move into the far left lane (Exhibit 4, Tab Q1).

b. SPC (b)(3), (b)(6) stated he then saw a red car directly behind the convoy traveling at a high rate of speed. He continued signaling the red car to move to the other side of the road but it did not comply. At approximately a football field's distance, SPC (b)(3), (b)(6) went (b)(1)1.4 (a) (b)(1)1.4 (a) The car still did not comply, so in accordance with (b)(1)1.4 (a) (Exhibit 7, Tab A) (b)(1)1.4 (a) (b)(3), (b)(6) (b)(1)1.4 (a) (b)(1)1.4 (a) He stated he saw the warning shot spark off the pavement (Exhibit 4, Tabs Q1 and Q4).

c. SPC (b)(3), (b)(6) stated the red car continued to speed up so (b)(1)1.4 (a) (b)(1)1.4a (Exhibit 4, Tabs Q1 and Q4) still properly adhering to EOF procedures.

d. SPC (b)(3), (b)(6) stated the red car continued speeding forward, and that he heard the roar of the engine. (b)(1)1.4 (a) (Exhibit 4, Tabs Q1 and Q4). (b)(1)1.4 (a) SPC (b)(3), (b)(6) fired these 6-7 total rounds in the (b)(1)1.4 (a) prior to any other Soldiers firing.

e. From the time SPC (b)(3), (b)(6) fired the 3-4 shots into the driver's area, until the moment the last round was fired in the entire incident, 9 of the 18 Soldiers fired their weapons (Exhibit 4, Tab S).

f. Three of the four crew served weapons fired – two M240Bs and one M2 (Exhibit 4, Tabs C1, H1, L1, L2, L3 and S). SPC (b)(3), (b)(6) the M2 gunner in D27, did not fire any rounds (Exhibit 4, Tab P1). All other weapons fired by U.S. Soldiers were M4s.

g. The estimate of the entire engagement time, based on discussions and statements taken, is approximately 25 seconds. This engagement time cannot be substantiated with any definitive method.

h. Twelve Soldiers say they saw "flashes" coming from the red car at some time during the engagement after the initial shots were fired by SPC (b)(3), (b)(6) (Exhibit 4, Tab S).

i. Thirteen Soldiers say they heard "gunfire" coming from the red car during the incident (Exhibit 4, Tab S).

j. The distance the red car traveled from the moment it was first fired upon by SPC (b)(3), (b)(6) until it came to a complete stop was approximately 235 meters (Exhibit 1).

k. The red car continued forward and passed the stationary convoy on the left side within 2-15 feet (Exhibit 4, Tabs H1 and K1). SPC (b)(3), (b)(6) and SGT (b)(3), (b)(6) turned to continue engaging the car along with seven other Soldiers (SPC (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) 2LT (b)(3), (b)(6) SGT

(b)(3), (b)(6) SPC (b)(3), (b)(6) and SPC (b)(3), (b)(6) (Exhibit 4, Tabs Q1, Q4, O1, I1, L1, L2, G2, H1 and M1).

l. The car continued moving forward approximately 125 meters ahead of the lead vehicle in the convoy, D23, at approximately 30-35 miles per hour (Exhibit 4, Tab H1). The car swerved suddenly to the right and traversed the twenty meters of dirt and then crashed into the fence.

m. Several Soldiers stated they saw “flashes” come from the front passenger window area of the car after it crashed into the fence (Exhibit 4, Tab S). Some Soldiers described the flashes as white, orange, or red flashes (Exhibit 4, Tabs A1, B1, and H1). 2LT (b)(3), (b)(6) then told SPC (b)(3), (b)(6) the M2 gunner of D26, to re-engage the vehicle (Exhibit 4, Tabs B1 and H1). SPC (b)(3), (b)(6) did not fire immediately into the red car. His M2 was still oriented to the 0100 position until the car crashed into the fence. After it crashed, SPC (b)(3), (b)(6) first checked on the status of his driver and himself. He was then told to engage the car by 2LT (b)(3), (b)(6). SPC (b)(3), (b)(6) fired 125 rounds after it hit the fence (Exhibit 4, Tab H1).

n. The car started on fire at this point and quickly became engulfed in flames (Exhibit 4, Tab B1).

o. It was determined that 310 rounds were fired (Exhibit 3, Tab B).

1.) 125 rounds of .50 Caliber.

2.) 90 rounds of 7.62mm (link).

3.) 95 rounds of 5.56mm (ball).

5. Post-Incident.

a. 2LT (b)(3), (b)(6) secured the site and then went across the road to speak with CPT (b)(3), (b)(6) the Company Commander of Camp Slayer Area Defense Operations Center (ADOC), who had gone to a tower along the wall of Camp Slayer after being notified of the incident. He asked CPT (b)(3), (b)(6) to call for assistance (Exhibit 4, Tabs G1 and W).

b. SPC (b)(3), (b)(6) fired warning shots into the dirt in front of a white truck and another vehicle approaching rapidly from the rear (Exhibit 4, Tab L2). Both vehicles stopped, turned around, and drove away. They later proved to be two Iraqi service vehicles needed at the scene. One of the IPs explained this to the Soldiers and the vehicles were allowed to proceed forward without further incident.

c. Approximately the same time, the Air Force Office of Special Investigations (AFOSI) at Air Base Sather received a phone call from an unidentified passing motorist who said words to the effect that a U.S. convoy was engaged by a civilian car on BIAP (Exhibit 3, Tab D).

d. Within minutes, Iraqi fire trucks, Iraqi Police (IP), Global personnel, and AFOSI arrived at the scene. The fire was extinguished and AFOSI coordinated with the IPs and Global personnel to recover the deceased personnel and conduct an inspection of the destroyed car. Task Force Vigilant Quick Reaction Force (QRF) arrived on the scene minutes after this (Exhibit 6, Tab A).

e. During the recovery of the human remains, the IPs asked the Soldiers to turn away out of respect to Muslim traditions (Exhibit 4, Tabs B1, E1, G1, J1, K1, L1, M1, N1, O1, Q1 and R1). The Soldiers complied with this request. Numerous Soldiers state there were periods of time when only Iraqi personnel had sole access to the red car (Exhibit 4, Tabs B1, E1, G1, O1, and R1), and SPC (b)(3), (b)(6) states he saw an Iraqi place something that was in the red car into the ambulance front seat (Exhibit 4, Tab M1). This contradicts statements from AFOSI and the results of the IP interview (Exhibit 4, Tab X).

f. According to the AFOSI Reports and Iraqi Police Interview, no weapons or spent shell casings were recovered from the red car (Exhibit 3, Tab E and Exhibit 4, Tab X) and SFC (b)(3), (b)(6) said he looked into the vehicle after the fire was out and did not see any weapons (Exhibit 3, Tabs B and C).

g. After the remains were recovered and the fire trucks departed; SFC (b)(3), (b)(6) § QRF escorted 2LT (b)(3), (b)(6) convoy to the Task Force Vigilant ADOC to conduct a debriefing with platoon members (Exhibit 3, Tab C).

6. Findings

a. SPC (b)(3), (b)(6) initiated EOF measures IAW published MNC-I and MND-B standards. Although the radiator and front portion of the engine parts were melted, forensics analysis conducted by the MNC-I Law Enforcement Forensics Laboratory confirms one round consistent with 5.56mm fired at a shallow angle to the hood of the red car, supporting SPC (b)(3), (b)(6) statement of the EOF measures he employed (Exhibit 3, Tab A). SPC (b)(3), (b)(6) is the only member of the convoy who was in position to make this shot at that angle. All other shots fired were to the rear and/or right side of the car.

b. All other members of 2/D/2-30 IN who fired during this EOF incident acted IAW published MNC-I and MND-B standards.

c. Although 310 rounds were fired (Exhibit 3, Tab B), only 30 bullet entry holes were found in the vehicle. Extensive damage to the car prevented determination of the total rounds that hit the car (Exhibit 3, Tab A). The total round expenditure was proportional to the number and type of weapon systems employed against the car.

d. Despite numerous Soldiers stating they saw muzzle flashes, or colors which resembled gunfire, or heard gunfire emanating from the red car; I conclude as fact based on the AFOSI report that no weapons were in the red car. It was difficult for most of the U.S. Soldiers to determine who all the various agencies on the scene were immediately after the incident, and it is

therefore understandable that many of these Soldiers believed there was a period of time when only Iraqi personnel had exclusive access to the red car – potentially presenting chain of custody issues and questions pertaining to any evidence recovered from the car. I also conclude as fact that U.S personnel (Soldiers and AFOSI) had constant access to the car and that no evidence was taken by any members of the Iraqi fire or ambulance services, IPs, or Global. It is reasonable to believe that the red or orange flashes described coming from the red car were in fact tracer rounds from U.S. M4s or M2 .50 caliber armor piercing incendiary tracer rounds burning within the vehicle.

e. Based on the demeanor and confidence of all the U.S. Soldiers during the arduous interview process, it is evident that many of them truly believe they were fired on during the incident. The investigating officer detected no sense of deceit or obfuscation on the part of any one of them.

f. The three occupants in the red car intended no ill will towards the U.S. convoy. It is reasonable to believe the driver was merely driving to the right of the road IOT avoid the damaged portions of the road and for unknown reasons did not observe the U.S. convoy, the one warning shot, or the two disabling shots until it was too late to react.

g. No enemy rounds were fired at the convoy. There was only one hole in one of the U.S. vehicles consistent with a bullet hole that forensics could verify (Exhibit 3, Tab A2). If the Soldiers are correct in claiming the hole was not present prior to the incident, it can only be concluded that the damage was inflicted by a U.S. Soldier during the engagement incident.

h. BIAP is not a part of any U.S. FOB (Exhibit 4, Tab V and Exhibit 7, Tab P). Therefore, the arming status on BIAP needs to remain IAW MOD 31 to Appendix 8 (Enduring Guidance for Combat Operations) to Annex C (Operations) to MND-B OPOD 08-01 (Exhibit 7, Tab J).

i. Security measures at ECP 1 are the sole responsibility of the GOI. Civilian vehicles entering BIAP must all proceed through ECP 1 – they are not permitted to utilize ECP 13. Global employees operating ECP 1 subject each vehicle to an interior and exterior search and all occupants must submit to a metal detection search of their person.

j. Security measures at ECP 13 are commensurate with all other ECPs on VBC with one major exception: when CF vehicles travel through the DOD lane enroute to ECP 13 (entrance to Camp Slayer), drivers must turn left IOT enter Camp Slayer. If a driver continues forward, the only obstacle preventing him from entering BIAP is one U.S. vehicle manned by one Soldier who merely moves the vehicle out of the way if the convoy indicates it wants to proceed forward (Exhibit 6, Tab C). There are no dismounted guards at that location to verbally inquire of a convoy what reason it has to enter BIAP. Many drivers unfamiliar with this ECP make this mistake, just as 2LT (b)(3), (b)(6) platoon did on 25 JUN 08. Also, due to the constraints of terrain, not all models of U.S. vehicles (HETs, fuelers, etc.) can enter ECP 13 and therefore must proceed onto BIAP if arriving via Route Irish.

k. There were no Iraqi Army members on the scene as described in the investigating officer's appointment letter. There were several IPs on the scene and they acted in total cooperation with AFOSI and Global as indicated previously in this document.

l. Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS) footage exists of the aftermath of the event (Exhibit 6, Tab A). It is 39.4 minutes in duration. Although it does not capture the actual engagement incident, the evidence and events depicted on the footage largely coincide with the statements given by U.S. personnel (i.e. location of the U.S. vehicles, arrival of ambulance and fire services, and the large number of people around the red car).

m. A CF vehicle can exit ECP 5 or ECP 8 onto BIAP and then unknowingly exit onto Route Irish without being warned by guard personnel at ECP 13.

n. Arrisoula Range located on Camp Slayer was in a hot status from 0600-1527 the day of the incident. The range's orientation is to the Northwest (Exhibit 3, Tab B). It is almost 600 meters from the engagement location (Exhibit 7, Tab Q). There is a wall eleven feet in height directly behind the range, and then 150 meters distance until another wall 12 feet in height borders the BIAP Racetrack. Fourteen Soldiers stated they did not hear any firing prior to the incident with the red car and that they did not hear any firing after the incident with the red car (Exhibit 4, Tabs B2, C2, D3, E2, F2, H2, I2, J2, L5, M2, N2, O3, Q5, R2). Two Soldiers, 2LT (b)(3), (b)(6) and SPC (b)(3), (b)(6) stated they heard the second SAF event in conjunction with the EOF incident with the emergency service vehicles that approached the convoy from the north after the incident with the red car (Exhibit 4, Tabs A2, G3). SSG (b)(3), (b)(6) said he heard firing about one hour after the incident and assumed it was a nearby range since the weapons sounded like M4s and M16s (Exhibit 4, Tab K2). SPC (b)(3), (b)(6) stated he did not remember if he heard any firing after the incident with the red car (Exhibit 4, Tab P3). Based upon all 18 statements and the distance and obstacles between the firing range and the engagement location, I do not believe Range Arrisoula played any factor in the engagement of the red car.

o. The 4th Infantry Division (Mechanized) Commanding General's emphasis of the "Ironhorse Big 8" in the "How We Fight" document, dated 10 NOV 07 (Exhibit 7, Tab K) succinctly outlines the standard for enforcing the proper use/application of those eight tenets. After questioning all 18 Soldiers specifically about this standard, the tenet most directly impacting this engagement is the third one: PCC/PCI (Pre Combat Checks and Pre Combat Inspections). If NCOs had more thoroughly conducted PCCs, and the platoon leader conducted a more thorough PCI, the deficiency of the missing pin on the tow-bar of D22 and the lack of a tow-bar on D23 would have been discovered by leadership prior to the convoy departing FOB Loyalty.

p. Due to the confusion amongst most platoon members regarding whether they were on a FOB, in a "safe zone" as 2LT (b)(3), (b)(6) indicated (Exhibit 4, Tab G3), or otherwise; the platoon chain of command did not have the platoon assume the normal security posture when executing a dismounted operation. SPC (b)(3), (b)(6) was given instructions to keep the traffic away from the

AFYB-G3-ISF

SUBJECT: AR 15-6 Investigation (D Co, 2-30 IN, 4-10 MTN)

convoy and moving (Exhibit 4, Tab O3). He was not told to pull security, just direct traffic; he reacted defensively to the red car when it did not adhere to his direction (i.e. hand and arm gestures) (Exhibit 4, Tab Q5). The platoon leader states the platoon was just directing traffic until after the engagement when he told everyone to pull security (Exhibit 4, Tab G3). The senior NCO, SSG (b)(3), (b)(6)] states words to the effect that the platoon was directing traffic (Exhibit 4, Tab K2).

(b)(5)

AFYB-G3-ISF

SUBJECT: AR 15-6 Investigation (D Co, 2-30 IN, 4-10 MTN)

8. POC for this action is the undersigned at SVOIP [redacted] DSN [redacted], SIPR email

[redacted]

or NIPR email

[redacted]

[redacted]

LTC, FA
Investigating Officer

TABLE OF CONTENTS: Investigati **AR 15-6**
Investigating Officer: LTC (b)(3), (b)(6)
MND-B ISF Cell Chief, S (b)(2), (b)(6)

	TITLE
	15-6 Investigation Paperwork DA FORM 1574, March 1983
Encl I	Continuation of findings
Encl II	Table of Contents
Encl III	Investigating Officer Appointment Memo
Encl IV	Chronology of Events
Encl V	Timeline: Escalation of Force BIAP
Exhibit 1	Concept Presentation
Exhibit 2	Serious Incident Reports Listings
Exhibit 3	Findings from other agencies or units
Exhibit 4	Sworn Statements
Exhibit 5	Pictures
Exhibit 6	Videos
Exhibit 7	REFERENCES

ENCLOSURE II, AR 15-6, 7 JUL 08, D CO, 2-30 IN, 4-10 MTN



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED)
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP AL-TAHEREER (LIBERTY) APO AE 09344

REPLY TO
ATTENTION OF:

AFYB-CG

MEMORANDUM FOR LTC [REDACTED] 18th Fires Brigade, 4th Infantry Division
(Mechanized), Multi-National Division-Baghdad, Camp Al Tahreer (Liberty), APO AE 09344

SUBJECT: Appointment as Investigating Officer under AR 15-6

1. You are hereby appointed as an Investigating Officer pursuant to *AR 15-6, Procedures for Investigating Officers and Boards of Officers*, to conduct an independent investigation into the facts and circumstances surrounding the SAF engagement between 2nd Platoon, Company D, 2-30 Infantry, 4-10 Mountain Division and three civilians near BIAP on 25 June 2008.

2. You will issue Findings and Recommendations that cover, at a minimum, the following areas of inquiry:

- a. Describe the events prior to, during, and after the exchange of fire.
- b. Who initiated the event?
- c. What is the arming status while traveling on BIAP?
- d. What security measures are in place when entering BIAP, for both civilian and military vehicles?
- e. Describe the actions taken by the Iraqi Army upon arrival to the scene.

3. Your legal advisor is CPT [REDACTED] Chief of Administrative Law, 4th Infantry Division and Multi-National Division-Baghdad, VOIP [REDACTED] who will give you an in-brief before beginning your investigation and be available to assist you during the investigation.

4. You may speak with any and all individuals that you believe have information pertinent to your investigation. You will obtain guidance from your legal advisor if in the course of your investigation you determine that completion thereof requires examining the conduct or performance of a person senior to you, or may result in Findings and Recommendations adverse to a person senior to you.

5. If during the course of your investigation you come to suspect that an individual you are questioning may be criminally responsible, you will advise that individual of his or her rights

AFYB-CG

SUBJECT: Appointment as Investigating Officer under AR 15-6

under Article 31, UCMJ, or the Fifth Amendment, as appropriate. You will administer and record such rights advisements on DA Form 3881.

6. All witness statements will be sworn and, if possible, submitted on DA Form 2823. If circumstances preclude you from obtaining a sworn statement, or if you obtain a statement telephonically, you will summarize that statement in a Memorandum for Record and swear to the accuracy of your summary.
7. Your report will be submitted to this office on DA Form 1574, together with all evidence marked as Exhibits and an Index to the Exhibits. Your Findings must be based on the evidence you include as Exhibits, and your Recommendations must be based on your Findings.
8. Your complete report will be submitted to this office no later than 7 days from receipt of this appointment memorandum. Submit any requests for delay in writing to the Staff Judge Advocate, MND-B. You must obtain a written legal review from the Office of the Staff Judge Advocate, MND-B, Administrative Law Division, before final submission to this office.



JEFFERY W. HAMMOND
Major General, USA
Commanding

CHRONOLOGY OF EVENTS: Investigator [redacted] er AR 15-6
Investigating Officer: LTC [redacted]
MND-B ISF Cell Chief, SVOIP [redacted]

<u>DATE</u>	<u>LOCATION</u>	<u>EVENT</u>
25-Jun-08	Incident Scene (BIAP Racetrack)	D CO, 2-30 IN SAF with 3x LN.
25-Jun-08	TF Vigilant HQs	1LT [redacted] TF Vigilant S2, conducted debrief with 2LT [redacted] SGT [redacted] SPC [redacted]
25-Jun-08	MND-B HQs	[redacted] informs LTC [redacted]
25-Jun-08	MND-B HQs	Interviews (2 [redacted] SGT [redacted] SPC [redacted] SPC [redacted])
26-Jun-08	TF Vigilant HQs	Discussed case with MAJ [redacted] TF Vigilant Commander (Victory Area Base Defense Operations Center).
26-Jun-08	Incident Site	Conducted convoy to the actual incident site with TF Vigilant personnel.
27-Jun-08	MND-B HQs	Interviews (PVT [redacted] PFC [redacted] PV2 [redacted] PFC [redacted] SPC [redacted])
28-Jun-08	MND-B HQs	SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted]
29-Jun-08	MND-B HQs	Interviews (SSG [redacted] SGT [redacted])
29-Jun-08	MND-B HQs	Interviews (CPL [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted])
30-Jun-08	MND-B HQs	Interviews (2LT [redacted] SGT [redacted] SPC [redacted] SPC [redacted])
1-Jul-08	Team Bowie	Meeting with LTC [redacted] Team Bowie, Force Protection Officer.
2-Jul-08	BIAP	Meeting with the [redacted] lince (COL [redacted] MAJ [redacted] and MAJ [redacted])
3-Jul-08	Incident Site	Restaged the scene with Forensics and actual 2/D/2-30 IN Soldier
3-Jul-08	Route Irish to BIAP Airport Road to Incident Site	Conducted video recording of the Route to the incident site.
3-Jul-08	Global Camp Fiji (BIAP)	Forensics inspected the burned Red Car at Global Camp Fiji (BIAP) .
3-Jul-08	BIAP	Attempted condolence payment with the the Families of the deceased 3x LN at BIAP Iraqi Police Station.
4-Jul-08	MND-B HQs	Product Build. Interview (SFC [redacted])
5-Jul-08	MND-B HQs	Product Build.
6-Jul-08	MND-B HQs	Product Build. Interviews (SPC [redacted] SPC [redacted] SPC [redacted] and SPC [redacted]) Draft Findings and Recommendation
7-Jul-08	MND-B HQs	Findings and Recommendations to MND-B Legal Team.

Encl IV, AR 15-6, 7 JUL 08, D CO, 2-30 IN, 4-10 MTN

TIMELINE: Escalation of Force BIAP

Investigating Officer: LTC (b)(3), (b)(6)

All events on 25 JUN 08

<u>Time</u>	<u>EVENT</u>
0823	Patrol enters BIAP
0828	D27 breaks down and patrol stops on shoulder road; recovery operations begin
0839	D22 chained ready to recover D27
0840	Escalation of Force
0842	Base Defense Operations Center (BDOC) receives call reporting Small Arms Fire on BIAP
0843	(b)(1)1.4a
0855	First Fire Truck arrives on scene 5 Personnel
0856	Patrol extends perimeter South past burning car
0858	Fire Truck begins to extinguish car fire
0900	Global Security (Private Security for BIAP) arrives on scene
0900	Civilian reports to ECP 8 that four military vehicles engaged civilian vehicles
0900	IP on Scene directing traffic to Northbound Lane crossing through median
0902	Fire Extinguished
0903	CPT (b)(3), (b)(6) is in Guard Tower overlooking scene and speaks with 2LT (b)(3)(b)(6)
0905	2nd Civilian reports to ECP 8 that there was a military engagement on BIAP
0910	Second Fire Truck Arrives (Continue to spray car to cool it)
0912	Victory Area Defense Operations Center (ADOC) notified of SAF engagement on BIAP vic 38 S MB 31004 79496
0915	
0921	(b)(1)1.4 (a)
0925	Global Security (Private Security for BIAP) reported 3 x LN KIA
0950	Air Force Office of Special Investigations (OSI) arrives on scene (2 Agents plus
0954	(b)(1)1.4 (a)
1035	Air Force Office of Special Investigations (OSI) arrives on scene 4 Additional Personnel
1104	Remains removed from vehicle and taken to local hospital
1115	Vehicle Inspection Begins
1213	Scene Cleared, all agencies leave the scene; Global returns later to retrieve vehicle

Encl V, AR 15-6, 7 JUL 08, D CO, 2-30 IN, 4-10 MTN

EXHIBIT 1 CONCEPT SKETCH

AR 15-6, 7 JUL 08

D CO, 2-30 IN, 4-10 MTN

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

LTC, FA

Investigating Officer

SVOI

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

DSN

SIPR

NIPR

(b)(2), (b)(6)

Page 25 redacted for the following reason:

(b)(1)1.4c

(b)(1)1.4c

(b)(1)1.4c

(b)(1)1.4c

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(b)(1)1.4c, (b)(3), (b)(6)

(b)(1)1.4c, (b)(3), (b)(6)

(b)(1)1.4c

(b)(1)1.4c



TRAINING

- Marksmanship
- Safety
- ROE/EOF Procedures
- Situational Training Exercises
- Battle Drills (SVCP, CP, Convoy)

I

(b)(1)1.4 (a)

(b)(1)1.4 (a), (b)(1)1.4a

(b)(1)1.4 (a)

MISSION PREPARATION

- Backbriefs
- Rehearsals
- Periodic scenario-based decision exercises

INCIDENT OCCURS RESULTING IN DISCHARGE OF WEAPON

- Determine if death, injury or property damage has occurred
- Secure the site
- Render first aid
- Request civilian ambulance or conduct MEDEVAC

UNCLASSIFIED//FOUO

CONDOLENCE \$\$

Take information for claim submission

OR

Issue claim form on scene

CLAIMANT PRESENTS FORM AT FOB OR IRAQI ASSISTANCE CENTER

OR

UNIT SUBMITS CLAIM

CLAIM IS PROCESSED AND APPROVED

CASH PAYMENT IS DISBURSED TO CLAIMANT

AND

LEADERS REPORT SWs TO HQs IAW CONTACT SOP

HQs: NOTIFY LOCAL PJCC AND COORD. FOR IPs

HQs: NOTIFY / TASK CMO/CA/SJA FOR APPROPRIATE ACTION

FOLLOW UP REPORT TO HQs

- WHO: NUMBER OF CASUALTIES (CIVILIAN AND MILITARY); AGE AND GENDER; OTHER UNITS INVOLVED
- WHAT: EOF PROCEDURES TAKEN; APPROXIMATE DISTANCES; ACTIONS / REACTIONS OF THE SUBJECTS TO EOF PROCEDURES; TYPE OF OPERATION BEING CONDUCTED (STATIC/MOVING)
- WHEN / WHERE: DTG / MGRS
- ADDITIONAL INFO:
 - VEHICLE/PERSONNEL SEARCH RESULTS
 - INTEL INITIAL ASSESSMENT: KNOWN THREATS
 - TACTICAL QUESTIONING: DO CITIZENS UNDERSTAND THE POLICIES?
 - WHAT TYPE OF INVESTIGATION – IS IT INITIATED?
- SUBMIT SITREP / SPOTREP TO HIGHER HQ (SIGACT)

SERIOUS INCIDENT REPORTS: Investigating Officer under AR 15-6

Investigating Officer: LTC (b)(3), (b)(6)

MND-B ISF Cell Chief, SVOIP (b)(2), (b)(6)

TAB	SERIOUS INCIDENT REPORTS
EXHIBIT 2	SERIOUS INCIDENT REPORT LISTING
A	MND-B STORY BOARD SAF SIR
B	TF VIGILANT INITIAL SIR
C	TF VIGILANT FINAL SIR

EXHIBIT 2, AR 15-6, 7 JUL 08, D CO, 2-30 IN, 4-10 MTN

Page 36 redacted for the following reason:

(b)(1)1.4a

251222JUN08 SIR (HOSTILE FIRE ENGAGEMENT ON BIAP), Task Force Vigilant, ADOC

INITIAL SIR

From: TF Vigilant ADOC

TO: TF Bowie BDOC

Subject: CONVOY ENGAGED ON BIAP

1. Category: SAF/ HOSTILE FIRE ENGAGEMENT
2. Type of incident: Small Arms Fire/ Hostile Engagement
3. DTG:
 - A. DTG of incident: 221222JUN08
 - B. DTG unit was notified of incident: 220910JUN08
4. Location: BIAP MB 3100 7950
5. Personnel involved:
 - A. Subject: 2ND PLT, D CO, 230TH 4TH BDE 10TH MTN
 - B. Additional personnel involved: TF VIGILANT QRF, GLOBAL, IPs
 - C. Summary of incident:

SUMMARY:

At approximately 0913 TFV received word from BOWIE that a Convoy had been engaged on BIAP. QRF was spun up and sent to MB 3100 7950. (b)(1)1.4 (a)

(b)(1)1.4 (a)

At 1010, ADOC received SITREP: a red 4 door sedan with a hatch back came up behind and then to the side of the convoy while they were recovering a broken down vehicle and then opened fire on them. The convoy returned fire, the vehicle then ran off the road. The vehicle caught fire and the occupants were all KIA. Total is 3 enemy KIA. V1 and V2 from the US convoy sustained rounds.

SPC (b)(3), (b)(6) and SPC (b)(3), (b)(6) from 2nd PLT, D Co, 230th 4th BDE 10th MTN were the two Soldiers that returned fire.

At approximately 1000, TFV S2 contact OSI and coordinated with them to exploit the site. At 1015 OSI arrived on site. At 1104 OSI allowed the IPs to take the bodies from the car. At 1213 the site was cleared.

MTF on identities of Enemy Shooters, type of weapon shooters possessed as well as pictures of the site. TFV is currently awaiting QRF PL, initial Convoy CDR, Mr (b)(3), (b)(6) from Global Security and OSI representative to debrief.

6. Other Information:

- A. Racial: N/A
- B. Alcohol Involvement: N/A
- C. Last Deployment to OIF/OEF: N/A
- D. Is Soldier on Rear "D"? No

7. Remarks: NONE

8. Commander reporting: MAJ (b)(3), (b)(6) VOIP (b)(2), (b)(6)

9. Report originated by: 1LT (b)(3), (b)(6) Battle Captain VOIP (b)(2), (b)(6)

10. Released by: LT (b)(3)(b)(6) BN S3, VOIP (b)(2), (b)(6), (b)(6), (b)(7)c

12. Unit Notifications: 2nd PLT, D Co, 230th, 4th BDE 10th MTN

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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25 0842 JUN08 SIR (HOSTILE FIRE ENGAGEMENT ON BIAP), Task Force Vigilant, ADOC

FINAL SIR

From: TF Vigilant ADOC

TO: TF Bowie BDOC

Subject: CONVOY ENGAGED ON BIAP

1. Category: SAF/ HOSTILE FIRE ENGAGEMENT
2. Type of incident: Small Arms Fire/ Hostile Engagement
3. DTG:
 - A. DTG of incident: Approx. 25 0842 JUN 08
 - B. DTG unit was notified of incident: 25 0910 JUN 08
4. Location: BIAP MB 3100 7950
5. Personnel involved:
 - A. Subject: 2ND PLT, D CO, 2-30TH INF, 4TH BDE, 10TH MTN
 - B. Additional personnel involved: TF VIGILANT QRF, GLOBAL, IPs
 - C. Summary of incident:

SUMMARY:

At approximately 0913 hours, TFV received word from TF Bowie that a Convoy had been engaged on BIAP. [REDACTED] (b)(1)1.4 (a)

[REDACTED] (b)(1)1.4a Iraqi Police and Global Security were already on site.

At 1010 hours, TFV ADOC received the following SITREP; a red 4 door sedan with a hatch back came up behind and then to the side of the convoy while they were recovering a broken down vehicle and then opened fire on them. The convoy returned fire, the vehicle then ran off the road. The vehicle caught fire and the occupants were all KIA. Total is 3 x LN KIA. V1, 26V, and V2, 23V, from the US convoy sustained rounds.

SGT [REDACTED] (b)(3), (b)(6) SPC [REDACTED] (b)(3), (b)(6) and SPC [REDACTED] (b)(3), (b)(6) from 2nd PLT, D Co, 2-30th INF, 4th BDE, 10th MTN were the 2-30 INF Soldiers that returned fire. The TFV QRF NCOIC, SFC [REDACTED] (b)(3), (b)(6) did not locate a weapon in the LN vehicle.

At approximately 1000 hours, TFV S2 contacted OSI and coordinated with them to exploit the site. At 1015 OSI arrived on site. At 1104 OSI allowed the IPs to take the bodies from the car. At 1213 the site was cleared.

The personnel in the LN vehicle were 1 x Male (driver), and 2 x Females (passengers). OSI provided the identities of the LNs in the vehicle via BATS. The names of the LNs are as follows: Male – Hafidh Abood Mehdi; Females – Maha Adnan Younis and Suroor Shaheed Ahmed. Global Security reported that all of the personnel in the LN vehicle worked at the bank in BIAP. Family members of the deceased LNs also began arriving at the scene. They included: (1) Son of one of the LN female. He works at the terminal. (2) Sister of the other female. She also works at the terminal. A small amount of money, personal jewelry, and personal identification were all pulled from the vehicle by OSI. OSI did not locate a weapon in the LN vehicle. As of 25 1630 JUN 08, TFV has been instructed to conduct a Commander's Inquiry of the event by TF Bowie. Complete debriefs from the D/2-30th INF patrol, and the TFV QRF, will follow in the Commander's Inquiry. The complete OSI report and Global Security report will also follow in the Commander's Inquiry.

6. Other Information:

- A. Racial: N/A
- B. Alcohol Involvement: N/A
- C. Last Deployment to OIF/OEF: N/A
- D. Is Soldier on Rear "D"? No

7. Remarks:

Damage to CF Vehicles:

1 x U.S. 1114 UAH - 1 hit to the rear bumper.

2 x U.S. 1151 UAH – (26V) 1 hits to right, rear wheel well, 1 hit to the left side of the turret. (23V) 1 hit to the rear, upper right of the turret, 1 hit to the right, rear fender.

At 1605 hours, TFV ADOC called Slayer ADOC to confirm or deny the range status of Arizola Range at the time of the incident. CPT (b)(3), (b)(6) ADOC BTL CPT, confirmed that Arizola Range went "Hot" at 0600 hours and went "Cold" at 1527 hours. Arizola Range is located at 38S MB 3103 8002.

8. Commander reporting: MAJ (b)(3), (b)(6) VOIP (b)(2), (b)(6)

9. Point of contact: 1LT (b)(3), (b)(6), TFV Battle Captain VOIP (b)(2), (b)(6)

10. Report originated by: 1LT (b)(3), (b)(6) Battle Captain VOIP (b)(2), (b)(6)

11. Released by: LT (b)(3), (b)(6) BN S3, VOIP (b)(2), (b)(6)

12. Unit Notifications: 2nd PLT, D Co, 230th, 4th BDE 10th MTN

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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FINDINGS FROM OTHER AGENCIES: Investigating Officer under AR 15-6

Investigating Officer: LTC (b)(3), (b)(6)

MND-B ISF Cell Chief, SVOIP (b)(2), (b)(6)

TAB	REPORTS
	FINDINGS FROM OTHER AGENCIES LISTING
A	MNC-I FORENSICS LABORATORY FIREARMS FINAL REPORT
B	TF VIGILANT COMANDER'S INQUIRY
C	TF VIGILANT DEBRIEF
D	AFOSI INITIAL REPORT
E	AFOSI AIRPORT ROAD REPORT
F	CASUALTY IDENTIFICATION

EXHIBIT 3, AR 15-6, 7 JUL 08, D CO, 2-30 IN, 4-10 MTN



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DEPARTMENT OF THE ARMY
Multi-National Corps - Iraq
Law Enforcement Forensics Laboratory
Camp Victory, Iraq
APO AE 09342

FICI-PMO

3 July 2008

MEMORANDUM THRU

LABORATORY COORDINATOR, MNC-I LAW ENFORCEMENT FORENSICS
LABORATORY (GS), CAMP VICTORY, IRAQ, APO AE 09342
PROVOST MARSHAL, MNC-I, CAMP VICTORY, IRAQ, APO AE 09342

FOR LTC (b)(3), (b)(6), 18th FIRES BDE, 1SF

SUBJECT: Firearms - Final Report
MNC-I Case Number: 2008-0600
Submitter Case Number: None Listed

BACKGROUND:

An Iraqi four door hatchback sedan was processed for the presence of bullet holes.

FINDINGS:

1. The radiator of the Iraqi sedan was examined for evidence of bullet passage. Due to the radiator being melted and extensively damaged, it could not be determined if any bullets passed through it.
2. A total of thirty holes consistent with bullet entry holes were found in the vehicle. There was one entrance hole in the driver's side of the hood of the vehicle that was consistent with a 5.56mm caliber bullet entering at a very shallow angle. There were twenty-seven entry holes in the passenger side of the vehicle caused by various calibers of bullets. There were two bullet entry holes in the rear of the vehicle. Extensive damage to the vehicle prevented determination of the total number of bullet entrance holes at the time of the shooting incident.

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

Forensic Firearms Examiner
DSN (b)(2), (b)(6)

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DEPARTMENT OF THE ARMY
Multi-National Corps - Iraq
Law Enforcement Forensics Laboratory
Camp Victory, Iraq
APO AE 09342

FICI-PMO

28 June 2008

MEMORANDUM THRU

LABORATORY COORDINATOR, MNC-I LAW ENFORCEMENT FORENSICS
LABORATORY (GS), CAMP VICTORY, IRAQ, APO AE 09342
PROVOST MARSHAL, MNC-I, CAMP VICTORY, IRAQ, APO AE 09342

FOR LTC (b)(3), (b)(6), 18th FIRES BDE, 1SF

SUBJECT: Firearms - Final Report
MNC-I Case Number: 2008-0600
Submitter Case Number: None Listed

BACKGROUND:

Four HMMWV were processed for evidence of bullet impact marks.

FINDINGS:

1. Examination of the 2-3 HMMWV identified one hole in the passenger side rear corner that was consistent with being a bullet hole. The bullet that created this hole was consistent with being a 5.56mm caliber bullet with six lands and grooves, right twist. The direction of the bullet was back to front and slightly from the driver side to the passenger side at a fairly level vertical angle.
2. Examination of the 2-6 HMMWV identified two possible impact sites. One impact was in the turret glass on the left side and could not be conclusively confirmed to be a bullet impact. The other impact was a hole in the rear passenger wheel well. The hole could not be conclusively confirmed to be a bullet impact. The hole was not consistent with being created by a direct bullet impact.
3. Examination of the 2-2 HMMWV revealed no bullet impact marks.
4. Examination of the 2-7 HMMWV identified two possible impact sites. One impact was in the lower portion of the driver's door and was consistent with being a bullet hole. The direction of

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SUBJECT: Firearms - Final Report
MNC-I Case Number 2008-0600
Submitter Case Number: None listed

the bullet was back to front and from the driver side to the passenger side. Due to the damage, the caliber of the bullet that created this hole could not be determined. The other possible impact point was on the left rear bumper and was determined not to be consistent with a bullet impact site.

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

Forensic Firearms Examiner
DSN (b)(2), (b)(6)

DEPARTMENT OF THE ARMY
Headquarters, TASK FORCE VIGILANT
Area Defense Operations Center
Camp Victory, Iraq
APO AE 0934

ADOC-TFV

26 June 2008

MEMORANDUM FOR COMMANDER, TASK FORCE BOWIE, BASE DEFENSE OPERATIONS CELL (BDOC), CAMP VICTORY, IRAQ, APO AE 09342

SUBJECT: Commander's Inquiry of 25 Jun 08 SIR, Hostile Fire/Engagement of Local Nationals (LN) on Baghdad International Airport (BIAP)

1. PURPOSE. Provide the Commander with a thorough and impartial initial inquiry of the events surrounding the 25 Jun 08 Hostile Fire incident which resulted in the engagement of three LNs on BIAP. After reviewing the initial facts and reports, provide findings and recommendations to the Commander in the form of an informal inquiry IAW the general guidelines of AR-15-6.
2. FACTS.
 - a. At 250913Jun08, TASK FORCE VIGILANT was notified by TASK FORCE BOWIE that a convoy had been engaged on BIAP vicinity 38S MB 31007950. Red Platoon, TEAM HUNTER, TASK FORCE VIGILANT was serving as QRF for TASK FORCE VIGILANT on 25 Jun 08. The QRF was alerted and deployed to the location to assist in providing security and traffic control at the scene of the incident. The QRF SPd to BIAP at 250923Jun08. The reporting unit, 2nd PLT, D Co, 2-30 INF, 4/10 MTN DIV, the Iraqi Police, Iraqi CID, Iraqi Emergency Services and Global Security representatives were already on site upon the arrival of the [redacted] r Global Security representative on site was the Operations Officer, [redacted] (b)(6)
 - b. At 251010Jun08, 2/D/2-30 INF relayed an initial situation report to the ADOC via the QRF Platoon. The situation report indicated a red, 4 door sedan with a hatchback approached the 2/D/2-30 convoy at a high rate of speed from the rear of the convoy and engaged the convoy with SAF while the convoy personnel were attempting to recover a disabled convoy vehicle. 2/D/2-30 INF returned fire with both crew-served and individual weapons as the LN vehicle passed the halted convoy. The LN vehicle then veered sharply off the road to the right, struck a fence, and caught fire. All three occupants in the LN vehicle were assessed as KIA. Initial radio reports made reference to the presence of a weapon (NFI) and potentially a second, white vehicle that may have been involved in the incident, but these could not be confirmed at the time of the initial report.
 - c. At approximately 251000Jun08, TASK FORCE VIGILANT contacted AF OSI (SA [redacted] (b)(6), (b)(3)) to assist in scene preservation and exploitation. Global Security [redacted] d AF OSI prior to the arrival of the QRF. The QRF NCOIC indicated that the LN vehicle was no longer actively burning upon their arrival, but that the bodies occasionally reignited while they were present. The QRF NCOIC indicated that 2/D/2-30 INF had generally established a cordon around the vehicle

prior to the arrival of QRF and AF OSI on site, but that emergency service personnel and Global Security representatives had access to the vehicle. It was also possible that Iraqi Police or Iraqi CID may have had limited access to the vehicle prior to the arrival of the QRF and AF OSI.

- d. At 251015Jun08, AF OSI representatives, SA (b)(3), (b)(6) and SA (b)(3), (b)(6) (b)(3), (b)(6) accompanied by a linguist, (b)(3), (b)(6) arrived on site. With AF OSI representatives in a supervisory role, the Iraqi Police, Iraqi CID and Global Security established a joint investigative effort to preserve the scene and gather evidence. The QRF provided security and overwatch of the scene. The LN vehicle was removed from the fence by a Global Security vehicle to assist in the extraction of the bodies and the conduct of an initial search. Prior to the removal of the bodies from the vehicle, the QRF NCOIC, SFC (b)(3), (b)(6) observed the inside of the vehicle and was not able to visually identify the presence of any weapons in the vehicle. The removal of the bodies and all other items from the interior of the vehicles was supervised and documented by AF OSI personnel. All items removed from the scene were maintained by the Iraqi Police. Items recovered from the LN vehicle included cigarettes, stacks of loose money, a cellular phone and two .50 caliber rounds. No weapons or ammunition casings were recovered from the LN vehicle during the course of the joint investigative effort.
- e. The bodies of the LNs were removed from the vehicle at 251104Jun08 under AF OSI supervision. After the removal the bodies, they were tentatively identified by the Iraqi Police as: HAFIDH ABOOD MEHDI, DOB 7 Jan 1950 (male driver), MAHA ADNAN YOUNIS, DOB 20 Oct 1978 (female passenger) and SUROOR SHAHEED AHMED, DOB 12 Jul 1976 (female passenger). AF OSI later confirmed the identification made by the Iraqi Police via the Biometric Automated Toolset (BAT). All three bodies were transported to the Al-Yarmok Hospital in Baghdad, Iraq vicinity 38S MB 3963 8408 via ambulance. Iraqi Police reported that the three individuals were employed at the BIAP Bank. The Global Security representative, (b)(6) later indicated the male driver was the Bank President.
- f. The Battle Damage Assessment of the LN vehicle was conducted by AF OSI. They referenced and documented multiple points of impact of various shapes and sizes with both inward and outward trajectories throughout the body of the vehicle indicating numerous impacts from both crew served and smaller caliber weapons. The Battle Damage Assessment of the D/2-30 INF vehicles was conducted and documented separately by AF OSI, TASK FORCE VIGILANT and 2/D/2-30 INF personnel. All impact points were assessed to be from small caliber weapons. The lead vehicle (Vehicle 1) had one impact point on the rear of the turret and one on the passenger side of the trunk area. Vehicle 2 had one impact on the driver side turret panel and one on the passenger side rear wheel well. Vehicle 3 had two impacts on the driver side front door. The trail vehicle (Vehicle 4) had one impact on the driver side rear bumper.
- g. At 251213Jun08, the site was cleared. TASK FORCE VIGILANT requested D/2-30 INF Soldiers involved in the incident, the QRF NCOIC and AF OSI return to the ADOC to be debriefed upon departure from the scene. TEAM HUNTER QRF personnel escorted 2/D/2-30 INF Soldiers to the ADOC to conduct an initial debrief. 320Jun 08, the TASK FORCE VIGILANT S2, 1LT (b)(3), (b)(6) (b)(3), (b)(6) conducted an initial debrief of the following person (b)(3), (b)(6) (b)(3), (b)(6) SGT (b)(3), (b)(6) SPC (b)(3), (b)(6) (b)(3), (b)(6) cond aissance with 2/D/2-30 INF Soldiers and received a synopsis of the events

that preceded the engagement of the LN vehicle. The elements of the debrief did not change substantially from the initial situation report, but additional [redacted] provided. 2/D/2-30 INF confirmed they were at a weapon arming [redacted] because they did not see any clearing barrels or signs telling them to adjust their [redacted] is the c [redacted] eapon arming status on BIAP because it is not a US/CF secured FOB. SGT [redacted] indicated he saw a muzzle flash from the LN vehicle, but was unable to identify the type of weapon. At the time of the debrief, neither the 2/D/2-30 INF patrol or the TASK FORCE VIGILANT ADOC were aware that no weapon had been recovered from the LN vehicle. None of the individuals debriefed appeared to be deceptive. None of the statements attributed to the individuals debriefed were in the form of sworn statements.

- h. At 251520Jun08 the TASK FORCE VIGILANT S2 conducted an initial debrief of the QRF NCOIC, SFC [redacted] SFC [redacted] confirmed that multiple Iraqi agen [redacted] ite pri [redacted] rrvival of QRF. SFC [redacted] attempted to locate shells casings along the path the LN vehicle trave [redacted] as unable to locate any. SFC [redacted] confirmed that he did not see a weapon in the LN vehicle prior to the removal of the bodies. SFC [redacted] confirmed that the Iraqi Police, Iraqi CID, and Global Security repres [redacted] may have had limited unobserved access to the vehicle prior to the arrival of the QRF or AF OSI; however, it was unlikely because the bodies occasionally reignited after the fire was put out and 2/D/2-30 INF was reportedly in the immediate vicinity of the LN vehicle. SFC [redacted] debrief was not in the form of a sworn statement.
- i. AF OSI did not return to the ADOC to provide an update on the situation. At 251400Jun08 AF OSI provided an e-mail confirming the identity of the LN casualties. O/A 251500Jun08, in a verbal phone conversation with an unidentified OSI Agent, they confirmed they did not locate any weapons in the LN vehicle. O/A 251830Jun08 OSI provided the TASK FORCE VIGILANT S2 with a CD containing numerous images from the scene. At 252223Jun08, SA [redacted] AF OSI provided a written follow-up report of the incident to the TASK FORCE VIGILANT S2.
- j. At 251605Jun08, TASK FORCE VIGILANT ADOC contacted Camp Slayer ADOC to confirm or deny th [redacted] status of Arizola Range (38S MB 3103 8002) at the time of the incident. CPT [redacted] the Slayer ADOC Battle Captain, confirmed that Arizola Range went "Hot" [redacted] 0Jun08 and went "Cold" at 251527Jun08. In a follow-up conve [redacted] e personnel, the TASK FORCE VIGILANT CSM, MSG [redacted] confirmed that the Arizola Range fires are oriented in a nort [redacted] 2/D/2-30 INF convoy was located approximately 575 meters south from the center point of the Arizola Range.
- k. [redacted] the Global Security Operations Manager provided an initial written report to TASK FORCE VIGILANT at 251800Jun08.
- l. In a follow-up task to 2/D/2-30 INF, TASK FORCE VIGILANT requested Soldiers conduct a round count after the incident to assess their total ammunition expenditures. At 252230Jun08, 2/D/2-30 INF provided the following ammunition expenditures: 125 x RDS of .50 Cal, 90 x RDS of 7.62 (Link), 0 x RDS of 5.56 (Link), 95 x RDS of 5.56 (Ball).

3. FINDINGS.

- a. It does not appear that Iraqi Security Forces, Iraqi Emergency Services or Global Security forces were able to search or enter the LN vehicle prior to the arrival of the

QRF or AF OSI personnel on the site. While it cannot be confirmed with absolute certainty, it is extremely unlikely that any of those agencies were able to enter the vehicle. Reports of the bodies reigniting indicate the heat emanating from the vehicle would likely have precluded their entry at that time. After the [redacted] cooled down, but prior to the removal of the bodies the QRF NCOIC, SFC [redacted], observed the inside of the LN vehicle, and did not locate any items that resembled a weapon. AF OSI directly monitored the removal of all of the bodies and personal items from the LN vehicle and indicated there were no weapons discovered in the LN vehicle.

- b. There are multiple reports that indicate the presence of a second, white vehicle that may or may not have been involved in the incident. The white vehicle was referenced in initial radio reports to the TASK FORCE VIGILANT ADOC, in the final report provided by AF OSI, in the Global Security report, and in the ADOC debrief of 2/D/2-30 INF personnel. Regarding the actions of the second, white vehicle, there are inconsistencies in each of the reports, but those are likely attributed to the circumstances and the different viewpoints of the Soldiers on the ground. The variations on the part of 2/D/2-30 INF Soldiers with reference to the second vehicle seems to indicate there was no effort on the part of 2/D/2-30 INF Soldiers to develop any type of alternate scenarios. 2/D/2-30 INF repeatedly affirmed their conviction that they were engaged by the red, hatchback vehicle.
 - c. Based on the reports of all other agencies that were on the ground in the immediate aftermath of the incident it appears that the LN vehicle engaged by 2/D/2-30 INF did not have a hostile intent. Both the Iraqi Police and Global Security representatives indicated the individuals in the vehicle were respected employees of the BIAP Bank. There is no evidence to suggest that any of the individuals associated with anti-Coalition forces. Other than the original report, there is no indication that they possessed or fired a weapon from inside the vehicle.
 - d. Several of the impact locations on the 2/D/2-30 INF convoy vehicles appeared to be relatively recent. The certainty displayed by the Soldiers that they were engaged by SAF, as well as the impacts identified on several of the convoy's vehicles is indicative that gunfire of some type precipitated the engagement of the LN vehicle. Based on the initial review of the findings, it is not possible to determine with absolute assurance that gunfire originated from the LN vehicle which was ultimately engaged by 2/D/2-30 INF Soldiers. It is possible that the gunfire originated from another vehicle (potentially the previously mentioned white vehicle), from a sniper position, from a nervous Soldier, or from a weapon negligently discharged by a 2/D/2-30 INF Soldier. There is no substantive information that confirms any of the aforementioned scenarios, but all are possible, and to varying degrees likely.
 - e. Of note, 2/D/2-30 INF Soldiers were under the impression that BIAP was a US FOB and reduced their security posture while they dismounted to recover their vehicle. While BIAP is regularly patrolled by US forces and Global Security, it is not a US/CF secured area. Entrance through ECP 1 onto BIAP from Route Irish is directly controlled by Global Security. Global Security is also directly responsible for security at the terminal and on the flightline. TEAM HUNTER frequently reports sightings of personnel transiting the area at a reduced security posture.
4. **RECOMMENDATION.** Based on my initial review of the reports and facts, I believe there are several key points addressed in the findings that warrant additional investigation of the engagement of the LN vehicle. Recommend the formal appointment

of a 15-6 Officer to more thoroughly investigate the circumstances surrounding the engagement. Additionally, I recommend reiterating the security posture for BIAP.

5. POINT OF CONTACT [REDACTED] (b)(3), (b)(6), TASK FORCE VIGILANT Commander,
[REDACTED] (b)(2), (b)(6) [REDACTED] (b)(2), (b)(6) or email
[REDACTED] (b)(2), (b)(3), (b)(6)

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

MAJ, MI
Commanding

Attachments:

AF OSI Report
Global Security Initial SIR Report
TM HUNTER QRF Debrief
2/D/3-20 INF Debrief
TF VIGILANT S2 Storyboard
TF VIGILANT Initial SIR
TF VIGILANT Final SIR
Local National BAT Identification
Numerous Pictures/Images

Debrief of 2/D/2-30 INF, 25 JUN 08

Unit: 2nd PLT, D Co, 2-30 INF, 4/10 MTN (commanded by CPT (b)(3), (b)(6) and 1SG (b)(3), (b)(6).

Personnel Debriefed: SPC (b)(3), (b)(6) SPC (b)(3), (b)(6)
2LT (b)(3), (b)(6) SGT (b)(3), (b)(6)

Mission: The 2/D/2-30 INF mission was to pick up 48 detainees and deliver them to various checkpoints for release. The convoy left home station at 0730 with 20 minute travel time to BIAP. The convoy consisted of 4 up-armored vehicles, M1151 (3) and M1114 (1).

The following is a synopsis of the debriefing of the 2/D/2-30 INF Soldiers identified above:

Upon departure from FOB Loyalty, 2/D/2-30 INF assumed a weapons arming (b)(1)1.4 (a). D27G, which was the last truck in the convoy, broke down with a Class 3 leak (power steering pump). The convoy pulled to the right side of the road to attempt repairs. After assessing that repairs were not likely, they began to chain the vehicle to another to tow it back to home station. The convoy had been stopped for approximately 10 minutes, and the majority of the Soldiers were dismounted. Many reduced their security posture because they were under the impression that they were on a US FOB. 2/ D/2-30 INF troops report that there was little traffic on either road. Preceding the LN vehicle that was identified as having engaged the convoy was a small bus and a small white car. The car of interest, a red, 5 door sedan, sped up instead of slowing down as they neared the convoy. As the vehicle approached, SPC (b)(3), (b)(6) heard gunfire and returned fire. SGT (b)(3), (b)(6) saw muzzle flashes from the vehicle and opened fire as the Local National (LN) vehicle passed. SGT (b)(3), (b)(6) was not able to identify the type of weapon system that was fired from the LN vehicle. As the LN vehicle passed the convoy, 2/D/2-30 INF engaged it with a crew-served weapon. SPC (b)(3), (b)(6) fired with a 240B from the disabled vehicle. The convoy had 2 x .50 caliber and 2 x 240B crew served weapons. The LN vehicle turned hard right into the fence-line. A small fire started inside the vehicle. After coming to rest, the convoy heard 2 more rounds from the LN vehicle and then re-engaged the target.

The first responders were the Local Iraqi Fire Department who put out the LN vehicle fire. Then local Iraqi Police reported to the scene. The IP Commander talked to LT (b)(3), (b)(6) Global Security arrived to assist. OSI arrived to assist. VBC QRF arrived to assist.

Follow-up report: 2nd PLT, D Co, 2-30 INF, 4/10 MTN conducted a round count after the incident and assessed the following ammunition expenditures:

125 x RDS of .50 Cal

90 x RDS of 7.62 (Link)

0 x RDS of 5.56 (Link)

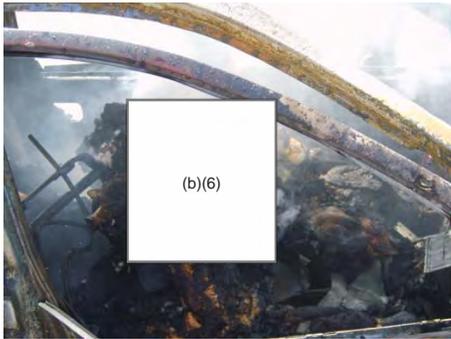
95 x RDS of 5.56 (Ball)

Debrief taken at: TF VIGILANT HQ, Camp Victory, 1320 25Jun08

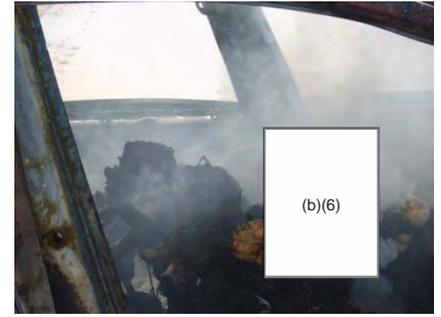
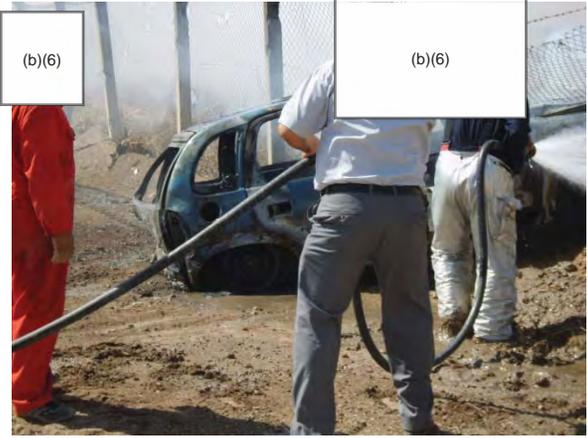
Debriefed: 1LT (b)(3), (b)(6) MI











Attached: 3 deceased

>
>

Synopsis:

On 25 Jun 08 at approximately 0930L, AFOSI EDET 2408 received a non-official call from a passing motorist on Airport Road indicating a burned vehicle and American personnel in the area. AFOSI attempted to reach BDOC and LT (b)(3), (b)(6) of Task Force Vigilant, but secure lines in the AFOSI (b)(3), (b)(6) e temporarily non-oper (b)(3), (b)(6) would not connect to LT (b)(3), (b)(6), and AFOSI agents (SA (b)(3), (b)(6) and SA (b)(3), (b)(6)) drove to the area for visual assessment with linguist (b)(6)

En route, SA (b)(3), (b)(6) established contact with (b)(6) of GLOBAL, who asked that AFOSI make a presence because they needed help.

Upon arrival, the following personnel were on scene: Iraqi Police (blue (b)(6) lack uniformed), Delta Force (US Army) and GLOBAL (b)(6) and (b)(6) in charge; assorted personnel), and an Iraqi fire truck and personnel were on scene.

A joint effort with the Iraqi police, AFOSI and GLOBAL was established to control the scene.

Photos from the scene and reports will be available later. Please call if you need anything else prior to.

Vanessa

Special Agent (b)(3), (b)(6)
AFOSI EDET 2408
Sather AB, Iraq

DSN: (b)(2) SVOIP: (b)(2), (b)(6)

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

SUBJECT: Airport Road Incident- Follow Up

On 25 Jun 08, at approximately 0930L, AFOSI EDET 2408 received a non-official call from a passing motorist on Airport Road indicating a burned vehicle and American personnel in the area. AFOSI attempted to reach BDOC and LT (b)(3), (b)(6) of Task Force (TF) Vigilant, but secure lines in the AFOSI office were temporarily non-operational. Iraqna would not connect to LT (b)(3), (b)(6), and AFOSI agents drove to the area for visual assessment with a linguist.

En route, AFOSI established contact with (b)(6) of GLOBAL, who asked that AFOSI make a presence because they needed support in taking control of the scene.

Upon arrival, the following personnel were on scene: Iraqi Police from Airport Village and Baghdad International Airport (BIAP), Delta Company 2-30, 2nd platoon (US Army), GLOBAL (b)(6) and (b)(3),(b)(6) in charge; assorted personnel), and an Iraqi fire truck and personnel.

A joint effort with the Iraqi police, AFOSI and GLOBAL was established. GLOBAL and the Iraqi Police requested scene control assistance from AFOSI who directed extraneous personnel to vacate (or turn away from the scene, as appropriate) to preserve scene integrity/ evidence. Fire department (Iraqi) personnel sat in their truck and observed the scene.

The following individuals from Delta Company were spoken to at the scene by AFOSI: Second Lieutenant (b)(3), (b)(6) Sergeant (b)(3), (b)(6)

(b)(3), (b)(6) and Staff Sergeant (b)(3), (b)(6)

(b)(3), (b)(6) The above individuals relayed to AFOSI their patrol came through the checkpoint and noticed a HMMWV had mechanical troubles, so they turned off to side of the road. The patrol noticed a red card coming towards their position so they tried to stop/redirect it. The red car started to fire what seemed to be 10-15 round burst, so the patrol sought cover behind their vehicle and returned fire in the form of 50 caliber's, M-4's, and 240's. Approximately ninety percent of the team was dismounted from their vehicle when the incident occurred.

According to the above mentioned individuals, the team received fire on the first, second and fourth vehicle. The following is a description of the reported damage from the incident:

- Vehicle Four appeared to receive contact on the rear left area of the back bumper
 - Vehicle Two appeared to receive contact on the left side of the turret
 - Vehicle One appeared to receive contact on both the right rear trunk area and right rear turret
- Refer to images IMPG 2429, 2430, 2431, and 2432.

Other Delta Company soldiers (UNK) stated Rear HMMWV of the convoy pulled up in front of downed HMMWV to attach the tow bar, and personnel exited to arrange the attachment. Some Delta soldiers (quantity UNK) set up traffic control to slow traffic and direct them to the far lane (same facing direction). Two vehicles, one involved in incident and one small white car, behind the involved vehicle (NFI) did not slow and one Delta soldier (UNK) heard two shots fired, and women screaming, and engaged fire on the vehicle involved. The white vehicle reversed out of the area when the shots were fired. Before the incident, Delta Company was en route to pick up detainees from Camp Cropper.

TF Vigilant arrived on scene (time UNK) to establish force protection and over watch, and were located across the street from the incident (opposite direction flow of initial scene).

When AFOSI arrived on scene, the vehicle was no longer burning, or red, nor were there fire hoses, etc out on the scene. The burned vehicle was headfirst in the fence, surrounded by mud created from extinguishing the fire. The ambulance (Red Crescent, Iraqi) arrived on scene and was told by AFOSI to stand-by. Tony Black of GLOBAL had his medical person arrive with body bags (3). Gloves and face masks were provided to personnel on scene.

A search of the area around the burned vehicle was conducted by Iraqi Police and observed by AFOSI and (b)(6). After the search, a GLOBAL vehicle pulled the burned vehicle away from the fence to facilitate extracting the bodies and conducting the initial search. The first body removed was the front passenger, whose right leg was outside the open door. The two ambulance workers pulled the front passenger out of the vehicle and placed the remains onto a body bag. AFOSI observed the Iraqi Police examine the body for signs of weapons, and none were identified. Money was found by the foot of the front passenger area. All three individuals were reported to be employees of the financial bank at BIAP, by Iraqi Police. An orange identifier tag was secured on the body. Pictures of the remains were taken by Iraqi Police and AFOSI. The body bag was then zipped and moved via a litter to the ambulance. The above procedure was duplicated for each body. Nothing was found on the driver. Bracelets and a ring (all perceived to be personal items) were recovered from the rear passenger's body. No weapons were identified on the scene.

All three bodies were transported by the two ambulance drivers to Al-Yarmok Hospital, Baghdad, Iraq, IVO//GRIDCOORD 38S MB 3963 8408//.

Items recovered from the scene (maintained by Iraqi Police) consist of the following:

- Image 2497: Cigarettes
- Image 2449: Stacks of money (loose): 10,000 Dinar = Green/ 1000 Dinar = Yellow; personal wallet (separate); cigarettes (same from image 2497); partially burned cellular telephone, and two 50 caliber projectiles

The three bodies were identified by Iraqi Police as the following individuals, and later the names provided were verified through the Biometric Automated Toolset (BAT) as the following:

- HAFIDH ABOOD MEHDI, DOB: 7 Jan 1950
- MAHA ADNAN YOUNIS, DOB: 20 Oct 1978
- SUROOR SHAHEED AHMED, DOB: 12 Jul 1976

Eight points of impact (same size) with perceived inward trajectory were in the front passenger door (Refer to Images IMGP 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471). Two points of impact (same size) with perceived inward trajectory were in the right rear door (Refer to Images IMGP 2472, 2473, 2474). One large impact point with non-circular shape was below and to the right of the gas door area (Refer to Images IMGP 2475, 2476). One impact point with non-circular shape was on the vehicle roof toward the right rear passenger side (Refer to Images IMGP 2458, 2459, 2460, 2461). One impact point with non-circular shape was on the vehicle

hood on the driver's side (Refer to Images IMGP 2456, 2457). Multiple areas of impact with unknown shape were grouped together with perceived outward trajectory on the driver's side door (Refer to Images IMGP 2454, 2455). At least one to two holes with perceived outward trajectory were in the passenger rear door.

PERSONAL DATA REPORT

GENERAL INFORMATION

Dossier: {9410CAB4-52BE-4EB9-9B6D-993D1D1FE93D}
Enroll Date: 5/15/2007 10:33:14 AM
Enrollment Station: IRQ:CENTCOM:CENTAF:DET
2408:BIAP/BAT/BAT-AF-003
Person Type: Host Nation Hire (OCONUS)(e.g. Local National)

Reason
Enrolled:

Title:

Name HAFIDH ABOOD MEHDI ()
(F,M,L,T):

Full Name:

Native Full
Name:

WMD
Category:

Operational
Status:

Occupation:

National ID
#:

Gender: MALE

Race: ASIAN

Hair Color: BLACK

Eye Color: BROWN

Build: MEDIUM/AVERAGE

Height (in): Min: 71 Max:

Weight (lb): Min: 190 Max:

PHOTOGRAPH



ON ALERT? NO

PERSON COMMENTS

PERSONAL DATA

Birthdate: 07JAN1950
Death Date:
Religion: ISLAM-UNKNOWN SECT
Primary Nationality: IRAQI

2nd
Nationality:

Ethnicity: ARAB

Marital Status: MARRIED

Personnel Status: UNKNOWN

WATCH LIST

ALIASES

PLACE OF BIRTH

Birthplace: , , Baghdad, IRAQ

ID NUMBERS

ID Number Type	ID Number
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BADGE	01611
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CAPTURE INFORMATION

INDIVIDUAL STATUS INFORMATION

JTF-CT Classification	U.S. Relationship Status	DoD Relationship Status
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PASSPORT INFORMATION

Type	Number	Issue Date	Expiration Date	Country	Authority
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PERSONAL TRAITS

LANGUAGE(S)

Language Name:	Language Proficiency	Is Native Language
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ARABIC, MODERN STANDARD

Comments:

ADDRESSES

EMPLOYMENT HISTORY

- PRESENT; ICAA; ; ; ; P; ; ; ; ;

MILITARY SERVICE HISTORY

PHONE NUMBERS

Type	Intl	Area Code	Phone #	Ext.
Cell		00964	07901698470	

VEHICLE INFORMATION

RELATIVES

Relation	First	Middle	Last	Maiden	Birthdate
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PERSONAL DATA REPORT

GENERAL INFORMATION

Dossier: {96A3D20B-0AD4-48E0-9337-2BA1E50CF697}
Enroll Date: 5/15/2007 11:54:59 AM
Enrollment Station: IRQ:CENTCOM:CENTAF:DET 2408:BIAP/BAT/BAT-AF-004
Person Type: Host Nation Hire (OCONUS)(e.g. Local National)
Reason Enrolled:
Title:
Name MAHA ADNAN YOUNIS ()
(F,M,L,T):
Full Name:
Native Full Name:
WMD Category:
Operational Status:
Occupation:
National ID #:
Gender: FEMALE
Race: ASIAN
Hair Color: BLONDE
Eye Color: BROWN
Build: LARGE/HEAVY

PHOTOGRAPH



ON ALERT? NO

Height (in): Min: 61 Max:
Weight (lb): Min: 200 Max:

PERSON COMMENTS

PERSONAL DATA

Birthdate: 20OCT1978
Death Date:
Religion: ISLAM-UNKNOWN SECT
Primary Nationality: IRAQ
2nd Nationality:
Ethnicity: ARAB
Marital Status: SINGLE
Personnel Status: UNKNOWN

WATCH LIST

ALIASES

PLACE OF BIRTH

Birthplace: , , Baghdad, IRAQ

ID NUMBERS

ID Number Type	ID Number
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BADGE	01614
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CAPTURE INFORMATION

INDIVIDUAL STATUS INFORMATION

JITF-CT Classification	U.S. Relationship Status	DoD Relationship Status
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PASSPORT INFORMATION

Type	Number	Issue Date	Expiration Date	Country	Authority
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PERSONAL TRAITS

LANGUAGE(S)

Language Name:	Language Proficiency	Is Native Language
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ARABIC, MODERN STANDARD

Comments:

ADDRESSES

EMPLOYMENT HISTORY

- PRESENT; ICAA; ; ; ; P; ; ; ; ;

MILITARY SERVICE HISTORY

PHONE NUMBERS

Type	Intl	Area Code	Phone #	Ext.
Cell		00964	0790969891	

VEHICLE INFORMATION

RELATIVES

Relation	First	Middle	Last	Maiden	Birthdate
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PERSONAL DATA REPORT

GENERAL INFORMATION

Dossier: {1FBAC7D2-5874-4701-80BA-E24C68275845}

Enroll Date: 5/15/2007 11:01:38 AM

Enrollment Station: IRQ:CENTCOM:CENTAF:DET 2408:BIAP/BAT/BAT-AF-003

Person Type: Host Nation Hire (OCONUS)(e.g. Local National)

Reason Enrolled:

Title:

Name SUROOR SHAHEED AHMED ()
(F,M,L,T):

Full Name:

Native Full Name:

WMD

PHOTOGRAPH



ON ALERT? NO

Category:

Operational
Status:

Occupation:

National ID
#:

Gender: **FEMALE**

Race: **ASIAN**

Hair Color: **BLACK**

Eye Color: **BROWN**

Build: **MEDIUM/AVERAGE**

Height (in): Min: **67** Max:

Weight (lb): Min: **176** Max:

PERSON COMMENTS

PERSONAL DATA

Birthdate: **12JUL1976**

Death Date:

Religion: **ISLAM-UNKNOWN SECT**

Primary **IRAQI**

Nationality:

2nd

Nationality:

Ethnicity: **ARAB**

Marital Status: **SINGLE**

Personnel **UNKNOWN**
Status:

WATCH LIST

ALIASES

PLACE OF BIRTH

Birthplace: , , **Al Basrah, IRAQ**

ID NUMBERS

ID Number Type

ID Number

BADGE 01615

CAPTURE INFORMATION

INDIVIDUAL STATUS INFORMATION

JITF-CT Classification U.S. Relationship Status DoD Relationship Status

PASSPORT INFORMATION

Type	Number	Issue Date	Expiration Date	Country	Authority
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PERSONAL TRAITS

LANGUAGE(S)

Language Name:	Language Proficiency	Is Native Language
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ARABIC, MODERN STANDARD

Comments:

ADDRESSES

EMPLOYMENT HISTORY

- PRESENT; ICAA; ; ; ; P; ; ; ; ;

MILITARY SERVICE HISTORY

PHONE NUMBERS

Type	Intl	Area Code	Phone #	Ext.
Cell		00964	07901316324	

VEHICLE INFORMATION

RELATIVES

Relation	First	Middle	Last	Maiden	Birthdate
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SWORN STATEMENTS LISTING

Investigating Officer: LTC (b)(3), (b)(6)
MND-B ISF Cell Chief, SV (b)(2), (b)(6)

<u>Tab</u>	<u>Name</u>	<u>Date</u>	<u>Vehicle</u>	<u>Position</u>
A1	SPC (b)(3), (b)(6)	29-Jun-08	D23	Driver
A2	S (b)(3), (b)(6)	10-Jul-08	D24	Driver
B1	SGT (b)(3), (b)(6)	28-Jun-08	D23	Truck Commander
B2	SGT (b)(3), (b)(6)	10-Jul-08	D24	Truck Commander
C1	PF (b)(3), (b)(6)	26-Jun-08	D22	Gunner (M240 B)
C2	PFC (b)(3), (b)(6)	10-Jul-08	D23	Gunner (M240 B)
D1	SPC (b)(3), (b)(6)	29-Jun-08	D23	Rear Right
D2	SPC (b)(3), (b)(6)	6-Jul-08	D23	Rear Right
D3	SPC (b)(3), (b)(6)	10-Jul-08	D23	Rear Right
E1	CPL (b)(3), (b)(6)	29-Jun-08	D23	Rear Left
E2	C (b)(3), (b)(6)	10-Jul-08	D23	Rear Left
F1	PV2 (b)(3), (b)(6)	27-Jun-08	D26	Driver
F2	PV2 (b)(3), (b)(6)	10-Jul-08	D26	Driver
G1	LT (b)(3), (b)(6)	26-Jun-08	D26	Truck Commander
G2	LT (b)(3), (b)(6)	30-Jun-08	D26	Truck Commander
G3	LT (b)(3), (b)(6)	10-Jul-08	D26	Truck Commander
H1	SPC (b)(3), (b)(6)	29-Jun-08	D26	Gunner (M2)
H2	SPC (b)(3), (b)(6)	10-Jul-08	D27	Gunner (M2)
I1	SP (b)(3), (b)(6)	27-Jun-08	D26	Rear Left
I2	SPC (b)(3), (b)(6)	10-Jul-08	D26	Rear Left
J1	PVT (b)(3), (b)(6)	27-Jun-08	D27	Driver
J2	PVT (b)(3), (b)(6)	10-Jul-08	D27	Driver
K1	SSG (b)(3), (b)(6)	28-Jun-08	D27	Truck Commander
K2	SSG (b)(3), (b)(6)	10-Jul-08	D27	Truck Commander
L1	SPC (b)(3), (b)(6)	26-Jun-08	D27	Gunner (M240B)
L2	SPC (b)(3), (b)(6)	27-Jun-08	D27	Gunner (M240B)
L3	SPC (b)(3), (b)(6)	30-Jun-08	D27	Gunner (M240B)
L4	SPC (b)(3), (b)(6)	6-Jul-08	D27	Gunner (M240B)
L5	SPC (b)(3), (b)(6)	10-Jul-08	D27	Gunner (M240B)
M1	SPC (b)(3), (b)(6)	29-Jun-08	D27	Rear Left (Medic)
M2	S (b)(3), (b)(6)	10-Jul-08	D27	Rear Left (Medic)
N1	PFC (b)(3), (b)(6)	27-Jun-08	D22	Driver
N2	PFC (b)(3), (b)(6)	10-Jul-08	D22	Driver
O1	S (b)(3), (b)(6)	26-Jun-08	D22	Truck Commander
O2	SGT (b)(3), (b)(6)	30-Jun-08	D22	Truck Commander
O3	SGT (b)(3), (b)(6)	10-Jul-08	D22	Truck Commander
P1	SPC (b)(3), (b)(6)	27-Jun-08	D22	Gunner (M2)
P2	SPC (b)(3), (b)(6)	6-Jul-08	D22	Gunner (M2)
P3	SPC (b)(3), (b)(6)	10-Jul-08	D22	Gunner (M2)
Q1	SPC (b)(3), (b)(6)	26-Jun-08	D22	Rear Right
Q2	SPC (b)(3), (b)(6)	27-Jun-08	D22	Rear Right
Q3	SPC (b)(3), (b)(6)	30-Jun-08	D22	Rear Right
Q4	SPC (b)(3), (b)(6)	6-Jul-08	D22	Rear Right
Q5	SPC (b)(3), (b)(6)	10-Jul-08	D22	Rear Right
R1	SPC (b)(3), (b)(6)	29-Jun-08	D22	Rear Left
R2	SPC (b)(3), (b)(6)	10-Jul-08	D22	Rear Left
S	Summary	X	X	X
T	SFC (b)(3), (b)(6)	4-Jul-08	X	Not on Convoy
U	CP (b)(3), (b)(6)	6-Jul-08	X	Not on Convoy
V	LTC (b)(3), (b)(6) MFR	1-Jul-08	X	Not on Convoy
W	CPT (b)(3), (b)(6) MFR	5-Jul-08	X	Not on Convoy
X	IRAQI POLICE MFR	2-Jul-08	X	Not on Convoy

EXHIBIT 4, AR 15-6, 07 JUL 08, D CO, 2-30 IN, 4-10 MTN

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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/29	3. TIME 1030 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS B CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How long have you been in the Army?

A: Jan 18, 2007; 1 year 7 months

Q: How long have you been in this PLT?

A: Attached since May 30, 2008. Assigned to B CO, 2nd PLT

Q: How long have you been in Iraq?

A: 7 months in Iraq

Q: What Vehicle were you in?

A: I was the lead vehicle, D23, driver. SGT (b)(3)(b)(6) was the TC, PFC (b)(3)(b)(6) was the gunner with a M240B, CP (b)(3)(b)(6) was a passenger behind the driver and SPC (b)(3)(b)(6) is the other passenger behind the TC.

Q: Tell me about departing Loyalty on WED, 25 JUN 08 and the convoy brief.

A: We had the convoy brief the night before; they explained that we were to pick up Detainees at Camp Cropper and then go drop off Detainees at three stops and the last stop was approximately 1400 hrs. It was a normal briefing and the leaders layed out the timeline. Then in the morning we went over a faster brief that was not as indepth as the night before to make sure Soldiers knew what was going to happen.

Q: What was the arming stance of the weapons in the vehicle?

A: The Gun and M4s were RED, I have a SAW and it was GREEN.

Q: Do you always leave the FOB in a RED status, except for your SAW?

A: Yes.

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.

A: We got to ECP 13, there was a gate, we turned off the ECM and the guns were to be at the 1 o'clock, but not told to put in an AMBER or GREEN status. I think they orient us at 1 o'clock because there is a FOB to our left. I figured when we were on the road were were still on a FOB though. We were on RTE Irish and we had to make a left hand turn to get around the airport and we were in on-coming traffic for a few hundred meters and then we crossed over the road to get into the proper lane. Somewhere about that time, D27, called up and something was wrong with the truck; we kept rolling, but got another call to stop now. We were pretty far in front. Had to move back to the convoy. I figured we were on the FOB, Soldiers got out except for the Gunners, to check out the problem with D27. I got out to see if I can help. As a driver, usually I do not get out, but I figured we were on the FOB. Looked like a transmission Class III leak. By the time I made it to D27, the rear vehicle, D22, had pulled in from of D27 to tow the truck. There were about 10 or 12 Soldiers at the truck, so I then went back to our truck with CP (b)(3)(b)(6) When I got back to our truck, just seconds later I heard gun shots. Our gunner, PFC (b)(3)(b)(6) stood up and said, "Who's firing?". He said that multiple times. As he is saying it, the red vehicle came by me on the left side, driver's side, it was out of control and crashed into a fence. I was seated in my HMMWV.

Q: When was the first time you saw this red car?

A: Due to the window, I saw the red car at the 9 o'clock.

Q: When you first saw the red car, did you see any passengers or weapons, or any firing coming from the red car at this time?

A: I did see the passengers but did not notice any weapons or firing at that time.

Q: How many passengers did you notice?

A: I believe two males and a female. Three total in the car. The female was in the front passenger, the male driving and another male in the back of the red car.

Q: Please continue.

A: The red car passed me and was going fast. Glass shattered out of the rear window. I do not if it was us firing at them or them firing at us, but it was not PFC (b)(3)(b)(6) After the car crashed into the fence, I saw what appeared to be muzzle flashes from the back seat.

Q: How many?

A: 5 to 7 muzzle flashes.

Q: What color were the muzzle flashes?

A: I do not know, it happened so fast. Red or maybe orange.

10. EXHIBIT (b)(3)(b)(6)	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 BE INDICATED.

STATEMENT OF (b)(3)(b)(6) TAKEN AT 1030 hrs DATED 2008/06/29

9. STATEMENT (Continued)

Q: What were the people in the car doing?
A: I don't really know. But, when I saw muzzle flashes I told PFC (b)(3)(b)(6) to engage the target.
Q: Did anyone else tell him to engage?
A: Then I also heard C (b)(3)(b)(6) tell T to engage also.
Q: In your memory, how many rounds did PFC (b)(3)(b)(6) fire?
A: 50.
Q: Did you see PFC (b)(3)(b)(6) rounds impact?
A: Yes, along with other people's rounds. Right passenger door window is where I saw the flash so I assume he was firing at that.
Q: How many rounds did you fire?
A: Zero, I did not fire.
Q: Who else fired from your truck?
A: C (b)(3)(b)(6) zero, SP (b)(3)(b)(6) zero, and SGT (b)(3)(b)(6) was outside of the vehicle but later told me he shot about half a mag which is about 15 rounds.
Q: How many shooting incidents have you been involved with while serving with this team of Soldiers in your vehicle?
A: This was the first.
Q: Who gave the order to cease fire?
A: From where I was sitting, noone really (b)(3)(b)(6) stop, he just kinda stopped.
Q: Besides the red car, were there other targets?
A: I heard more gunfire after all the initial gunfire stopped. I later learned after talking with SP (b)(3)(b)(6) the scene, it was SP (b)(3)(b)(6) who was a gunner in the back of the convoy that had an Escalation of Force with another vehicle. He said that he tried to wave and signal to stop a vehicle but then had use warning shots.
Q: After the shooting and the vehicle is burning, what are the leaders doing and telling you?
A: SGT (b)(3)(b)(6) was asking to pull the vehicle up for security reasons, they denied him the first time, but then the second time he asked we then moved ahead of the target that was engaged. We sat there, but I do not know for how long, and then people started showing up. QRF, Fire truck, Ambulances, SUVs and Iraqi people showed up but I do not know all the people that showed up.
Q: Approximately how many personnel that were not US Soldiers showed up on the scene?
A: 20 to 25.
Q: How far away from the red car are you at this time.
A: 100 to 150 meters away.
Q: What did you see the people doing?
A: I really don't know.
Q: To your knowledge, was there ever a period of time that personnel other than US Soldiers had exclusive access to the red car?
A: Yes.
Q: Can you tell me approximately how long of a period that was?
A: 20 to 30 minutes.
Q: Please continue.
A: I was walking the line of vehicles and on my way back I was told to turn around and Iraqi personnel motioned us to not see what they were doing.
Q: During your walking the line, I assume you had discussions with others, did anyone tell you that they saw weapons or saw weapons coming from that car.
A: I can't remember.
Q: Please continue.
A: I sat back in the truck and waited to leave.
Q: Did you ever hear rounds hitting the HMMWV or see any rounds impacting on the ground around us.
A: I did not see any rounds impacting on the ground or hear the rounds hit the HMMWV. But that does not mean it did not happen; there was a M240B going off in my ear and the .50 cal right behind us.
Q: From the moment you left the scene until now, has anyone told you what to say or how to say it?
A: No.
Q: Did anyone on the scene or in the last couple days say that we have to "get our stories straight"?
A: Negative.
Q: Would be willing to take a lie detector test reference this issue?
A: Yes.

Nothing follows

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

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We had the OPORDER the night before and a shorter one the morning of the mission.

2. Graphics

A: Wall map/ packet of maps

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: SGT Hill checked over me and my gear.

4. Rehearsals

A: No rehearsals

5. Security/Force Protection

A: Normal security/force pro

6. Reconnaissance & Surveillance

A: Pre-planned routes of travel

7. Time Management

A: Gave the time table of our mission.

8. Composite Risk Management

A: We all know the risks of going out into sector. But since we were going into unknown territory the leaders re-iterated the risks and what to do and where to go if something happened.

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 2. 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

WITNESSES:

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature)
Subscribed and sworn to before me, a person authorized by law to
July 2008
(b)(3)(b)(6)

(Signature)
(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/28	3. TIME 1900 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SGT	
8. ORGANIZATION OR ADDRESS A Section, D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How long have you been in the Army?

A: 4 years and 1 month.

Q: How long have you been in this squad?

A: March 2007; 15 months. Been in the PLT since SEP 05.

Q: How long have you been in Iraq?

A: 7 months in Iraq and 1 deployment to Afghanistan.

Q: What Vehicle were you in?

A: TC of Number 1 Truck (D23) with a M240B

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.

A: At the ECP 13, Turn off the ECM and Soldiers were at the 1 o'clock with the guns. Took the ramp South on the BIAP loop, headed into oncoming traffic for a few hundred meters and then we were able to cross to the correct side of the road. We picked up convoy speed and there was a call from from SGT (b)(3)(b)(6) telling SSG (b)(3)(b)(6) that his truck was having maintenance issues. We came to a stop and the sections were spread apart quite a ways, so we backed up to where the D27 vehicle was broken down. I called to Dark Angel 26 (LT (b)(3)(b)(6)) and told him I was going to dismount and check it out because I was the most experienced man on the ground.

Q: How many convoys have you done this tour in Iraq.

A: At least 400. The first 5 months we conducted over 300 convoys.

Q: Continue with actions on the convoy.

A: Talked with SSG (b)(3)(b)(6). He was the senior ranking man. His response was that we were going to keep going until we can get to somewhere to do maintenance. I talked to LT (b)(3)(b)(6) and expressed my concern with the Course of Action. At this point we were able to self recover. Had the Idler Arm or Pitman Arm fully severed from the wheel we would not be able to self recover and would have to ask for additional assets to be sent for us. SGT (b)(3)(b)(6) said he saw the wheel wobbling. The PLT LDR agreed and I went back to hooking a towbar or tow chains to the vehicle. Then the D22 Vehicle moved in front of the D27 Vehicle. SGT (b)(3)(b)(6) determined the towbar was missing a pin. When I found out that this towbar was missing a pin, I walked to my truck to get my towbar which was missing completely. It was left in a trailer that is used to haul food and gas back and forth to a Joint Security Station. On my way to my vehicle, the D23 truck, I was between D26 and D23; I heard commotion which consisted of yelling but I could not tell what was being said. I started to turn my head and heard at least two shots.

Q: Do you think it was enemy or friendly?

A: I could not tell.

Q: Please continue.

A: Also, because of the proximity, I could not tell if I was being fired upon or if I was being fired away from me. I immediately took cover and called out for the dismounts to take cover to the vehicles closest to them. I ended up at the right front of the second vehicle, D26, with SPC (b)(3)(b)(6) right behind me. At this point I heard more firing and more yelling and I looked to the east and saw the vehicle come through, it was a red hatchback compact car. At the glimpse that I got before it passed the D23 vehicle, I saw the back driver side window broken out, which is the window opposite my side of the road. I could not see the actions or make out what the two people in the front of the car were doing. The facial expression and body language of the female in the back seat was that she was frantic, very surprised, and scared.

Q: Was the female in the back seat screaming?

A: I could not tell if she was screaming.

Q: Continue.

A: At that point, I lost visual with the vehicle and I heard and felt rounds being fired.

Q: Describe felt.

A: The whiz of the rounds.

Q: Continue.

A: I was in a position of taking a knee and looking over a D26 (second vehicle) hood with SPC (b)(3)(b)(6) behind me. At this point I could clearly hear LT Painter's voice and it was no longer a commotion or yelling. I heard what he was saying. He gave an order to the effect of, but I do not remember

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 1900 hrs DATED 2008/06/28

9. STATEMENT (Continued)

word for word, "if they are still firing at you, return fire". At that point I could not see the vehicle. The D23 vehicle was between me and the compact car. I discerned from the order given, that this was no longer an Escalation of Force, rather a hostile threat. A few moments passed and then I was able to see the vehicle drive off the west side of the road and started to see flashes from the vehicle.

Q: Do you remember what color flashes and how many flashes you saw?

A: Can not remember the number, the flashes were white and orange.

Q: Please continue.

A: With these flashes I also felt rounds flying by me.

Q: Were the rounds incoming or outgoing?

A: I could not tell the difference.

Q: Continue.

A: Upon feeling the rounds and seeing the flashes, I saw the M240B engage the vehicle as it was coming to a stop against the wall or mound. I heard words but not sure who said them, to the effect that we were still being engaged. The LT yelled to the .50 cal gunner SPC (b)(3)(b)(6) to engage until they stopped firing at us. As the order was given I pulled my rifle to my shoulder and shot several rounds and then the .50 cal engaged with long bursts (at least 10 round bursts). I stopped feeling the rounds whiz by me and soon as this happened, myself and LT (b)(3)(b)(6) were yelling to cease fire.

Q: Did everyone comply with the cease fire order?

A: The LT yelled "ceasefire" several times. The Soldiers immediately complied.

Q: Continue.

A: A few seconds went by of calm and I saw a fire begin to start in the back of the red compact car. At that time I saw no movement in the vehicle. The LT asked me and SGT (b)(3)(b)(6) for an up on our guys and a status. Nobody had been harmed, shot or wounded. We had the gunners pick up the normal sectors of fire and no longer were at the 1 o'clock. We put the PLT in a security posture. The fire began to spread in the vehicle. I then moved up to my vehicle, D23 truck. Fire spread swiftly and I noticed that there was now movement in the vehicle. The back passenger and the front seat passenger were struggling and by that time the vehicle was fully engulfed. The LT came to my truck and asked me to get ahold of the Sheriff Net. I told him it would be better to get it on his truck because he has two radios, his driver PV2 (b)(3)(b)(6) was having trouble with the radio, he could not get the radio to the correct frequency for the Sheriff Net.

Q: Were the freqs preloaded?

A: The radio is not able to take it because we are on channel 1 and another Net ID can not be stored to the channel you are currently on.

Q: Continue.

A: I calmed PV2 (b)(3)(b)(6) down, I asked him if he was OK and then I instructed him on how to get the correct net. We did a good radio check with the Sheriff Net and then I called LT (b)(3)(b)(6) back so he could get coms with anybody on the Sheriff's Net to tell them what happened. I walked back to the third and fourth truck to talk with SGT (b)(3)(b)(6) and touched base with him as to what happened.

Q: Where was SS (b)(3)(b)(6) at this time?

A: I have no idea.

Q: What did you discuss with SGT (b)(3)(b)(6)?

A: I asked him what happened and he told me that we had been fired upon and SPC (b)(3)(b)(6) also conducted an Escalation of Force. SPC (b)(3)(b)(6) was around us when I asked the question to SGT (b)(3)(b)(6) and SPC (b)(3)(b)(6) said the red car was headed straight for him and the D27 vehicle on the side of the road expeditiously. But I did not have him go into any more detail.

Q: What did you do next?

A: I went to D26 vehicle and make sure they had coms. PFC (b)(3)(b)(6) responded as the PL was walking away towards the rear of the convoy. The Sheriff Net had been notified but could not give us anymore information on an unsecure net. I gave PFC (b)(3)(b)(6) the sole duty of getting coms with one of the adjacent units. Then I walked back to my front vehicle and sat down and grabbed the hand mike to D27 and asked if he wanted my section to pull forward of the site. I did not get an answer. I sat in the vehicle until I saw a fire truck.

Q: Did you hear firing after you sat in the HMMWV?

A: No. There was no more firing after the cease fire was given.

Q: Please continue.

A: The fire truck was pulling up and coming from the south, and had to do a U-Turn to come back towards us. As soon as the fire truck pulled up I called D27 and told him I was pushing security forward which consisted of D23 and D26 moving forward of about 120 meters. After we pulled up, I dismounted again. The lead truck was pointed at the 12 o'clock and the second vehicle was closer to 2 o'clock. I noticed that the PL was not in the truck, he was still dismounted and I saw him walk with another dismount to the Tower across the highway. I saw him interact with someone in the Tower who was not in full gear and did not have a radio. The IP began to show up as well as another company contracted Global Security as well as OSI. The LT was back to our side of the road with SGT (b)(3)(b)(6) at his side. The LT asked me and SGT (b)(3)(b)(6) to get the names of the Soldiers in my section and what positions they were in for the convoy. I returned to give him the list and saw IPs and civilian dressed individuals who were standing in a half circle around him. They were all trying to talk to him all at the same time. I pulled SGT (b)(3)(b)(6) aside behind LT (b)(3)(b)(6) and asked SGT (b)(3)(b)(6) if he had this under control and could handle the situation. I told SGT (b)(3)(b)(6) specifically that the LT does not need to tell them anything right now. SGT (b)(3)(b)(6) asked me what SSG (b)(3)(b)(6) was doing and I turned around and saw SSG (b)(3)(b)(6) standing next to the red compact car and watching it. The flames had died down after the water went into it. I also walked to D26 and D23 and explained to Soldiers they do not have to speak to these individuals. PV2 (b)(3)(b)(6) had informed me that there was an investigator that was going to be asking questions. On finding out that this investigator was not US Military or worked for the US Military and then reiterated to my Soldiers that they did not have to say anything if they were not comfortable with it. The investigator was Iraqi that spoke English. More IP vehicles showed up and drove thru and I noticed in these instances on two separate occasions a male Iraqi civilian in an orange shirt and an Iraqi male civilian in a white shirt, both being very dramatic, crying loudly as if to faint in the middle of the road. SGT (b)(3)(b)(6) told the LT to get the civilians out of the scene and they needed to be moved. We had the Iraqi police tell them to vacate. I told SGT (b)(3)(b)(6) and the LT that I would be at my vehicle, and then at this time I walked back to my vehicle. I conversed with the Soldiers in my truck to make sure they were doing all right and OK mentally. A little bit longer, maybe 10 - 15 minutes; An ambulance did the same thing as the fire truck, came from the south and U-turn to get to our site. I never left my vehicle.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Q: Who was in your truck?
A: Driver: SPC (b)(3)(b)(6) TC me; Gunner SPC (b)(3)(b)(6) M240B; SP (b)(3)(b)(6) was back right dismount and CID (b)(3)(b)(6) was back left dismount.
Q: Did you ever tell CID (b)(3)(b)(6) ever relieve the rear turret gunner in the fourth vehicle?
A: No. He took the initiative.
Q: Continue.
A: CID (b)(3)(b)(6) returned to the vehicle and the investigators; there was a male with a beard with a CID blue shirt; was asking questions to the Platoon Leader. CID (b)(3)(b)(6) said we were not allowed to look at the recovery of the bodies.
Q: To your knowledge, was there a period of time when US personnel did not have access to the red car. For example, was there a time when only Iraqis had access to that vehicle when they told you to turn away?
A: Yes.
Q: Approximately how long did that period last?
A: Up to about 45 minutes. During that 45 minutes I spent time talking with my guys and walking between the D26 and D23. I noticed the LT was talking to the CID personnel about the battle damage.
Q: At any time during the shooting, did you hear or see any rounds impacting the humvees or the ground around them?
A: No.
Q: When is the first moment that you saw the red car.
A: Right after I moved to take cover
Q: From the moment you first saw a red car until the cease fire was given, did you see a weapon in the red car?
A: No.
Q: Did you see or hear rounds specifically coming from the red car at anytime?
A: I was unable to tell the direction of travel from the rounds passing.
Q: Continue.
A: The QRF was just showing up as the LT was talking with CID.
Q: How do you guys leave the scene?
A: The LT tells me we will fall into their convoy and go to the ADOC.
Q: Did you have a standard briefing for the convoy and where did you come from?
A: We had a briefing th enight before and we came from FOB Loyalty. LT (b)(3)(b)(6) and SFC (b)(3)(b)(6) gave the brief.
Q: What standard or checklist did they use for the brief?
A: They used OPORD format.
Q: When did you do the PCIs for the convoy?
A: In the morning. But, the FBCB2 was inop and I sent the D23 driver to S6 to inspect. When he returned we had to go and PCC/PCI's weren't complete on D23.
Q: From the time you left the scene to the moment you are in this chair right now, has anyone told you what to say or how to say it?
A: No.
Q: From the time the cease fire order was given, to right now, has anyone said they need to talk in order to get the "story straight".
A: No.
Q: Would you be willing to submit to a lie detector test?
A: No.

Nothing follows

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

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

WITNESSES: (b)(3)(b)(6)
MAJ (b)(3)(b)(6)
94 BSB 4-10 MTN
ORGANIZATION OR ADDRESS
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 (b)(3)(b)(6) of JUNE, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SGT	
8. ORGANIZATION OR ADDRESS A Section, D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How many SAF incidents have you been involved in this tour?
A: 2

Q: How many of these shooting incidents utilized EOF procedures?
A: 1

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: 1

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: At points during mission we use EOF procedures up to 100 times a mission we have over 400 combat patrols.

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: After the incident it was clear to me that we were not secure. We, SGT Navarra and I ordered our soldiers to pick up sectors and pull security.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: I did not believe we were on VBC. We passed an ECP shortly after those signs. I believed we were passing a FOB on our Left, so therefore we orient to the 1 o'clock. ECMs are usually switched to standby while passing ECPs due to them using comms that would be jammed at the gate.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We had an opord/mission brief the evening before this mission.

2. Graphics

A: We have a large map for brief. FBCB2 for route. Driver's special for contingency along with power point print outs.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: Squad leaders supervise soldiers preparing trucks and commo for mission. During PCI/PCC I found my FBCB2 inop and had to adapt and overcome for route selection.

4. Rehearsals

A: During brief we rehearse actions on contact, casevac, recovery

5. Security/Force Protection

A: It is understood by each soldier that security is 100% while off the FOB and is reinforced by leadership.

6. Reconnaissance & Surveillance

A: MAP and graphic recon

7. Time Management

A: Used the backwards planning from hit time back to brief.

8. Composite Risk Management

A: PL completes risk assessment. Heat and IEDs are greatest threat negated by drinking fluids and SOPs respectively.

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 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

CPT

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of July, 2008

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

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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).
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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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 1745 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
A Section, 2nd PLT, B CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 20 March 2007, 15 months.
Q: How long have you been in this unit?
A: Since 1 AUG 2007, about 10 months.
Q: How long have you been in Iraq?
A: 7 months. First Time being deployed.
Q: What Vehicle were you in?
A: Gunner for the lead truck, D23, weapon system is a 240B.
Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: At the ECP 13, around 0800 hrs, we were told to orient the weapons to the 1 o'clock position and turn off (b)(1)1.4 (a). We assumed we were entering into a safe position. We traveled a few miles from the ECP to a road that is near the airstrip and then I heard that the D27 vehicle was having maintenance problems and the convoy will stop. We stopped and then between the four vehicles there was a lot of space. I suggested that we should back up and then get closer. We were about 250 meters in front of the D27 vehicle which was number three vehicle. All the guns were still at the 1 o'clock position. I told the Soldiers in my truck that Soldiers were getting out. SPC (b)(3)(b)(6) and CP (b)(3)(b)(6) were dismounts in my vehicle. SPC (b)(3)(b)(6) was the driver. SGT (b)(3)(b)(6) was the TC. Everyone except me got out and tried to help with the broken vehicle to see what was wrong. Then the driver came back after a few minutes. Then everyone else came back a few minutes after that. We were waiting on the word of D22, ST (b)(3)(b)(6) to figure out the course of action: either tow the vehicle or can it make it on its own. The truck won't make it so it has to be towed. There were problems with the towbar, I think it was a missing pin. Then they used something else to help hook up the vehicle.
Q: How many towbars in the convoy?
A: One.
Q: How many towbars in the convoy normally?
A: Two. My vehicle normally has one. But, we accidentally left it in the trailer we use to transfer goods such as Gatoraid and Food to JSS Muthana.
Q: Do you do a once over the world check before you start a mission? Who does it?
A: The driver.
Q: Does SGT (b)(3)(b)(6) check?
A: For about 3-4 months SGT (b)(3)(b)(6) has allowed me to conduct the checks.
Q: When was the last time you had to take the towbar off the truck to use the trailer?
A: About one day previously to this mission.
Q: Had you done other convoys with the vehicle in that day since the towbar had been removed.
A: No other missions.
Q: What happens after the Soldiers figure out how to tow the vehicle?
A: Everyone was in the vehicle, SGT (b)(3)(b)(6) steps out to check on things.
Q: Dis SGT (b)(3)(b)(6) have his body armor and kevlar on?
A: Yes.
Q: What happens next?
A: Then after a couple minutes of SGT (b)(3)(b)(6) steps away I heard shots fired.
Q: Can you determine where the shots came from?
A: Negative.
Q: Then what happened?
A: Shots were fired. I was oriented to the 1 o'clock. I looked to the right side. The dismounts were getting behind cover. SGT (b)(3)(b)(6) was looking for cover between the D23 and D26.

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 (b)(3)(b)(6) 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 1745 hrs DATED 2008/06/27

9. STATEMENT (Continued)

Q: Did he give any orders?
A: I did not hear any.
Q: Then what happened?
A: I got down from the turret, squatted down, and asked where the shots were coming from. SP (b)(3)(b)(6) and CPL (b)(3)(b)(6) did not know where the shots were coming from. I then stood up and looked to my left through the sniper screen. I saw a red sedan car driving recklessly. I saw three people in the car, but unable to tell who was in the front seat. I think I saw a male driving and a male in the back.
Q: What did you see the people in the car doing?
A: I saw enemy rounds coming out of the vehicle as soon as it got near the second vehicle in our convoy. I saw two muzzle flashes.
Q: Where were the muzzle flashes coming from? Was it the front seat or the backseat?
A: I could not tell if the backseat person was leaning forward to shoot a weapon or if it was the driver shooting the weapon.
Q: Did you see a weapon?
A: I did not see a weapon but I saw muzzle flashes and two rounds were shot.
Q: Did you hear two rounds being shot at you?
A: Yes.
Q: Did you see or hear any rounds impacting your vehicle, the other vehicles, or the ground around you?
A: No. But, I did hear a "snap" on the turret, like a ricochet.
Q: Where did that sound come from?
A: This happened on the backside of the turret.
Q: When you heard the "snap" -- were US Soldiers firing at the time?
A: No.
Q: When did the US Soldiers start firing?
A: I heard the US Soldier fire when the red car got beside and then in front of the lead vehicle.
Q: What did you do when Soldiers were firing?
A: I bent down and talked with the driver SP (b)(3)(b)(6) and CPL (b)(3)(b)(6) confirmed that the car was shooting at us. The car was about 40 meters away and then made a hard right at which time I started firing. There were three Soldiers in the truck and I was in the turret.
Q: Did anyone get out to fire?
A: No.
Q: Describe your firing on the car.
A: I did three bursts -- about 5-10 round controlled burst of the M240B. While firing those burst the car hit the fence.
Q: After the car hit the fence what did you do?
A: Stopped firing. Saw people moving in the vehicle. I saw people got hit, probably the driver because he crashed the car. Saw more muzzle flashes, approximately 2 to 3, from the car when it was against the fence.
Q: What did you do when you saw the muzzle flashes?
A: Fired another 3 controlled burst of about 5-10 rounds per burst.
Q: What next?
A: I stopped firing. Got my binos to get a closer look. No one was moving except for the front passenger seat occupant. The front passenger door opened approximately one foot and then I saw a leg and foot try to step out. I waited to see if he was going to fire back. But, the enemy never stepped out. About a minute later the vehicle caught on fire.
Q: After the car catches on fire, what do the occupants of the vehicle do?
A: Nothing.
Q: Did you hear noises from the vehicle?
A: I only heard yelling when it was driving past the second vehicle and it sounded like an adult painful scream.
Q: With the red car in the fence and on fire, what did your SGT tell you?
A: After the fire, SGT (b)(3)(b)(6) was on the right side of the truck and was yelling to the PL as LT (b)(3)(b)(6) was running from the second vehicle to the first vehicle on the left side of the truck.
Q: Then what?
A: I spun the turret and was told by the PL to keep eyes on the vehicle. Then the PL ran back to the other trucks and SGT Vaccierello got back in the truck. I kept eyes on the vehicle until the fire truck arrived.
Q: Fire truck came from which direction?
A: Opposite lanes in front of us and then had to do a U-Turn. D27 asked the PL if he can let the truck through, PL said Yes.
Q: What orders are you receiving at this time?
A: Nothing at this time.
Q: How many rounds do you think you fired? Did you do an account of the rounds.
A: I did not count, but I was quickly estimating 60 to 70 rounds were fired.
Q: At what point did you leave the scene?
A: The PL told the A Section to move up and provide security.
Q: Before you left the scene, did anyone tell you anything about what to say if asked about the incident.
A: SGT (b)(3)(b)(6) told me what had happened on his side. He said he saw shots landing near him between him and SP (b)(3)(b)(6) and gave instructions to SP (b)(3)(b)(6) to get behind cover. He also said that he gave the second truck gunner, SPC (b)(3)(b)(6) orders to engage the red car.

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Q: Has anyone told you what to say or how to answer any questions in order to "get your story straight"?
A: Negative.

Nothing Follows:

~~(b)(3)(b)(6)
(b)(3)(b)(6)
(b)(3)(b)(6)
(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 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.

WITNESSES:
MAJ (b)(3)(b)(6)
94 BSB, 4-10 MTN
ORGANIZATION OR ADDRESS
ORGANIZATION OR ADDRESS

(b)(3)(b)(6) (statement)
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 (b)(3)(b)(6) June, 2008
(b)(3)(b)(6) (Administering Oath)
(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
A Section, 2nd PLT, B CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How many SAF incidents have you been involved in this tour?
A: 6 Small arms fire

Q: How many of these shooting incidents utilized EOF procedures?
A: 0

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: 1

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: Somewhere between 50-100

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: Yes. 50 Cal, Machine gun manned by SPC Sagona kept firing and then stopped after cease fire was called out for the third time.

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: I am the gunner for the 23 truck, I was never told to pull security my gun was oriented at the 1 o'clock position like we were told to.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: Because there weren't any clearing barrels.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (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.

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We get a mission brief about 2 hours before mission.

2. Graphics

A: Maps are presnet during mission brief, and routes are passed out.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: PCI and PCC are checked by my squad leader before mounted.

4. Rehearsals

A: Rehearsals are done 24 hours or less before mission.

5. Security/Force Protection

A:

6. Reconnaissance & Surveillance

A:

7. Time Management

A:

8. Composite Risk Management

A:

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 2. 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.

WITNESSES:

CPT (b)(3)(b)(6)
18th Fires BDE

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day (b)(3)(b)(6) JULY, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/29	3. TIME 1730 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 4 years.

Q: How long have you been in this PLT?
A: 7 months.

Q: How long have you been in Iraq?
A: 7 months in Iraq plus 4 months in Afghanistan with another Platoon.

Q: What Vehicle were you in?
A: I was a dismount in D23 sitting in the back right seat. The driver was SPC (b)(3)(b)(6) TC was SGT (b)(3)(b)(6) the Gunner was PFC (b)(3)(b)(6) and then CP (b)(3)(b)(6) was the other dismount in the back left seat.

Q: How many shooting incidents have you been in since arriving to Iraq?
A: This was my first one.

Q: Tell me about the convoy brief prior to departing FOB Loyalty.
A: The brief was 15-20 minutes. They discussed the route, the situation and the order of movement and then we leave right after that.

Q: What arming stance are the weapons in when you leave FOB Loyalty.
A: Usually I am lock and loaded (b)(1)1.4(a) The M240B is (b)(1)1.4 (a) the rounds are not chambered.

Q: From the ECP 13, please describe the events of the incident until you leave the scene.
A: Pulled up and came to a stop. They told the gunners to orient the barrels in a certain way. We did not come to any clearing barrels. We moved out from the gate and stopped on the highway road. My TC asked me about the towbar. The towbar was back at the FOB. Then I heard some rounds.

Q: Was the firing friendly or enemy?
A: I could not tell.

Q: What did you do then?
A: I sat back in the seat. Then I heard the firing again. Then I saw a red vehicle. The vehicle went to the right side off the highway and crashed into a gate. Then after that I looked to my left and I was looking for other riflemen on the left side and then looked to the right side. Then the vehicle was in flames.

Q: What were the guys in your truck doing?
A: S (b)(3)(b)(6) was outside the truck.

Q: Did PFC (b)(3)(b)(6) fire?
A: I could not tell.

Q: What did the driver do?
A: Stayed in the vehicle.

Q: What did CP (b)(3)(b)(6) do?
A: He was inside from when I looked over at him.

Q: Did you get out of the vehicle?
A: No.

Q: Did you see people in the red car?
A: No.

Q: Did you see firing coming from the red car?
A: No.

Q: Did you see anyone attempt to get out of the red car at anytime?
A: No.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (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 BE INDICATED.

9. STATEMENT (Continued)

Q: When did the car start to burn?
 A: When the firing stopped.
 Q: Do you remember what weapons systems were firing?
 A: It was a loud and I could not distinguish the sounds.
 Q: How long until a leader told you what to do?
 A: SGT (b)(3)(b)(6) got back into the truck and asked us if we were OK. He was breathing pretty hard and I asked him if he was OK. He really could not hear me that well.
 Q: Continue with the events.
 A: I was in the vehicle. I am not exactly how many people showed up. At least 15 to 20 people show up. I walked outside and they asked me if I wanted to go to the red car that was burning. I did not go over because it was not up to me to observe that. My job is a dismount nothing more. Then I just waited in the vehicle until it was time to go.
 Q: After the shooting and the red car is burning, do you remember moving on the scene?
 A: I don't remember.
 Q: What were you doing in the several hours of waiting until the convoy left?
 A: I sat in the truck.
 Q: Did you ever get out of the vehicle at any time during the scene?
 A: No.
 Q: When is the first time you got out of the vehicle after the shooting?
 A: I left the scene and we went to the ADOC where I got out.
 Q: During the shooting, did you hear rounds hitting your vehicle?
 A: Negative.
 Q: During the shooting, did you see any rounds hitting the ground around you?
 A: Negative.
 Q: Did you at anytime see a weapon pointed at you from the people in the red car?
 A: No.
 Q: Did you ever see any firing coming from the red car?
 A: Negative.
 Q: From the time that you left the scene on WED, 25 JUN 08, until right now has anyone told you what to say or how to say it?
 A: No.
 Q: Has anyone come up to you and said to get the story straight?
 A: No.
 Q: Did you fire any rounds?
 A: No.
 Q: Would you be willing to take a lie detector test reference this incident?
 A: Yes.

Nothing follows

(b)(3)(b)(6)
 (b)(3)(b)(6)
 (b)(3)(b)(6)
 (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 2. 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

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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
 94 BSB 4-10 MTN
 ORGANIZATION OR ADDRESS
 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, (b)(3)(b)(6) person authorized by law to administer oaths, this 29 JUNE, 2008

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

Investigating Officer
 (Authority To Administer Oaths)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

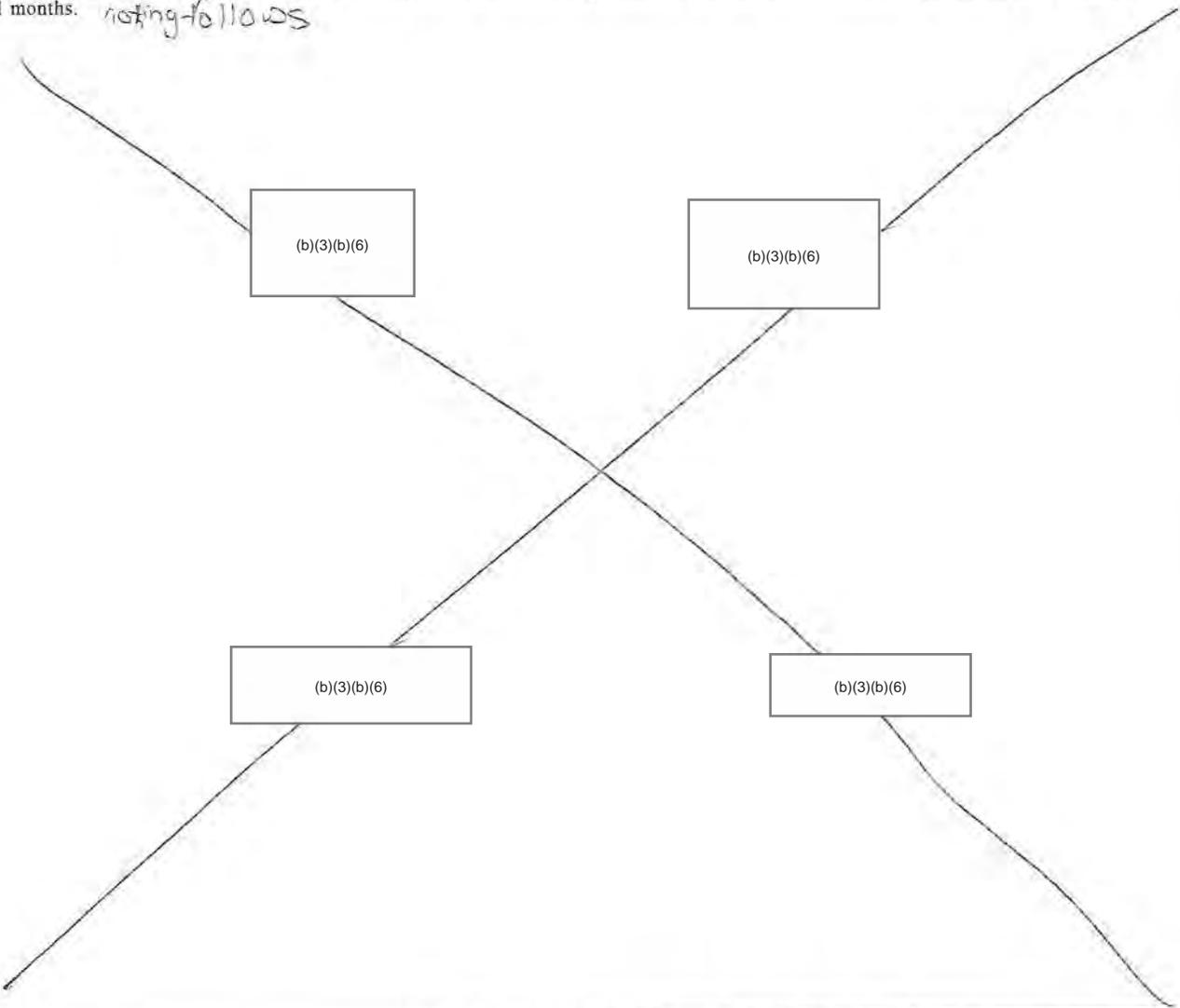
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/06	3. TIME 0956 hr	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been assigned or attached with 2nd PLT, 2-30 IN?
A: Previously I was thinking the time on the deployment when I answered the question on the other sworn statement, but I have been assigned to 2nd PLT for 11 months. *nothing follows*



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF <u>2</u> 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 0956 hrs

DATED 2008/07/06

9. STATEMENT (Continued) *nothing follows*

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

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

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

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

AFFIDAVIT

I, SPI (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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:

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

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

94 BSB 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to administer oaths, this 06 JULY, 2008

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

(b)(3)(b)(6) g Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

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

TAKEN AT 2100 hrs

DATED 2008/07/10

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: 20 min brief

2. Graphics

A: a map

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: 10 min before mission everyone inspected leaders on down.

4. Rehearsals

A: Every day prior to mission.

5. Security/Force Protection

A: Very well

6. Reconnaissance & Surveillance

A: No answer provided.

7. Time Management

A: No answer provided.

8. Composite Risk Management

A: No answer provided.

AFFIDAVIT

I, SPC (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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:

CPT

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer oaths, this 10 July 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS

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

MAKING STATEMENT

PAGE 2 OF 2 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).
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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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/29	3. TIME 0900 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS CPL	

8. ORGANIZATION OR ADDRESS
B CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 4 years and 2 months.
Q: How long have you been in this PLT?
A: Attached since May 30, 2008. Assigned to B CO, 2nd PLT.
Q: How long have you been in Iraq?
A: 7 months in Iraq and 1 deployment to Afghanistan.
Q: What Vehicle were you in?
A: I was the passenger behind the driver in Number 1 Truck (D23). Driver is SPC (b)(3)(b)(6) SGT (b)(3)(b)(6) is the TC, SPC (b)(3)(b)(6) is the gunner with a M240B, and SPC (b)(3)(b)(6) is the other passenger behind the TC.
Q: Tell me about departing Loyalty and the convoy brief.
A: We had a convoy brief the night before. It was a big deal because we are picking up two buses of detainees that were to be released at various locations throughout the 4-10 MTN BDE OE.
Q: How many convoys have you done with this section?
A: Over 50.
Q: Tell me what the standard briefing is the morning of the convoy.
A: The actual PLT gets the trucks ready in the morning. I show up 30 minutes prior to SP for the patrol brief, then it is a standard patrol brief: routes, MEDEVAC, Task and Purpose, and everyones responsibilities for the mission. We usually pull to the gate and get the last commo checks, turn on DUKES and put the Rhinos down, lock and load turret weapons, and M4's and go to a (b)(1)1.4 (a) then SP.
Q: Besides ammo in the truck, what other items are briefed to go in the truck?
A: Sometimes mission specific items like the HIIDE that takes finger prints and scans information into the system. Ice in coolers and maybe some food if it is going to be a long mission.
Q: How did the mission brief on WED, 25 JUN 08 differ from usual.
A: We had to plan the route because the mission was out of our sector. We had more planning because it was not an everyday patrol.
Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: At the ECP 13, We turned off the ECM and Soldiers were to be at the 1 o'clock with the guns. We assumed we were on a FOB. We traveled approximately 300 meters and D27 was having mechanical problems. There was a break in contact -- the lead vehicle got about 200 meters ahead of the second vehicle -- and then we were called to stop and then backup to get the correct intervals. At that time all the dismounts got out. I was in charge of the dismounts because I am attached to these guys. We were still in body armor, only PVT (b)(3)(b)(6) took his kevlar off to look under the vehicle. Everyone was more relaxed because we assumed we were on the FOB. At that time we decided to tow to Camp Cropper and find a mechanic before situating the detainees to move. At that time myself, SPC (b)(3)(b)(6) and SPC (b)(3)(b)(6) went back to the lead vehicle and mounted back up. I probably sat down in my truck for one minute and then PFC (b)(3)(b)(6) said that there was firing from the rear of the convoy. I told him to get eyes on and then about that time the driver SPC (b)(3)(b)(6) was on the radio trying to get a sitrep -- there was no answer. The red car came swerving by our vehicle and myself and SPC (b)(3)(b)(6) both saw muzzle flashes from the car and the back rear passenger window of the car was shot out.
Q: How do you know SPC (b)(3)(b)(6) saw the muzzle flashes?
A: SPC (b)(3)(b)(6) asked me if I saw muzzle flashes and I said yes; and then asked him if he saw the glass get shot out. His answer was Yes.
Q: Then what happened to the car?
A: It swerved and went off the road. Then the M240B in our truck started to engage when it was going into the berm.
Q: Did you tell the M240B to engage after you saw the muzzle flashes?
A: Yes.
Q: How many approximate rounds did SPC (b)(3)(b)(6) fire?
A: Approximately 60.
Q: Who told SPC (b)(3)(b)(6) to cease fire?
A: The truck behind him was firing and when the .50 cal stopped firing, he stopped firing.

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 _____"

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STATEMENT OF (b)(3)(b)(6) TAKEN AT 0900 hrs DATED 2008/06/29

9. STATEMENT (Continued)

Q: At the time the car passed D23, there were 4 Soldiers in the HMMWV, was SGT (b)(3)(b)(6) outside the truck?
 A: Yes.
 Q: What orders did SGT (b)(3)(b)(6) give at that time if any?
 A: He got back in the vehicle, he was checking on the Soldiers and asking about the round count and asking on the radio to D27 if we should push forward to secure the area. I think SPC (b)(3)(b)(6) said he fire 75 rounds initially, but later he checked and did not think that many, he said later approximately 60 rounds.
 Q: Did you fire your weapon?
 A: No.
 Q: Did SPC (b)(3)(b)(6) or SPC (b)(3)(b)(6) fire their weapons?
 A: No.
 Q: Did SGT (b)(3)(b)(6) fire his weapon?
 A: When he got back to the vehicle he said fired his weapon but did not say how many rounds.
 Q: When was the first time you saw the red car?
 A: It was almost ahead of us at the 10 o'clock position.
 Q: Did you hear gunshots coming from the red car?
 A: No, not from the red car.
 Q: What did you see when the car hit the fence?
 A: The .50cal and my gunner were still firing and I did not see any movement in the car. I did not see any gunfire that looked like it came from the car when it was at the fence.
 Q: At any time during the incident, did you hear rounds impact your HMMWV or see rounds hit the ground around you?
 A: No, but after the scene was secure and we were dismantled around our vehicle SPC (b)(3)(b)(6) and Myself noticed fresh bullet holes in the rear of the truck.
 Q: Continue.
 A: The car was burning and we all ready were told not to pull forward for security, so we sat there waiting for the PL or SGT (b)(3)(b)(6) to try to get coms with someone on BIAP to tell them we made contact. Then the Global personnel were the first I saw on the scene. At first two trucks, then three more trucks but they left and the original two trucks stayed, and then the QRF from Victory showed up to secure the site. The QRF pulled two vehicles past the car and then we pulled our A Section to the front as well and then the QRF had a vehicle in the middle of the convoy and then QRF had a vehicle at the rear stopping traffic and turning them around. At that time a fire truck showed up to put out the fire, some Ambulances and an investigator. There were probably about 10 civilians around, I think were American investigators: Global had about 6 to 8 people, and then about 6 to 8 Iraqi investigators or personnel that work with the Ambulances. All these people were centrally located around the vehicle. I dismantled the vehicle and then I saw the Iraqi Investigator pointing to all the American HMMWVs and then pointing to his eyes and pointing away as to tell us to look away.
 Q: What are your leaders doing at this time?
 A: LT (b)(3)(b)(6), SGT (b)(3)(b)(6), SGT (b)(3)(b)(6) and SGT (b)(3)(b)(6) were at the red car and talking to all the people on the scene.
 Q: How long were you at a complete halt trying to get the vehicle prepped for towing before the firing started?
 A: 5 to 7 minutes. At first we were separated and then had to get the intervals back. Plus, there was a missing pin on the towbar.
 Q: What is the backup plan for recovery?
 A: We usually have two towbars. We also have tow cables on all the vehicles. But, we took the towbar off our truck to tow a trailer the day before.
 Q: Whose job is it to make sure the towbar is on your truck?
 A: The TC, but we all usually make sure it is back on.
 Q: How long would it have taken to get off the road if you had a serviceable towbar?
 A: Maybe 2-3 minutes.
 Q: What were the Iraqi personnel doing?
 A: The American investigators and Iraqi investigators took a lot of pictures of the vehicle. Seemed like the personnel were talking for about 45 minutes before the Ambulance got in position to move the bodies and stuff out of the car.
 Q: Was there any period of time when those American investigators walked away and only Iraqi Investigators were at the red car scene?
 A: Yes, there was a time when the American investigators brought the leaders of my convoy to the D26 vehicle and questioned them away from the red car scene.
 Q: How long did the Iraqis have exclusive access to the red car?
 A: About 30 minutes.
 Q: What happened next.
 A: The leaders went back to the vehicles and then the body extraction started. But I was outside my vehicle in the area of the vehicle and could not see. I believe a female American investigator, and the Iraqi investigators searched the vehicle and took pictures after the bodies were removed. They searched the vehicle and then the QRF told the PL we were going back to Victory and to the motor pool to fix our truck. We all remounted vehicles and got into an every other truck mix with the QRF that led us back to Victory.
 Q: What is the arming posture when you roll out the gate from FOB Loyalty?
 A: Guns on top of the truck at (b)(1)1.4 (a) M4s inside the vehicle at (b)(1)1.4 (a) and the M249s are (b)(1)1.4 (a)
 Q: Are M4s ever (b)(1)1.4 (a) when you leave the gate from FOB Loyalty?
 A: No.
 Q: Since May 08 when you got to this PLT, has anyone informed you that the MND-B standard is to have M4s in (b)(1)1.4 (a) status when leaving a FOB? Leader's discretion to upgrade to (b)(1)1.4 (a)
 A: No.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Q: From the moment you left the scene until right now, has anyone said what to say or how to say anything to me?

A: No.

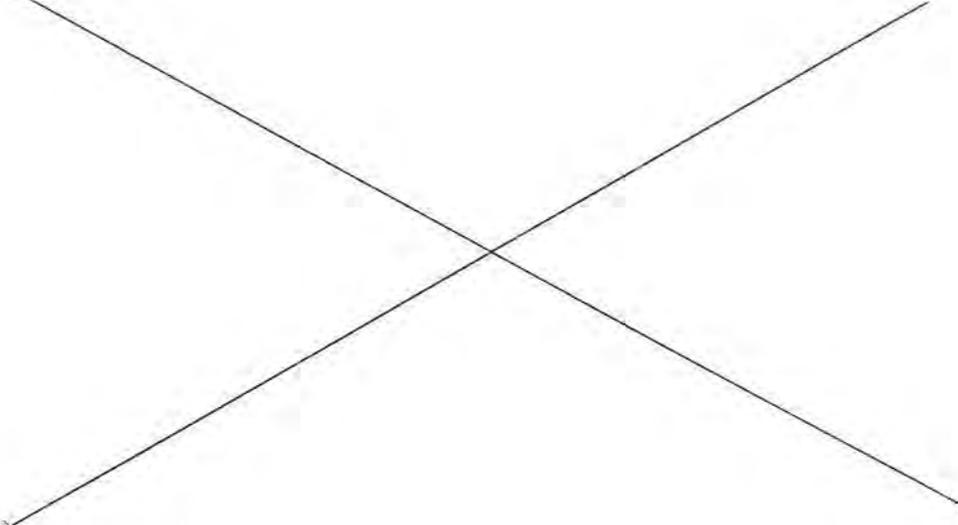
Q: Has anyone talked or said that we need to discuss the incident to "get the story straight"?

A: No.

Q: You are very confident about the things that you told me and that you saw muzzle flashes, would you be willing to take a lie detector test?

A: YES.

Nothing Follows.



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

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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, I am a person authorized by law to administer oaths to this 28 (b)(3)(b)(6) JUNE, 2008

(b)(3)(b)(6)
Administering Oath)

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS CPL	
8. ORGANIZATION OR ADDRESS B CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How many SAF incidents have you been involved in this tour?

A: I have been involved in 5 SAF incidents including the one on the 25th of June.

Q: How many of these shooting incidents utilized EOF procedures?

A: Only one, the incident on the 25th of June.

Q: How many EOF incidents have you been involved in that involved small arms fire?

A: Only one, the incident on the 25th of June.

Q: How many EOF incidents have you been involved in that did not involve small arms fire?

A: Zero

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?

A: No, but I was inside the 1st Vehicle in the order of movement.

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?

A: No, But I was inside a vehicle.

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?

A: The vehicle I was riding in was the 1st Vehicle in the order of movement, and the gunner was facing the 1 o'clock position. We were directing traffic more than pulling security.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?

A: We remained at a (b)(1)1.4 (a) because we had not encountered any clearing barrels yet.

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

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We were given the Task and Conditions for the mission. Also included were the route status, Medevac status, route we were taking, our medevac route, and a timeline for PCCs and PCIs and truck prep

2. Graphics

A: We have a mission briefing room with an enlarged map of our AO on the wall.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: We check sensitive items, equipment, weapons rounds, and make sure vehicles are PMCSd and topped off on fuel.

4. Rehearsals

A: We rehearse a good route recon especially since we were traveling outside our AO on the BFT. We conduct medical rehearsals and wounded gunner driver down vehicle drills.

5. Security/Force Protection

A: We make sure gunners have correct sectors of fire while we are traveling and everyone has the proper PPE on.

6. Reconnaissance & Surveillance

A: We conduct a map and route recon on the BFT.

7. Time Management

A: We have a timeline that starts from wake-up until we SP

8. Composite Risk Management

A: The PL and PSG brief us on route status and enemy activity in the area.

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 2. 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

WITNESSES:

CPT (b)(3)(b)(6) (b)(3)(b)(6)
18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3)(b)(6) (Signature)
Subscribed and sworn to before me, a (b)(3)(b)(6) authorized by law to

ad (b)(3)(b)(6) 2008

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

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 1600 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS PV2	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, BCO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long were you with 2nd PLT?
A: 2 weeks, I was in the HQ PLT previously.

Q: How many convoys with this squad?
A: Throughout the deployment I have worked with them for about 40 times since getting to Iraq.

Q: How much time in the Army?
A: 2 years

Q: How long have you been here?
A: 8 months, this is my first deployment.

Q: How many times have you had an escalation of force?
A: This was the third time, previously in March 2008 there was a lot of enemy activity -- it was "March Madness".

Q: Please describe the events from ECP 13 to the time when you left the incident site.
A: I was a driver, D20, for LT (b)(3)(b)(6) Gunner was SPC (b)(3)(b)(6) SPC (b)(3)(b)(6) was a dismount. The interpreter was also in the vehicle. We did not have communications with anyone when we got in the ECP -- but ultimately went to the Sheriff net on single channel plain text. LT (b)(3)(b)(6) told the convoy to have the guns go to the 1 o'clock position. We heard that the convoy had to stop because a vehicle had problems. I was still messing with the radios to get comms. Then I heard small arms fire and the Gunner, SPC (b)(3)(b)(6) yelling "Stay Down Stay Down". SPC (b)(3)(b)(6) then engaged the vehicle with a .50 cal and screamed for ammo, at that time I saw the car come up to us, then hit the embankment and hit the fence. Then I handed a full box of ammo to SPC (b)(3)(b)(6) and then he loaded the M2 and locked and loaded again. I heard two shots of what sounded like an AK-47. I saw two puffs of smoke come from the car. SPC (b)(3)(b)(6) re-engaged with the .50 cal. I could hear someone screaming from the car when the car was on fire.

Q: Did you see what SPC (b)(3)(b)(6) was firing at?
A: It was a red car. Most likely going 45-50 mph. I know the piece of turret glass was struck by a round and there was nothing wrong with our truck previously.

Q: Did you hear any rounds impact your vehicle?
A: I heard a whiz, whiz, clink.

Q: Did you see anywhere that the rounds impacted?
A: No.

Q: Did you fire any rounds.
A: No, I was manning the radios.

Q: Did you see any weapons in the car?
A: No. My job was the radio and I was trying to get communications established and also handed ammo to the gunner.

Q: When did you hear the screaming?
A: I know I heard screaming after the car hit the fence. The car was on fire during this time.

Q: When did the screaming stop.
A: A few seconds after I heard the screaming it stopped. Did not last very long.

Q: Was there a possibility that your Soldiers could have fired and you heard the whiz, whiz, clink that came from your own Soldiers' weapons.
A: No.

Q: Why not?
A: I know the difference in the sounds of a M240B vs the AK-47.

Q: Could it have been an M4?
A: No.

Q: Why are you sure?
A: Again, the sound of the caliber of the round did not match.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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STATEMENT OF

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

TAKEN AT 1600 hrs

DATED 2008/06/27

9. STATEMENT (Continued)

Q: Who told SP (b)(3)(b)(6) to reengage the vehicle?

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

Q: How many rounds do you think SPC (b)(3)(b)(6) fired when he reengaged.

A: About 20-30 rounds, but I can not be sure. Previously one can did go over the side of the vehicle indicating he fired 100 rounds at first.

Q: Describe the two puffs of smoke that came from the vehicle after the vehicle hit the fence.

A: I think the puffs of smoke were muzzle flash.

Q: When did SGT (b)(3)(b)(6) tell SPC (b)(3)(b)(6) to cease fire.

A: When the car initially started on fire.

Q: What instructions were you given during the firing?

A: PL handed me the commo card with an emergency freq and I was loading the freq in the top radio.

Q: Why wasn't the emergency frequency pre-loaded in the radio.

A: I did not have it.

Q: What happened next?

A: I got the Sheriff net loaded and then called a SITREP to Sheriff 15. When asked if we needed a QRF, I discussed with the PI. and the answer was NO. I was asked why we were not on a secure net. I told them I could not communicate with anyone. The last battle space owner was Strike Mike (101st AASLT), no answer. Same with Make it Happen Base (168 BSB), no answer. I asked for the freqs, the radio operator said she could not give me a freq on the unsecure net. About 5 minutes later the fire truck shows up. We move the vehicle up the road 150 meters so the fire truck can get in. They attempt to put out the fire, no luck, they give up and take a break. Then they attempt again and this time contain the fire. Then SP (b)(3)(b)(6) used a fire extinguisher from our truck to put out hot spots. The fire was then put out. I got out of the truck to let the PL know there was a convoy coming up and I also relieved SS (b)(3)(b)(6) from guarding the vehicle. The PL was all over the place dealing with the personnel that were on hand. While I was in the vehicle before dismounting to relieve SS (b)(3)(b)(6) asked SP (b)(3)(b)(6) if he was OK. "I can't believe I just killed some people", explained SP (b)(3)(b)(6). He was distraught. But, I explained that it was either them or us. SP (b)(3)(b)(6) then stated, "it is like home invasion then"; at which I replied "You're damn right." Then I let SPC (b)(3)(b)(6) chill out. Then we waited for everything to get organized and they told us to wait at the road and turn away from the car if you were a non-Muslim. There was a female that told our chain of command this order, I listened to my chain of command and executed. Then the TF Vigilant chain of command came over and said we were going to move out to the ADOC. That took about 20 minutes from the time the personnel removed the bodies. Our convoy then towed the broken vehicle and went with the other QRF vehicles.

Q: From the time the first round was fired until the last round was fired, were you in the seated position in your truck with the door shut?

A: Yes.

Q: From the time you left the site until now, did anyone tell you what to say?

A: No. It was explicitly put out do not talk about this. We were told this at the ADOC by SSG (b)(3)(b)(6)

Q: Have you tried to coordinate the story of these events with anyone in the squad?

A: No.

Q: Do you understand that you are not allowed to discuss this event with anyone until the completion of the investigation and your chain of command authorizes you to talk about it.

A: Yes.

NOTHING FOLLOWS

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

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

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

(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 2. 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 INFLUENCE.

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

WITNESSES:

MAJ

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

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

94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to administer oaths, this 27 d (b)(3)(b)(6) JUNE, 2008

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

ing Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS PV2	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, BCO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How many SAF incidents have you been involved in this tour?
A: 3

Q: How many of these shooting incidents utilized EOF procedures?
A: 3

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: 3

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: 10

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: I didn't pull security, I was the driver.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: Because no clearing barrels were spotted.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: Gave us task and purpose with route status and SIGACTS for our area.

2. Graphics

A: None was presented but the CP post route status for our AO

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: None

4. Rehearsals

A: None

5. Security/Force Protection

A: EOF is the same no matter what.

6. Reconnaissance & Surveillance

A: Not my lane.

7. Time Management

A: Hit times were met.

8. Composite Risk Management

A: PL does risk management.

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 2. 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.

WITNESSES:

CPT (b)(3)(b)(6)
18th FIRES BDE

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me, a (b)(3)(b)(6) authorized by law to administer oaths this 10 day of (b)(3)(b)(6) July, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT 0008 hrs DATED 2008/06/26

9. STATEMENT (Continued)

which had Sheriff net typed on it. I was unable to contact my base or CP so I got my A squad leader (b)(3)(b)(6) to input the Sheriff net single channel plain text into my company radio. Once in I contacted "Sheriff 15" and gave him my current ten digit grid location off my FBCB2, how many enemy KIA, vehicle, that we had received contact and returned fire, and that I had no wounded personnel. From there "Sheriff 15" told me to hold and I gave the hand mike to my gunner and told him to monitor the net and yell at me if I am needed. From here the enemy vehicle is fully engulfed in flames and no one has shown up in around 5-10 minute. After around 10 minutes a local national fire truck approached from my 6 o'clock with 5-7 men. 1 of those guys put out the fire while the other assessed the situation and asked me what had happened. As I explained the situation to the men traffic is now stopped and is starting to turn around, due to many guys not allowing vehicles to pass and because the vehicle is still in flames. It is at this point when "Global" pulls up and I am greeted by an Irish man who is accompanied by 5-7 guys including a terp. He informs me that they are the ones in charge of security here at BIAP and they are contacting "Vigilant" who is the American QRF. After again explaining what had happened previously to the main "Global" guy the fire truck was running out of water and the vehicle was still somewhat on fire. I then asked if they needed a fire extinguisher, they said no that another water truck was on the way. At this point SGT (b)(3)(b)(6) reminded me that it would be a wise idea to start taking pictures of the scene before more people started to crowd the area. I then asked my dimount (b)(3)(b)(6) to go grab the platoon camera from my vehicle "26." Once back I took 3 photos of the enemy vehicle, one from the right, rear, and left side. Once done I tasked "23" to push A section past the fire truck about 100-150 m to pull security on the opposite side. While moving I noticed that more people were moving into the area. Upon further review of the situation I realized that it was one local National in civilian clothes and three high ranking IP and about 10-15 IP's. The "Global" guy immediately greeted the local national in civilian clothes. He then brought him to me and I was introduced to him. I then explained the situation to the IP. After I was finished the local national somewhat mocked me as if I was a liar and had no idea what I was talking about. He was vouching for the enemy in the vehicle and said he knows where they work and who they were. Also it would be a hit on "Global" if they did have a weapon. The "Global" and the local argued back and forth for a minute or two about the weapon issue. Once done arguing it was back to talking about the enemy vehicle and he said "I guess we'll have to see later on about the weapon then?" I shook his hand and checked on the enemy vehicle to make sure the site was still secure. Then I see the second fire truck pulling up to give the enemy vehicle a final spray to make sure it was good. At this point I put my acting PSG (b)(3)(b)(6) in charge of the security of the perimeter around the enemy vehicle in order to keep other people from tampering with the vehicle. I then see an American Soldier in the guard tower that was to my vehicles 7 o'clock. Myself and (b)(3)(b)(6) walk over and speak with him on the situation and what had happened. He was a captain and said that the ECP about 200-300 to our north said the same thing and corroborated our story and they would do sworn statements. I then told him thanks and moved back over to my vehicle to see if anything had come over the net. Once at my vehicle I was told that I had an FIPR on my FBCB2 wanting me to send a situation report to my base. As instructed I sent a grid, 0 U.S. wounded to Dark Angel CP and Boar Base. Once done I noticed a female civilian was standing over near the enemy vehicle. I went over and spoke with her finding out that her and the gentleman she was with were OSI, which is the Air Force equivalent of criminal investigation department. "Global" informed me that they were here to help my unit do a thorough inspection of the scene. It was at this time that the "Vigilant" element showed up to assist us with the security of the area. I spoke with the SGT in charge of the "Vigilant" element and he told me he was here to pull security for us while we cleared up the situation. While he was moving into position, SGT (b)(3)(b)(6) informed me that we had more locals in the area and I turned and noticed an acquaintance/family member. The local national that had been mocking me earlier was hugging him as he was grieving. I then went and told all of the people that were there (25m away) that they could not be here and needed to leave the area. With no problems they pulled him up and walked him to his vehicle. I went back to my vehicle to see if there was any word from my FBCB2 or on the net that I needed to know about, as well as update my element on the situation and give corrections as needed. It was at this point that the SGT in charge of the "Vigilant" element informed me that the IP's and "Global" said my vehicles needed to push out further because I could no longer be in the area while they pulled out the bodies. I then heard that all Americans were to turn around in order to not see the remains of the enemy KIA due to Muslim customs. OSI and "Global" were allowed to stay, but they were the only ones other than the IP's that were allowed by the enemy vehicle. So I pushed my vehicles to the 6 and 12 o'clock another 50m in both directions. Somehow they moved the enemy vehicle back 20 meters so they could back the local national ambulance perpendicular to the enemy vehicle to prepare for the extraction of bodies. During which my squad leaders and myself checking on our vehicles, sensitive items, and personnel. I saw one body in a white bag get loaded and another being zipped up in a human remains bag. I only saw two bags, though it was confirmed by all at the scene there were three (3) enemy KIA. Once the bodies were loaded and the ambulance had driven away I noticed another local on the opposite lane sobbing and crying. This was a different person than the one previously, so as I intended to walk over there they got in their vehicle and drove away. It was at this point I was told that once everything was done, I was to go with the "Vigilant" element to give statements and details of the engagement. As well as the "27" vehicle to a mechanic so we could continue with our detainee mission later on. After going to my vehicle and giving out details to the entire element on what our tentative schedule was, "Vigilant" came to me and told me that the IP's would not search the vehicle until the unit that had engaged the enemy vehicle was completely gone from the scene. I told them that I was not leaving the scene, because I was in charge of the security and integrity of the area. At this point four more OSI come to me and asked to look at my vehicles and get info. I explained the situation again to the four gentlemen from OSI and they decided to check out my vehicles. Of my four vehicles three of them had fresh bullet holes, the "23", "26", and the "27." The "27" had bullet ricochet in the left part of the bumper. The "26" vehicle had a bullet go through the right back fender as well as impact on the left glass of the turret. And the "23" had a round go through the back right corner of the vehicle and the back glass upper right section on the turret. So in total 5 rounds confirmed that impacted the "Dark Angel" elements during contact with the red hatch back from the enemy. Once we assisted OSI in pictures and info, I observed the IP only taking evidence of one thing and that was brass from where the "26" mounted weapon system, the M2 Browning machine gun. Once search was done by IP through the vehicles, "Vigilant" was told that everyone was to leave all at once. So IP, in my opinion, was very sloppy in the search of the vehicle due to them being disgruntled and the situation of what had just happened they finished in about 10-20 minutes. I spoke with "Global" said thanks and loaded into my vehicle. My element was staggered into "vigilant" element 1 for 1. So it was them, us, them, us, ect.. Until the eighth and final vehicle in the U.S. convoy. The "22" vehicle still towing the "27" vehicle. "Global" left first, followed by IP's, followed by OSI, then "Vigilant" and "Dark Angel." I monitored by net of ADOC and "Vigilant" that "Global" and OSI were giving reports as well as my guys and the Captain that I had spoke with earlier in the guard tower. The enemy vehicle was left on site and we headed en route to the ADOC with "Vigilant."

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

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

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

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

INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF

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

TAKEN AT 0008 hrs

DATED 2008/06/26

9. STATEMENT (Continued)

NOTHING FOLLOWS:

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

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

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

(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 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

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

(Statement)

WITNESSES:

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

Subscribed and sworn to before me by (b)(3)(b)(6) person authorized by law to administer oaths, this 26 (b)(3)(b)(6) JUNE, 2008

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

(g Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 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 MND-B HQs	2. DATE (YYYYMMDD) 2008/06/30	3. TIME 1000 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS 2LT / O-1	

8. ORGANIZATION OR ADDRESS
D COMPANY 2ND PLATOON 2-30 IN 4BCT 10TH MNT

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

Q: How long have you been in the Army?

A: Since 03 FEB 07, 17 months

Q: How long have you been in this PLT?

A: April 24, 2008; little over two months.

Q: How long have you been in Iraq?

A: 1 March 2008 in Theater, 5 Mar 08 in Iraq, 4 months

Q: How many shooting incidents have you been in since arriving to Iraq?

A: This is the first.

Q: Tell me about your actions prior to the execution of the detainee mission and the convoy brief prior to departing FOB Loyalty.

A: As usual the CO CDR gave out a matrix 3 to 4 days in advance consisting of what we have going on for the next week. We had come off Force Pro of JSS Muthana the day prior, then I gave a heads up on the mission to the main guys in the PLT consisting of all NCOs. I received the CONOP at 1100 hrs the day before the mission, I went to the S3 for backbriefs at 1300 hrs, and I contacted the 2-30 IN Battle Captain the night prior to tell him that we were leaving at 0700 hrs and we were going through multiple AOs. I then went to S2 to get a commo card that has AO boundaries and net IDs as well as Sheriff Net and the MEDEVAC frequencies. I found out that my PLT SGT, SFC (b)(3)(b)(6) was staying with SSG (b)(3)(b)(6) to accompany him to the Staff Sergeant Board. Acting PSG was SSG (b)(3)(b)(6) but this was his first mission with the 2nd PLT. I put out the WARNO the afternoon of 24 Jun 08 to get supplies for the mission consisting of 50 plus flex cuffs and 50 plus black out goggles for detainee transport. That night the brief was at 2000 hrs. I gave an OPORD to the entire PLT with details of the mission; task and purpose; details of the route; CASEVAC and what to do in case of contact, small arms and IED; and then higher's intent. I put out 0700 SP from our barracks to Camp Cropper to give some flexibility with the 0730 NLT time. So, the Squad Leaders then put out their times on when the vehicles will be preped in the morning. I think wakeup was at 0530 hrs. The last thing I did the night before was prep the paperwork for the detainee mission with SPC (b)(3)(b)(6). We ended up being 12 packets short due to the lack of toner in the BN copier and was told to complete the packets at Camp Cropper. The morning of the 26th of June, the Squad Leaders were overseeing the vehicle prep and then I got on SIPR to check TIGRnet to check route status. SGT (b)(3)(b)(6) said his FBCB2 was not working. Gave him guidance to fix the FBCB2, he sent the vehicle to S6 to get fixed. The D23 vehicle was with S6 for 15 minutes. Came back and said there was something wrong internally and commo could not fix until the next day. We looked for other means of getting maps. Then we went on TIGRnet to print off section by section the route down there, which was not very successful because it was detailed enough. So, I had to alter the route to going the way we had gone four days previously when we escorted the MRAPs to Liberty because we had gone that way before and it was familiar for my guys. The first route was going through the IZ and then (b)(1)(1.4) but when FBCB2 went down I modified the route to go south of the IZ on the familiar route from before. Now we were getting near the 0730 hrs NLT BN time. Since I gave the brief the night before the only thing I briefed the morning of was the changes in the plan. I got with 23 SGT (b)(3)(b)(6) and figured out the route, that was the only change from the night prior. I gave the D23 vehicle the big booklet with maps and a copy of the CONOP; I also had a copy of the CONOP. We then left at 0735 hrs from FOB Loyalty.

Q: Did you ever gather the Soldiers in the morning and give them a final convoy brief before executing the mission at 0735 hrs?

No. The lead TC and I discussed the route change and once finalized we loaded up and on the way to the gate I told all the Dark Angel elements on a net call that instructed all vehicles we were changing the route and using the MRAP Drop off route. There was no other change in the plan that was briefed previously.

Q: What PCIs / PCCs were conducted?

The majority are overlooked by the PLT SGT and the SQD LDRs. I know with my vehicle the gun is set up, windows washed, and FBCB2 and radios set up with radio checks.

Q: What equipment do you have in your convoy for recovery operations?

A: Tow cables / tow straps and then two towbars.

Q: Where both towbars on the mission?

A: No. We carry fuel to and from the JSS and we had to take the towbar off to pull the trailer; and there was miscommunication as to where the towbar ended up for this mission.

10. EXHIBIT (b)(3)(b)(6)	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 1000 hrs DATED 2008/06/30

9. STATEMENT (Continued)

Q: Did your vehicles go through a maintenance inspection prior to leaving FOB Loyalty?

A: Yes, I think it was the day before. The vehicles had to get QA/QC'd before they deadlined, which was before we left. But when we arrived to VBC after the incident, we had Team Hunter mechanics try to fix the broken vehicle to continue mission and they named multiple other items that should not have passed through our mechanics at FOB Loyalty. The mechanic at VBC implied that the broken vehicle had more issues that should have been fixed that would not have allowed the vehicle to roll out the gate on time.

Q: What arming stance were the weapons in when you left FOB Loyalty.

A: (b)(1)1.4 (a) upon rolling out the gate; the status of weapons can be altered, which (b)(1)1.4 (a)

Q: You said you saw muzzle flashes in a previous statement, how many and what color?

A: 2 to 3 white muzzle flashes along with the audible gunshots before I took cover.

Q: How many rounds did you fire from your M4?

A: 5 - 10

Q: What were you aiming at?

A: I engaged what I considered to be the threat of the vehicle, which was the passenger.

Q: Did you feel threatened?

A: Yes. The actions of the red hatchback, the muzzle flashes, and the rounds being fired.

Q: Did you think you were in a secure environment on a FOB?

A: Yes. That is another reason why I felt threatened because I thought we were in a safe zone.

Q: What led you to believe you were on a FOB?

A: When I went through ECP13, I thought I was on BIAP and we would have to clear mounted and personal weapons when entering a specific FOB. The road network is confusing on which ECP gets you to where. The imagery on the maps and TIGRnet are not updated to let you know all the changes that have recently happened.

Q: Was there a period of time that any personnel other than US Soldiers had exclusive access to the red car?

A: Yes. When OSI, Global, and IPs moved the actual vehicle to extract the bodies we were told "the Platoon in contact" was not allowed in the vicinity. Eventually we were told to leave. Also, we were told that Americans had to turn around for the Muslim custom. I wanted my guys there, specifically myself or the PLT SGT, to be there when they touched any part of the vehicle. But, we were told they would not do anything until we were gone. I argued with them and told them we were not leaving. So, they ended up pushing us out far enough away that I could not tell what was being taken out of the vehicle. The only thing I know for sure that happened is a white body bag was zipped with what I assumed to be a body, but I did not physically see a body. I did not see one specific thing that I know for sure came out of that vehicle.

Q: What training has your PLT received and implemented for EOF procedures for gaining the attention of the drivers.

A: When I showed up on the first day of RIP with the old PLT LDR on 24 APR 08, I was briefed on the Escalation of Force SOPs. First it is a hand signal with a verbal command. During limited visibility we use lasers. Then point the weapon at the vehicle and/or use green laser. If no response fire a warning shot in front of the vehicle. Next would be to disable the vehicle. Then to engage the driver of the vehicle, unless all ready present threat and you may skip steps.

Q: Did you have lasers as part of an EOF package for the PLT?

A: Some Soldiers have lasers. I had to buy my own laser. If the Soldier has one it is part of the kit, but not all Soldiers have lasers. We try to give all the gunners lasers because they are not able to be as animated, giving hand gestures and physical appearance, as those Soldiers that are on the ground.

Q: What training has your PLT specifically received on lasers?

A: Only to use as an EOF measure if shining the vehicle. Don't use it for friendly markings. It is a stopping mechanism to halt a vehicle. I have not personally used for a person acquisition, only on vehicles.

Q: Do you use the laser in daylight operations.

A: I have not. I would have a problem seeing the green laser during the day and would not see the pinpoint dot during the day. Only if you hit the target directly would the person in a car see the laser. I would not risk the possibility of using a laser and the person not seeing it and making the wrong decision. At night you actually see the entire line of laser and is definitely recognizable and you know where it is coming from, what it is, and what it means.

Q: From the moment you left the scene until now, has anyone told you what to say or how to say it?

A: No

Q: Since leaving the scene until now, has anyone said that you need to talk to "get the story straight"?

A: No.

Q: Would you be willing to take a lie detector test reference this incident?

A: Yes.

NOTHING FOLLOWS

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

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

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

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

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

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

9. STATEMENT (Continued)

(This section is crossed out with a large X and contains four redaction boxes labeled (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 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

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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to
administer (b)(3)(b)(6) his 30 (b)(3)(b)(6) JUNE, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(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 MND-B HQs	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O-1	
8. ORGANIZATION OR ADDRESS D COMPANY 2ND PLATOON 2-30 IN 4BCT 10TH MNT			

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

Q: How many SAF incidents have you been involved in this tour?
A: Just this one incident so far.

Q: How many of these shooting incidents utilized EOF procedures?
A: This one.

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: None

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: None

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No, not after the second engagement of the vehicle.

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: It wasn't that we were on a FOB, just a safe zone. We didn't necessarily pull security we were just directing traffic. It wasn't until after receiving fire that I told them to make sure we are pulling security.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to (b)(1)1.4 (a) orienting weapons to 0100 clock position?
A: Because there was nothing else telling us otherwise. (b)(1)1.4 (a) and orient weapons to the 0100 does not mean clear weapons.

10. EXHIBIT (b)(3)(b)(6)	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: I gave an OPORD on the mission the night prior.

2. Graphics

A: I looked on TIGR net and briefed the map.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: My PSG and squad leaders are responsible for making sure PCC/PCIs are done.

4. Rehearsals

A: Map rehearsals and talking through scenarios during OPORD.

5. Security/Force Protection

A: During OPORD sectors of fire are SOP and given.

6. Reconnaissance & Surveillance

A: TIGR net and battalion battle captain.

7. Time Management

A: 1/3-2/3 rule for preparation.

8. Composite Risk Management

A: SIGACTS and TIGR net helped me look at risks on routes. Also briefed in OPORD.

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 2. 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

WITNESSES:

CPT (b)(3)(b)(6)
18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me (b)(3)(b)(6) on authorized by law to administer (b)(3)(b)(6) this 10 day (b)(3)(b)(6) JULY, 2008

(b)(3)(b)(6)
g Oath)

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/29	3. TIME 1445 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 4 years.
Q: How long have you been in this PLT?
A: Little over 2 years.
Q: How long have you been in Iraq?
A: 8 months in Iraq and one Afghanistan.
Q: What Vehicle were you in?
A: I was the M2 gunner in the second vehicle. The driver was PV2 (b)(3)(b)(6) the TC was LT (b)(3)(b)(6) there were two passengers in the back: the interpreter Shakespeare and the dismount was SPC (b)(3)(b)(6)
Q: How many shooting incidents have you been in since arriving to Iraq?
A: This was my second.
Q: Tell me about departing Loyalty on WED, 25 JUN 08 and the convoy brief.
A: We had a mission briefing for the task and what to do, the route there, the CASEVAC plan and then the route back.
Q: What mix of ammo for the M2?
A: 4:1; API to APIT.
Q: What was the arming stance of your weapon when you leave the FOB?
A: My weapon was in (b)(1)1.4 (a)
Q: What was the arming stance of the weapons in the HMMWV?
A: Usually the Soldiers lock and load as we are leaving the FOB. They go into a (b)(1)1.4 (a)
Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: (b)(1)1.4 (a); and weapons to the 1 o'clock; so I thought we were on the FOB.
Q: Did you see any clearing barrels or did you clear your weapons?
A: No.
Q: What arming stance were you in and the members in the truck?
A: (b)(1)1.4 (a)
Q: Continue.
A: We were traveling down a road and then AI remember the D27 truck said we were too far ahead and that they were broken down. We backed up to the D27. I was looking through the sniper netting. I saw the last vehicle D22 trying to hook up to the broke down vehicle D27. There was about a 10 minute period and then I heard shots. I did not have a sector, I was looking facing the 1 o'clock looking at the airfield. But, I was looking around and I saw flashes -- I saw a red car for the first time I was facing 6 o'clock.
Q: Where were the flashes coming from?
A: Front right passenger side.
Q: How many flashes and what color were they?
A: 3 to 5. Kind of orange whitish.
Q: How close was that red car in feet to your HMMWV when it was in line to your HMMWV?
A: 10-15 feet.
Q: Continue.
A: I was down from the turret sitting on the back of my legs on the floor of the HMMWV. I looked out the left side windows and saw more flashes as the car was firing as it passed. It looked like he was going about 30 - 35 mph.
Q: When did you get back in the turret?
A: After the car passed us and was parallel with the first vehicle.
Q: What did you see inside the red car?
A: 2 Males. Both in the front seat. I do not remember anyone else.

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 _____"
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STATEMENT OF (b)(3)(b)(6) TAKEN AT 1445 hrs DATED 2008/06/29

9. STATEMENT (Continued)

Q: What did the red car do when it went to the front of the vehicle?

A: It made a right hook out of nowhere and passed the front vehicle and went to the fence. It stopped at the fence.

Q: What did you do next?

A: I made sure the driver was OK, I looked over myself and made sure I was OK. Then the LT was yelling. I did not hear him at first. Then I asked him again. Finally, the dismount SPQ (b)(3)(b)(6) said "Engage that red car". Then I said, "Sir" and then LT (b)(3)(b)(6) said, "Shoot that fucking red car". I then charged the weapon and engaged the car. It was several bursts. 8-10 shots for about 5 to 10 bursts.

Q: Did you do an ammo count?

A: Yes.

Q: When did you do your round count and what was the expenditures for your .50 cal?

A: When I got back to the ADOC and it was 110 rounds fired.

Q: Did you start the patrol with a full can of 100 rounds of M2 .50 cal ammo?

A: Yes.

Q: How long after you were told to engage did you ask for more ammo.

A: A couple of seconds. I asked (b)(3)(b)(6) for ammo and he handed me an ammo can. I told him to "take the fucking lid off the ammo can the next time". I tossed the empty can over the side and re-loaded and then got a couple shots off until the PL yelled to stop firing. I lost my hearing for a little bit.

Q: When did you lose your hearing?

A: I saw two people, SGT (b)(3)(b)(6) and the LT, giving the cease fire signal before I heard the order to cease fire. I looked behind me and then heard them telling me to cease fire. I dropped the weapon back on the Y-bar so that it stayed elevated.

Q: While you were firing, what specific portion of the red car did you focus your firing on?

A: I did not have a set spot.

Q: Did you see your rounds impacting the red car.

A: Yes.

Q: Did you see people in the car doing anything when you were firing?

A: No, I only saw smoke and dust.

Q: Did you see any weapons in the car?

A: No.

Q: Did you see flashes of color?

A: No.

Q: Did you see any of your incendiary rounds burn?

A: I can't remember.

Q: Is this when the car started on fire?

A: Yes.

Q: What orders did you receive and from who?

A: Cease fire from the SGT (b)(3)(b)(6) and LT (b)(3)(b)(6). Then we were told to move forward approximately 75 - 100 meters to provide security overwatch.

Q: Continue.

A: Then I sat down and realized I just killed these people. We sat there for 2 - 3 hours and secured the site. Global was there, other HMMWVs showed up, the fire trucks arrived. I stayed in the HMMWV.

Q: Do you remember a time when personnel other than US Soldiers had exclusive access to that red car?

A: I do not know.

Q: From the time you left the scene to this time today has anyone told you what to say or how to say it?

A: No.

Q: Has anyone told you that we need to talk to get our stories straight?

A: No.

Q: Would you be willing to take a lie detector test reference this incident?

A: Yes.

Nothing Follows

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

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

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

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

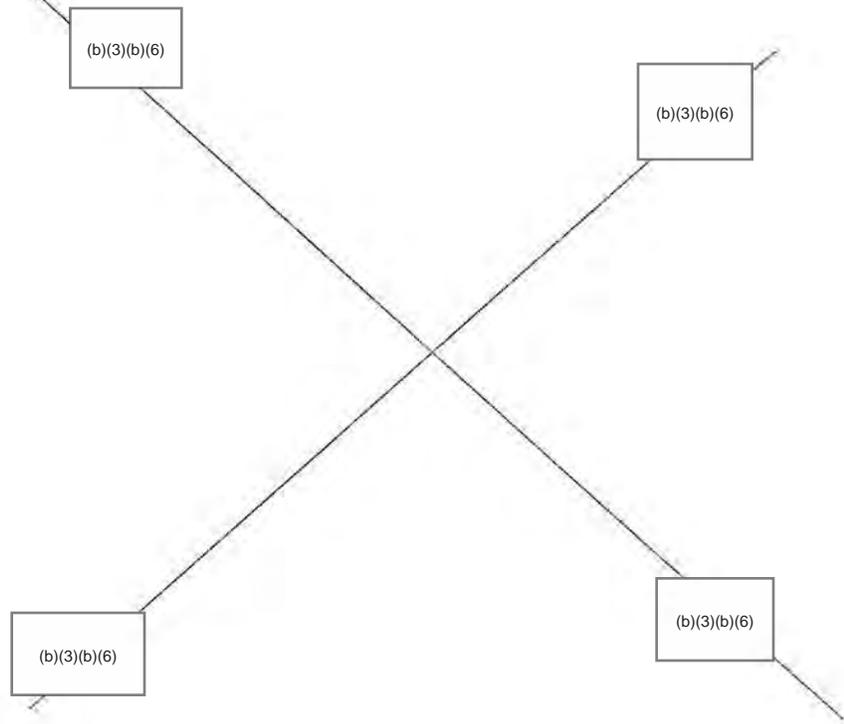
INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Nothing Follows



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:
MAJ (b)(3)(b)(6)
94 BSB 4-10 MTN
ORGANIZATION OR ADDRESS
ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer oaths, this 29 JUNE, 2008

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

Investigating Officer
(Authority To Administer Oaths)

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

STATEMENT OF

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

TAKEN AT 2100 hrs

DATED 2008/07/10

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation.

1. Operations Order

A: They briefed us on the mission and what we were supposed to be doing. The routes there and back. CASEVAC Plan, enemy activity last 30 days.

2. Graphics

A: Map

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: Our Squad Leader made sure we had all sensitive items, radio checks, personal equipment

4. Rehearsals

A: Ensured everyone knew actions on contact, roll over drills, driver/gunner down.

5. Security/Force Protection

A: gunners knew sectors of fire and maintaining 360 degree security.

6. Reconnaissance & Surveillance

A: Graphics of routes, stops to be made.

7. Time Management

A: We were told of times we were to be stopping for these particular missions. Different stops were to be made at 3 different locations.

8. Composite Risk Management

A: We were briefed on what to do if there was a casualty or any other life threatening incident.

AFFIDAVIT

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WITNESSES:

CPT

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me a person authorized by law to administer oaths (b)(3)(b)(6) 10 da (b)(3)(b)(6) July 2008

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

g Oath)

ng Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 2050 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
A Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 2 years, 1 month.

Q: How long have you been in this squad?
A: 1 year, 1 month.

Q: How long have you been in Iraq?
A: 7 months.

Q: Is this your first deployment?
A: Yes.

Q: What is your position and where were you located in the convoy order of march?
A: I was a dismount seated in the back left area of D26 (LT (b)(3)(b)(6) vehicle) which was second in the order of march.

Q: Who was in your vehicle?
A: The driver was PFC (b)(3)(b)(6) LT (b)(3)(b)(6) was the TC, the back right seat was the interpreter Shakespeare, and the gunner was SPC (b)(3)(b)(6) with a M2 .50 cal.

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: We went through the ECP, I was under the impression that we were in a secure zone, and we pointed the weapons to the 2 o'clock position. We (b)(1)1.4 (a) We were on our way to pick up detainees. There was a lot of space in between the convoy vehicles and the first two vehicles backed up to meet up with the third and fourth vehicles. Then we got the word that there was a maintenance problem with the D27 vehicle which is the third in the order of march. The PI, and I got out of the vehicle when the convoy stopped. SGT (b)(3)(b)(6) acting PLT SGT, discussed how to tow the vehicle with maintenance problems. Then I heard a couple gun shots.

Q: Where did the gunshots come from?
A: Rear of the convoy?

Q: Were they friendly or enemy?
A: Friendly, they were SPC (b)(3)(b)(6) warning shots.

Q: Did you see him fire the shots?
A: Negative.

Q: Then what happened?
A: I heard an AK-47 fire, several shots.

Q: Can you see the enemy vehicle at this time?
A: No.

Q: Then what happened?
A: SGT (b)(3)(b)(6) and I were taking cover in between the second and third vehicle. I heard SPC (b)(3)(b)(6) firing a M240B and also SPC (b)(3)(b)(6) as a dismount his M4. The enemy vehicle passed by us on our left side?

Q: Did it try to slow down?
A: No, it was going about 40 mph when it went by. I was seeking cover. Then I heard LT (b)(3)(b)(6) give the order to engage. But, we were not in position to fire yet. I relayed the order for SPC (b)(3)(b)(6) to fire on the car. Then I went into position on the right side of the second truck. I felt threatened and then fired my M4.

Q: How many rounds did you fire?
A: 10 rounds

Q: When did you first see the vehicle?
A: It was a red vehicle, I saw it when I heard the initial gunshots and peeked out from my position.

Q: What did you see when the car went by you.
A: Definitely saw a driver and passenger. Can't be sure if anyone was in the backseat. (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 BE INDICATED.

STATEMENT OF (b)(3)(b)(6) TAKEN AT 2050 hrs DATED 2008/06/27

9. STATEMENT (Continued)

Q: Were the people in the car male or female?
A: I could not tell.
Q: Did you see anything come out of the car?
A: When it passed by I did not see anything. I can't tell if it came from the car, but I did hear non-US gunfire- AK-47.
Q: Did you hear or see any rounds impact the vehicle or other HMMWVs or the ground around you?
A: In the heat of the moment, I thought I heard some impacts, But I can not be sure.
Q: When did you fire on the car?
A: When the car was in front of me but it was safe to fire, cleared fields of fire with SGT (b)(3)(b)(6) I am at the right side of the truck.
Q: What did the car do after you fired your 10 rounds?
A: The car went down the road, then it went to the right about 75 meters in front of the first vehicle (D23) and crashed into the fence.
Q: You said "we saw" muzzle flashes, how did you know that more than you saw muzzle flashes at that time?
A: I said "we" because there were multiple Soldiers engaging the car. SGT (b)(3)(b)(6) SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) and possible SPC (b)(3)(b)(6) were all firing. And someone behind me yelled that the enemy was firing at us.
Q: Do you know who yelled that the enemy was firing?
A: No.
Q: What did you see come from the vehicle after it crashed into the fence?
A: 3 to 4 muzzle flashes?
Q: Did you see a weapon?
A: No.
Q: Who told you to cease fire?
A: LT (b)(3)(b)(6) after the car caught on fire.
Q: Was that the last firing that occurred?
A: No. The firing at the car in the fence stopped, but there was firing in the back of the convoy. I did not know what they were engaging at the time.
Q: Did you see how many rounds SPC (b)(3)(b)(6) fired after the car crashed?
A: About 30 - 35 rounds.
Q: What actions happened next?
A: LT (b)(3)(b)(6) asked for a sitrep from the Soldiers. I passed on that I was OK.
Q: Did you hear voices or screaming from the car?
A: No.
Q: What actions happened when the fire trucks arrived.
A: LT (b)(3)(b)(6) had the lead two vehicles go up about 100 meters in front of the car in the fence. We were controlling traffic and I was pulling security, I took a knee. Then there was some firing from the back of the convoy. Warning shots were fired at the white SUV. We let the fire trucks through and then we ran up to the lead vehicles. SPC (b)(3)(b)(6) and I were securing the site. Then many personnel came on ground. There was a Captain in the tower on the other side of the road. LT (b)(3)(b)(6) and I ran across the road to the Captain and discussed the situation. The CPT was asking a lot of questions. LT (b)(3)(b)(6) told him about our mission and the engagement and also the lack of communications.
Q: Then what did the CPT do?
A: I was pulling security for LT (b)(3)(b)(6) but I think the CPT said he would get someone to help with the situation.
Q: Was the fire put out by now?
A: It was at first, but then it started again. As well as personnel starting to show up.
Q: How long of a time period was it from the time the car hit the fence to the time LT (b)(3)(b)(6) and you went back to the convoy?
A: About one hour.
Q: Up to that time, did anyone tell you of what happened?
A: No.
Q: What did you do next?
A: CPT (b)(3)(b)(6) told me to go to the rear of the convoy to relieve SPC (b)(3)(b)(6) the M240B.
Q: What did you say to SPC (b)(3)(b)(6)?
A: SPC (b)(3)(b)(6) was in the front right seat of the last vehicle. We talked about what happened. He said he tried to get the red car to stop. He fired two warning shots, but it kept coming. SPC (b)(3)(b)(6) said that the vehicle sped up after he fired the two warning shots. He then shot through the windshield and he said he thought he hit the driver. Then SPC (b)(3)(b)(6) said there was a white truck coming from the front of the convoy from the other side of the road.
Q: What did SPC (b)(3)(b)(6) say about the white truck?
A: SPC (b)(3)(b)(6) said that the white truck fired shots. SPC (b)(3)(b)(6) said he and SPC (b)(3)(b)(6) returned fire on the white truck. SPC (b)(3)(b)(6) said that he put a stitch of M240B across the white truck as it was doing a 180 turn around and perhaps hit someone in the truck. SPC (b)(3)(b)(6) said he only fired about 20 rounds throughout the entire incident. But, he joked with me that there is a white truck driving around with a bunch of bullet holes.
Q: What else did you talk about?
A: The driver PV (b)(3)(b)(6) handed me a granola bar because I said I was hungry. He also said that he was under the truck when he heard the gunshots. I also talked with SPC (b)(3)(b)(6) who mentioned the white truck as well moving in the North bound lane on the other side of the road.
Q: When SPC (b)(3)(b)(6) and SPC (b)(3)(b)(6) discussed the white truck, did they say how many rounds came from the white truck?
A: No, but they said the white truck did fire at us.

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

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

9. STATEMENT (Continued)

Q: From the time you left the scene, has anyone told you what to say?

A: No.

Q: Did anyone tell you that we have to get the stories straight?

A: No.

Nothing Follows

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

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

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

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

AFFIDAVIT

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(b)(3)(b)(6)
_____ (statement)

WITNESSES:

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

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

94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer (b)(3)(b)(6) this 27 (b)(3)(b)(6) June, 2008

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

ing Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
A Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How many SAF incidents have you been involved in this tour?
A: Three incidents

Q: How many of these shooting incidents utilized EOF procedures?
A: One

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: One

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: None

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: No one told me to pull security I was just natrally in a defensive posture because of all of the civilian vehicles.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you (b)(1)1.4 (a) and orienting weapons to 0100 clock position?
A: We hadn't noticed any clearing barrels that's why (b)(1)1.4 (a)

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

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation.

1. Operations Order

A: We get briefing of our mission, task, purpose 45 min before we SPed.

2. Graphics

A: We utilize a large map of our AO and a dry erase board.

3. Pre-Combar Checks (PCC)/Pre-Combat Inspections (PCI)

A: Our squad leader performed PCCs on us and all the truck crew members do a PCI on their truck.

4. Rehearsals

A: We had a verbal rehearsal of how our mission was supposed to go.

5. Security/Force Protection

A: We conducted maintenance and function checks on our missions the previous night and we were all on red status when we left the FOB and were actively scanning.

6. Reconnaissance & Surveillance

A: The only reconnaissance that I know of came from our last mission to FOB Victory and the route that was preplanned into the FBCB2

7. Time Management

A: We followed the timeline hand out form the night before.

8. Composite Risk Management

A: We were briefed on the SIGACTS and what to expect.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

18th Fires BDE

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, on (b)(3)(b)(6) 10 day of (b)(3)(b)(6) July, 2008

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

(Typed Name of Person Administering Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 1100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS PVT	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, B CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been with the unit?
A: 8 months.

Q: How long have you been in Iraq?
A: 7 months.

Q: What Vehicle were you in?
A: Third Vehicle. It is a M114, the other three vehicles are M1151s, I was the driver.

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: We were traveling along (b)(1)1.4 (a) and my truck was making noise. There was an IA on the right checking vehicles, left side had a US Soldier checking. Turned left onto a road and there were a lot of pot holes. When I hit a pothole, the wheel started to shake. I contacted SGT (b)(3)(b)(6) and he told me to stop. I took my MOLLE Vest off, left the weapon in the truck because I thought we were on a FOB. I was checking the half shaft. The right Idler Arm was lose. Other soldiers were directing traffic. I then noticed a puddle of fluid that looked like transmission fluid. I was extremely mad over the situation, I was swearing I was so mad. We were getting ready to tow the vehicle but a pin was missing on the tow bar. This was the only one in the convoy, the tow bar that is normally in the lead truck was not present on this mission. I was standing in the front of the truck. Then someone started shooting. I did not see who was shooting or what they were shooting at. I grabbed my Kevlar and put it on. I freaked out and I jumped into the truck between the radios and the gunners feet and grabbed my weapon. SP6 (b)(3)(b)(6) was shooting his M240B. I heard shooting that was coming from the left side of the vehicle. The last vehicle had pulled in front of us. Then SGT (b)(3)(b)(6) also was firing his M4. I then went back to the driver's seat and tried to determine the correct radio frequency because we were having trouble with the communications. I do not have that much training on the radios but I was trying to establish communications. Then the shooting stopped and I got out of the truck. A civilian came on site. Two vehicles then started to come on site and SP6 (b)(3)(b)(6) fired two warning shots to two vehicles (Red small Range Rover type, a small Blue flatbed truck) when I was near the front of our vehicle. These two vehicles swerved and then stopped and then left the area. These trucks were about 200 meters from my vehicle. Then two fire trucks came on sight from the front of the convoy traveling in the opposite direction than what the convoy was facing. We were very cautious about the situation, but the local national talked with them. I think the Global personnel were the first to show up. The fire truck ran out of water and another fire truck came with water. Then the IP showed up on scene (I think two trucks) and then civilians. There was a female and male and then after some time two other males showed up. I do not know their jobs, but they were like the civilians we see on the FOB. After the bodies were pulled from the vehicle and the civilians searched the vehicle, although we were told not to watch due to customs, we then left after the civilians left. We were on site for approximately five hours.

A: Was your Squad Leader on this mission?
Q: We did not have our normal section sergeant?
Q: Did you fire your weapon?
A: No. I fired Zero rounds.

Q: Was there a period of quiet and then additional firing?
A: It seemed pretty consistent. My gunner was firing controlled bursts.

Q: From when the first round was fired to the last round, how long did that take?
A: A minute or two.

Q: Did you see the cars that the Soldiers were firing at?
A: I never saw the target.

Q: Did you hear any rounds impact in the vicinity of your vehicle?
A: No.

Q: Did you see any muzzle flash from the car that was fired on?
A: No.

Q: What instructions did SGT (b)(3)(b)(6) give you?
A: He told me the channel for the radio from outside the vehicle. He then turned around and walked to the front of the truck.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

Q: Where were the other members of your truck?
 A: SP4 (b)(3)(b)(6) was at the rear of the truck. SP4 (b)(3)(b)(6) said he fired a warning shot and the car kept coming.
 Q: What instructions were you given?
 A: LT (b)(3)(b)(6) was handling the situation. Soldiers were pulling security.
 Q: Who noticed there was damage to the HMMWVs?
 A: LT (b)(3)(b)(6) was checking the vehicles with the QRF Sergeant and also SGT (b)(3)(b)(6)
 Q: Did anyone see a rifle or a pistol in the car?
 A: Most squad members said they saw muzzle flashes immediately after the incident.
 Q: Who saw muzzle flashes?
 A: SP6 (b)(3)(b)(6) PFC (b)(3)(b)(6) and SPC (b)(3)(b)(6)
 Q: When did they say they saw muzzle flashes?
 A: Just minutes after the incident, the three gunners said they saw muzzle flashes.
 Q: Who fired at the car?
 A: SP6 (b)(3)(b)(6) PFC (b)(3)(b)(6) and SPC (b)(3)(b)(6) were the three gunners that fired. SPC (b)(3)(b)(6) also a gunner, was in the last vehicle initially and then the third truck, he did not see where the target was and did not fire. SP6 (b)(3)(b)(6) was frustrated because the weapons were all positioned at the 0100 o'clock.
 Q: Did you see any of the rounds that were fired from your Soldiers hit the car?
 A: I did not observe any firing that went into the car.
 Q: Did anyone continue to fire on the car after it hit the fence.
 A: I think SP4 (b)(3)(b)(6) felt he was still getting fired on from the car, I was told that he continued to fire on the car when it hit the fence.
 Q: From the time you departed from the scene, what instructions were you given?
 A: I was not given any specific instructions. LT (b)(3)(b)(6) and some other Soldiers (about 5) had to go in and talk to the ADOC personnel. My vehicle went to the maintenance bay. Then we went to chow.
 Q: At any time, did anyone in the Squad tell you what to say or how to say it?
 A: No. Not all all.
 Q: Did anyone say that we have to get the story straight to get through this?
 A: No.
 Q: Do you clearly understand that I am giving you a lawful order to not discuss this incident with anyone.
 A: Yes.

~~NOTHING FOLLOWS~~

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

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

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

AFFIDAVIT

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

94 BSB 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me (b)(3)(b)(6) authorized by law to administer oaths (b)(3)(b)(6) is 27 days

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

Investigating Officers
(Authority to Administer Oaths)

SWORN STATEMENT

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1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS PVT	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, B CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How many SAF incidents have you been involved in this tour?
A: 3 or 4

Q: How many of these shooting incidents utilized EOF procedures?
A: 1

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: 1

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: I've used EOF at blocking positions probably 30 or 40 times.

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: I was not pulling security. I was conducting vehicle recovery.

Q: (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you (b)(1)1.4 (a) orienting weapons to 0100 clock position?
A: We didn't stop anywhere to clear our personal weapons.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (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 BE INDICATED.

STATEMENT OF

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

TAKEN AT 2100

DATED 2008/07/10

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We received Operations Order during our briefing prior to the patrol.

2. Graphics

A: We are briefed our routes on a map.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: Were performed before the patrol.

4. Rehearsals

A: We rehearse vehicle recovery regularly and we rehearse or go over routes, orders of movement and CASEVAC during our premission briefings.

5. Security/Force Protection

A: I'm not sure

6. Reconnaissance & Surveillance

A: I'm not sure

7. Time Management

A: We were briefed a mission schedule with times in it.

8. Composite Risk Management

A: I'm not sure.

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 _____. 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.

WITNESSES:

CPT

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

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

18TH FIRES BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3)(b)(6) (ment)
Subscribed and sworn to before me, (b)(3)(b)(6) authorized by law to
administer (b)(3)(b)(6) his 10 day of (b)(3)(b)(6) July, 2008
(b)(3)(b)(6)
Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/28	3. TIME 1315 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SSG	
8. ORGANIZATION OR ADDRESS D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How long have you been in the Army?
A: 12 years.

Q: How long have you been in this squad?
A: Just over 1 week. Conducted approximately 4 or 5 patrols with this squad.

Q: How long have you been in Iraq?
A: 7 months. 2nd Time to Iraq and 1 to Afghanistan.

Q: What Vehicle were you in?
A: TC of Number 3 Truck (D27)(Dark Angel 27).

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: At the ECP 13, Soldiers were at the 1 o'clock with the guns. About 5 minutes down the road we hit a bump, that caused shaking in the HMMWV. I called the PL and informed of the shimmying. SGT (b)(3)(b)(6) said he could see the wheel wobbling and we needed to pull over. We pulled over, the A Section went down approximately 100 meters further down the road. As they were backing up to the rest of the vehicles, The driver of D27, PVT (b)(3)(b)(6) went under the vehicle to check the suspension. Under the assumption it was a safe area; he was told to take his Kevlar off to see under the vehicle better. (b)(3)(b)(6) said the Idler Arm was "tweaked". I made the decision to limp it on Camp Cropper. Then A Section got back to us, LT (b)(3)(b)(6) came over to check the status of the vehicle. When the LT came over I explained the problem and we were to drive slow to Campo Cropper, but we saw that it was pouring fluid so we changed our mind to tow the vehicle. We pulled the D22 vehicle around to hook up the towbar, but it was missing a pin. Then used a tow cable and a chain.

Q: Why did you not use another towbar?
A: The other vehicle did not have a towbar.

Q: Was that other vehicle supposed to have a towbar?
A: Yes. D23 was supposed to have one.

Q: Please continue.
A: The tow cable was hooked up to D22 and then heard small arms fire. I was between the last and third vehicle.

Q: Could you determine what weapons system was firing?
A: No, it all sounded the same.

Q: Please continue.
A: I moved around the right side of the vehicle (D27) to the rear (the dirt side).

Q: What did you see?
A: Made sure SPC (b)(3)(b)(6) was OK. I had seen a red car but it was going very fast and by the time I got back to the rear of the vehicle it was past me.

Q: Exactly where were you when you first saw the red car?
A: TC door of D27.

Q: Did you know that was the car SPC (b)(3)(b)(6) fired at?
A: No, not at the time. But, I did notice it was approximately within 2 feet of the HMMWVs. If someone had opened the door or stepped out from the vehicles, Soldiers could have been hit.

Q: What was your next move?
A: I saw SPC (b)(3)(b)(6) till engaging the car and noticed he was firing at the red car.

Q: What mode of firing was SPC (b)(3)(b)(6) weapon in?
A: I believe it was Semi.

Q: Did you see any of SPC (b)(3)(b)(6) rounds hitting the red car?
A: I believe I saw a tracer round go into the car.

Q: Describe SP (b)(3)(b)(6) rate of fire.
A: High.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 3 PAGES
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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

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

TAKEN AT 1315 hrs

DATED 2008/06/28

9. STATEMENT (Continued)

Q: Do you know approximately how many rounds expended?

A: No.

Q: Continue.

A: Moved around to the right side of the truck, along the dirt side. I noticed that the D26 .50 cal (SPC (b)(3)(b)(6)) engaged the red car. I moved forward almost to the third vehicle and I saw the red car veer to the left almost to the third lane and then cut a hard right. Then I saw two flashes in the vicinity of the cabin of the vehicle and then it ran into the fence.

Q: Describe the two flashes and did they come from our weapons or the enemy weapons.

A: It was from the front of the vehicle. Can not tell due to the fact I was approximately 300 meters away

Q: What type of mix of .50 cal ammo do you use?

A: I believe 4:1; 4 ball and then 1 tracer

Q: So you saw two flashes from the front of the car just before it hit the fence?

A: Yes.

Q: What did you do then?

A: I got down, took a knee. SP6 (b)(3)(b)(6) engaged two or three bursts of the M240 B on the car about 300 meters away. I believe he fired approximately 25 rounds.

Q: Did you fire your personal weapon?

A: Negative.

Q: After the turret gunner fired the approximate three bursts, then what happened?

A: He ceased fire.

Q: Who gave the order to cease fire?

A: I believe it was the LT that gave the cease fire order. I heard LT (b)(3)(b)(6) give the order.

Q: Did everyone comply?

A: Yes, after the cease fire Soldiers stopped firing until the White Sedan came from the rear. The D27 gunner spun to the rear to pull security, noticed a white sedan, he fired 5 rounds in to the dirt to stop the vehicle and give a warning shot, as well as SP4 (b)(3)(b)(6) on the ground gesturing for the car to stop and turn around. At that point, the car turned around and then went to the turn around cut between the two lanes and went down the other side of the road continuing in the same direction. Then I went to the LT's vehicle. LT (b)(3)(b)(6) was trying to get communications with unit on BIAP. Make It Happen (168 BSB) and the Sheriff's net.

Q: Did you get in touch with anyone?

A: No. Not for a while.

Q: So what did you do?

A: Myself and SGT (b)(3)(b)(6) went to a convoy of Black Uparmored Suburbans. The driver in the first vehicle was not American, but he did speak English, and we asked if they had coms with anyone and they said YES. We asked them to call and let them know that we had contact at that location and the car was on fire. Even though that they told us they had coms, they said they would drive to ECP 8 and then let them know of the situation. We moved back down and keeping security. Then about 20 minutes later the first fire truck showed up, by now it is about 0900 or 0905 hrs. The first fire truck pulled up and then the LT pulled the A Section just south of the fire truck about 50 meter and B Section moved forward to about 75 meters north of the fire truck to provide a security bubble. The fire truck attempted to put the fire out. I noticed a guy in tan pants and blue shirt, I found out later this was a Global representative. Then another Global guy to control traffic at the turnaround.

Q: How many personnel are on site at this time?

A: At this time the fire truck, our Soldiers and then 2 Globals.

Q: Then who showed up?

A: Global showed up first with two Land Rover type trucks. But, when the fire truck ran out of water, it went away and a new fire truck arrived. Then the head of Global came with about 2 or 3 trucks of security personnel. Then a few minutes later 2 ambulances showed up as well as about 10 IP Officers and multiple cars. I was down by the burning car. Probably about 6 feet to the rear of the car. Many people milling around. The car had a small fire. The Global reps were using three powdered fire extinguishers and then another fire truck was called in. The Global reps attempted to use water bottles to extinguish the fire. The third fire truck put out the fire. Then OSI showed up on ground. OSI consisted of three people, a female, male and then a Non-American male. The OSI linked up with the American guy from Global. They talked for a while. I then made sue PV2 (b)(3)(b)(6) was guarding the car and I moved up to ask LT (b)(3)(b)(6) what we were waiting on and why we could not leave. LT (b)(3)(b)(6) said we were waiting on CID. Went back down to the car and PV2 (b)(3)(b)(6) and I stayed there at the car. Then the female OSI came down and explained how the extraction was going to happen. She said that 2 IP, 2 Red Crescent, 1 Global and she would be on site and that we had to move away from the site and not be able to see it. I left PV2 (b)(3)(b)(6) on site and went to discuss the LT and explain the extraction process. He was talking to SFC (b)(3)(b)(6) at the time. LT (b)(3)(b)(6) was not happy with the process and used expletives to show his displeasure in the process. SFC (b)(3)(b)(6) explained the cultural difference and how we were not allowed to see the extraction. Then I went back to the red car and sent PV2 (b)(3)(b)(6) back to his truck. Then the OSI and extraction crew came to the car and I left.

Q: Are you sure that during the extraction process there was never a time that OSI was not present at the car when the IP or Global were on scene?

A: No. I can not be sure because we were told to face away from the extraction.

Q: Continue with the events.

A: I then moved back up to the road and went down the line of vehicles and explained we can not watch the extraction. At that time CID was talking with the LT. LT (b)(3)(b)(6) I and SGT (b)(3)(b)(6) escorted CID along the line of trucks. We showed them the damage to the vehicles.

Q: How did you know what was a new battle damaged area?

A: The Soldiers know their vehicles. The TCs and Drivers pointed out the new damage.

Q: In the week you have been with this PLT, did those 4 vehicles incur any small arms fire to the best of your knowledge?

A: No.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT 1315 hrs

DATED 2008/06/28

9. STATEMENT (Continued)

Q: How do you know?

A: I was the 2-30 IN Battle NCO and there were no reports of that PLT being in contact.

Q: From the moment you heard the first firing until the firing ceased, did you see or hear any rounds impact the HIMMWVs or the ground around them?

A: I did not.

Q: From the moment you left that scene until the moment you are sitting here today, has anyone told you what to say or how to say anything?

A: No.

Q: Have you at anytime talked to your Soldiers or your Soldiers talked to you to "get the stories straight"?

A: No.

Nothing follows

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

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

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

(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 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.

WITNESSES:

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

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

94 BSB 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me by (b)(3)(b)(6) a person authorized by law to administer oaths, this 28 (b)(3)(b)(6) JUNE, 2008

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

(Administering Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SSG	

8. ORGANIZATION OR ADDRESS
D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How many SAF incidents have you been involved in this tour?
A: None, the first 6 months of this deployment I was the 2-30th IN BTL NCO.

Q: How many of these shooting incidents utilized EOF procedures?
A: N/A

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: None on this deployment

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: None

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: Nearly an hour later I heard small arms fire from inside the wall near our location. I assumed due to the amount of fire and sounding like M4/M16 there was a range near there.

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: No one told us to pull security, there was traffic coming down the road. The security set was to keep traffic from getting too close to our Soldiers.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you (b)(1)1.4 (a) orienting weapons to 0100 clock position?
A: We didn't see a set of clearing barrels.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: Mission brief was done the night before with a quick reminder the morning of.

2. Graphics

A: During the brief the route was made clear at the morning brief LT Painter reiterated the route.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: The section leaders were supposed to do PCC prior to loading the truck but still we left without one tow bar on one truck that was supposed to have one and the other tow bar was inop.

4. Rehearsals

A: No rehearsals

5. Security/Force Protection

A: None of the platoon was injured.

6. Reconnaissance & Surveillance

A: No recon done.

7. Time Management

A: Until we realized the 27 vehicle was not going to make mission our time management was good.

8. Composite Risk Management

A: We took a known clear route only one place questionable in the whole route (Breweres and Oilers) varried speeds and intervals, kept good coms within the platoon. All known risks were reduced.

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 2. 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.

WITNESSES:

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of (b)(3)(b)(6) JULY, 2008

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

(b)(3)(b)(6) g Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

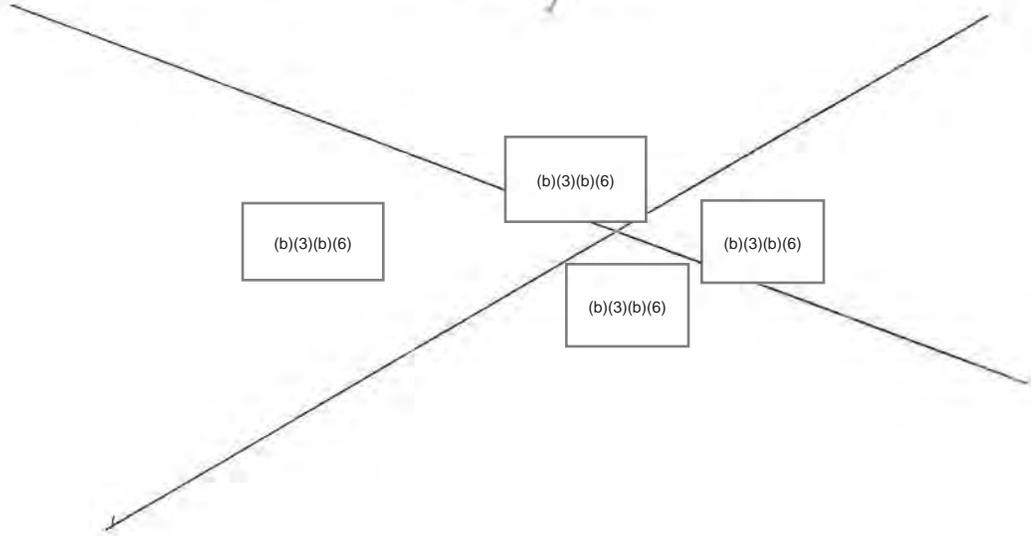
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION MB 31006 79494 (MND-B HQs, Iraq)	2. DATE (YYYYMMDD) 2008/06/26	3. TIME 0146	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION OR ADDRESS DELTA COMPANY 2/30 INFANTRY			

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

On the 26th day of June 2008 my platoon SP from FOB Loyalty to BIAP to pick up 48 detainees. Upon arrival at BIAP we went through what appeared to be a civilian check point where my squad leader (SGT (b)(3)(b)(6)) called me on the platoon net and advised me to orient my 240 Bravo to the 1 o'clock. I rotated my turret to the 1 o'clock and assumed we were on the a FOB. I asked my TC if we were and he said "yes." At that time the TC of the Delta 22 truck called us and told us to pull over that our right front tire was wobbling. We pulled over and assumed we were still on the FOB. My driver took his helmet off and left his weapon in the truck to check of the truck. At this time the 22 Victor pulled in front of my truck so we could connect some chains and tow it, thus making my truck the last truck in the order of movement. My turret was still oriented at the 1 o'clock as was the other 3 trucks. We had about 8 dismounts on the ground helping working on the truck. My driver was laying underneath the truck when I heard 3 rounds fire that sounded like a pistol. I then noticed the rounds impact between my driver and another dismount. Right after I saw the rounds impact the ground I heard a car speeding from my rear left towards the front of the convoy. I then heard a dismount execute a proper engagement on the vehicle. I looked up and saw the vehicle engaging our convoy from my 12 o'clock, as soon as he was in my field of fire I saw 3 more muzzle flashes come from the passenger side. I engaged the vehicle back as he ran off the road and into a burm. The vehicle then caught on fire. After the vehicle caught on fire I pulled rear security and noticed another vehicle speeding up from my trucks 6 o'clock. I then used my escalation of force, I yelled and waved my hands outside the turret, the vehicle continued to speed and approach my convoy, at this time I fired a 5 round burst into the asphalt in front of the vehicle. The vehicle then stopped and left the scene. The fire department arrived on the scene along with many civilian vehicles. None of which called to tell us they were arriving. The civilians sat around and watched the vehicle burn for about 10 minutes. Then the fire department put the burning vehicle out. The Iraqi Police were also on the scene and seemed to be very upset with my PL. The civilians then told my Platoon personnel that we had to go back to our trucks that they were going to secure the scene. We felt this was very unprofessional and wrong that we could not secure "our scene." We stayed on site about 2 hours and towed our vehicle to the motor pool after the bodies were removed and the scene was completely finished. We were not allowed to witness any of the scene being secured.

- Nothing Follows -



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

Nothing Follows

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

AFFIDAVIT

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WITNESSES:
MAJ (b)(3)(b)(6)
(b)(3)(b)(6)
94 BSB, 4-10 MTN
ORGANIZATION OR ADDRESS
ORGANIZATION OR ADDRESS

(b)(3)(b)(6) (ment)
Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to
administer (b)(3)(b)(6) is 26 of (b)(3)(b)(6) JUNE, 2008
(b)(3)(b)(6) (ng Oath)
(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

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

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: Do you remember anyone replacing you in the gunner position of D27.
A: Yes.

Q: Who relieved you?
A: The first one was SPC (b)(3)(b)(6) The second one was SPC (b)(3)(b)(6)

Q: Did you and SPC (b)(3)(b)(6) swap after the first time he replaced you?
A: Yes. And then SPC (b)(3)(b)(6) came and swaped with me.

Q: Where did you go when SPC (b)(3)(b)(6) replaced you?
A: I was by my truck D27 at first and then went to the front of the convoy to check on my buddy, PFC (b)(3)(b)(6)

Q: How long did you stay around the truck?
A: About 15 minutes.

Q: Did you have a conversation with anyone during the 15 minutes you stayed around the truck?
A: Yes, a lot of people.

Q: Who were the Soldiers you talked to?
A: SGT (b)(3)(b)(6) LT (b)(3)(b)(6) SPC (b)(3)(b)(6) PFC (b)(3)(b)(6) and PV2 (b)(3)(b)(6).

Q: Are there any other Soldiers you talked to?
A: No, that is it.

Q: According to SPC (b)(3)(b)(6) "SPC (b)(3)(b)(6) said that the white truck fired shots. SPC (b)(3)(b)(6) said he and SPC (b)(3)(b)(6) turned fire on the white truck. SPC (b)(3)(b)(6) said that he put a stitch of M240B across the white truck....." -- So, did you ever tell SPC (b)(3)(b)(6) or SPC (b)(3)(b)(6) what you saw and fired on a white truck?
A: Yes.

Q: Tell me what you did when you saw the white truck.
A: I used escalation of force and fired about 5 warning shots into the asphalt about 30 meters in front of the white truck.

Q: Did the white truck ever fire on you?
A: Negative.

Q: Did you fire any rounds into the white truck at any time?
A: No.

Nothing follows

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

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

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

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (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 BE INDICATED.

9. STATEMENT (Continued)

Nothing follows

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

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3)(b)(6) _____
Subscribed and sworn to before me (b)(3)(b)(6) _____ authorized by law to
June _____, 2008
(b)(3)(b)(6) _____
ing Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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).
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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 MND-B HQs	2. DATE (YYYYMMDD) 2008/06/30	3. TIME 1600 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS D COMPANY 2ND PLATOON 2-30 IN 4BCT 10TH MNT			

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

Q: What training has your PLT received and implemented for EOF procedures for gaining the attention of the drivers.
A: We were trained on escalation of force using a lazer, yelling, waving our arms to get their attention. If that fails then we fire a warning shot approximately 30 meters in front of the vehicle. Then shoot the hood of the vehicle to disable it. Then if that fails, then we shoot to kill. Aim center mass on the driver. Back at Ft Polk we used to do this every week, it was pounded into our head and everyone knows it. It is done everyday when we go out on patrols here in Iraq.

Q: Did you have lazars as part of an EOF package for the PLT?
A: Yes. I actually have two. I have a red dot lazer which works well for night ops and I have a green lazer that is visible during the day. The green lazer is so strong that you can see the dust in the green to where I am pointing it.

Q: Were you issued these from your unit?
A: I bought the red one and my PLT SGT gave me the green one.

Q: Who else has lazars in the PLT?
A: My driver, PV2 (b)(3)(b)(6), has a green one mounted on his rifle. I believe he bought it. My TC, SFC (b)(3)(b)(6) has a green lazer that I believe is one of the PLT lazars. I don't really know about the other trucks. I know the lead truck has a green lazer and the gunners are given lazars. In fact, the gunners may even have two lazars.

Q: What training has your PLT specifically received on lazars?
A: Our Squad Leaders have showed us how to use the lazer to direct traffic and also to use them for escalation of force as a warning sign.

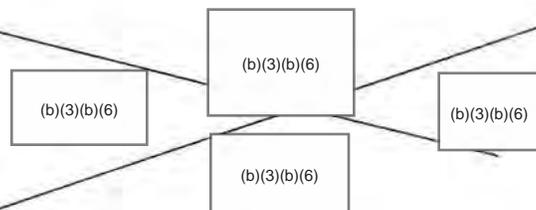
Q: Do you use the lazer in daylight operations.
A: Roger.

Q: Did you use a lazer during the 25 JUN 08 incident with the red car.
A: Yes.

Q: Describe the actions you took when you used the lazer.
A: After the incident on the site while the car was burning I used a green lazer to get approximately four cars to slow down and not get near our convoy. I would use on the asphalt first and if they did not see it then shine in their face to get their attention. 9 times out of 10 they stop when that happens.

Q: Was there an opportunity for you to use the lazer on the red car?
A: No. I was pointed at the 1 o'clock and did not see the red car until it was at my 10 o'clock. By then I heard the rounds being fired.

Nothing follows



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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9. STATEMENT (Continued)

~~(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 . 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.

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB, 4-10 MTN
ORGANIZATION OR ADDRESS
ORGANIZATION OR ADDRESS

(b)(3)(b)(6) (Statement)
Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer (b)(3)(b)(6) this 30 (b)(3)(b)(6) JUNE, 2008

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

Investigating Officer
(Authority To Administer Oaths)

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).
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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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/06	3. TIME 1005 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS B Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How long have you been in the Army?
A: 12 months

Q: Do you have any other military experience?
A: Yes. I was in the Air Force as a Security Policeman. I was assigned to Eglin Air Force Base for 3 1/2 years conducting daily patrols and entry control point flightline operations. As an A1C, I received training at Lackland Air Force Base in Security Police Operations that was very familiar to civilian police operations.

Q: How long have you been assigned or attached with 2nd PLT, 2-30 IN?
A: 9 months. I got to the PLT in OCT 07 and we deployed at the end of NOV 07.

Q: Have you been the Gunner the entire time?
A: No. I started as a dismount. Then in March 2008 I became the gunner of D27 truck.

Q: How long have you been in Iraq?
A: 7 months.

Q: Approximately how many missions / convoys have you been on since arriving to Iraq?
A: I do not know for sure, but I think around 300 times. I was on leave the month of April 2008.

Q: How many shooting incidents have you been involved in?
A: 7. I have been shot at in bunkers, entry control points, the eight hour firefight along Route Predators, skirmishes on Route Predators up North, the RPG team that tried to sneak up on our Platoon and this incident on 25 June 2008.

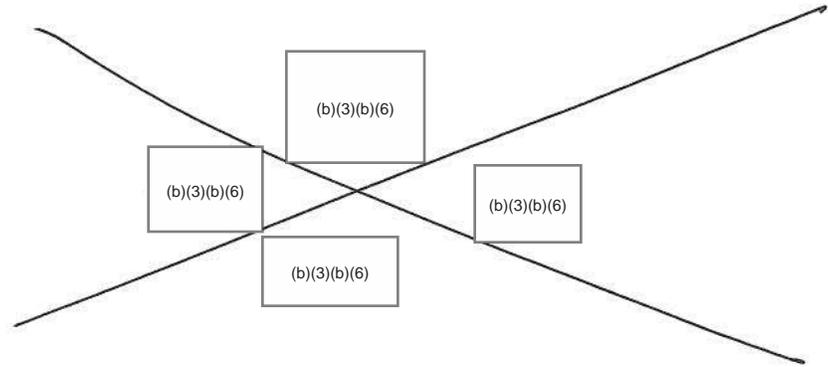
Q: Who else was in your HMMWV on 25 June 2008?
A: PV2 (b)(3)(b)(6) was the driver, SSG (b)(3)(b)(6) was the TC, SPC (b)(3)(b)(6) was the medic in the back left seat behind the driver.

Q: As the gunner for D27, what weapon system did you have on 25 June 2008?
A: M240B.

Q: Do you remember how many rounds you shot?
A: My round count was 70; I had 7 controlled 10 round bursts.

Q: Is there anything else that you want to explain in regards to this incident?
A: No.

Nothing Follows



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

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

AFFIDAVIT

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WITNESSES:

MAJ (b)(3)(b)(6)
94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3)(b)(6) (Signature)
Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to
administer oaths (b)(3)(b)(6) 26 (b)(3)(b)(6) July, 2008
(b)(3)(b)(6)

(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

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

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION MB 31006 79494 (MND-B HQs, Iraq)	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION OR ADDRESS DELTA COMPANY 2/30 INFANTRY			

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

Q: How many SAF incidents have you been involved in this tour?

A: A total of eight and two EFP strikes.

Q: How many of these shooting incidents utilized EOF procedures?

A: 4 utilized EOF procedures, the other 4 incidents involved immediately returning fire.

Q: How many EOF incidents have you been involved in that involved small arms fire?

A: A total of eight.

Q: How many EOF incidents have you been involved in that did not involve small arms fire?

A: Thousands sometimes 10 a day.

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?

A: Negative.

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?

A: Yes the .50 cal still fired, did not hear the command "cease fire"

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?

A: We were not pulling security at the time of the attack.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?

A: We were told to stay "red" until getting to a clearing barrel.

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

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: Briefed the order of OPS prior to leaving FOB Loyalty.

2. Graphics

A: SFC (b)(3)(b)(6) and LT (b)(3)(b)(6) showed us the route on the map in our briefing room

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: My squad leader checked our ammo count and gear before leaving FOB Loyalty.

4. Rehearsals

A: We didn't rehearse we do patrols daily.

5. Security/Force Protection

A: PL and SFC (b)(3)(b)(6) reviewed escalation of force before the convoy left FOB Loyalty

6. Reconnaissance & Surveillance

A: Our PSG reconned the route along with PL.

7. Time Management

A: They briefed us about how long the trip would take.

8. Composite Risk Management

A: PL (b)(3)(b)(6) and SFC (b)(3)(b)(6) briefed the risks possibly involved before leaving FOB loyalty (EFP emplacement, SAF, IED's)

AFFIDAVIT

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WITNESSES:

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

ing Statement)

Subscribed and sworn to before me, a person authorized by law to

July 10, 2008

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

g Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/29	3. TIME 1600 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
HHC, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 4 years.

Q: How long have you been in this PLT?
A: I was in this PLT in Afghanistan but now only with the PLT because the PLT medic is on leave and I am the senior medic in the Company.

Q: How long have you been in Iraq?
A: 7 months in Iraq and one Afghanistan deployment.

Q: What Vehicle were you in?
A: I was in D27 behind the driver. The driver was PVT (b)(3)(b)(6) TC was SSG (b)(3)(b)(6) the Gunner was SP4 (b)(3)(b)(6)

Q: How many shooting incidents have you been in since arriving to Iraq?
A: This was my third with direct contact.

Q: Tell me about departing Loyalty on WED, 25 JUN 08 and the convoy brief.
A: I know we did a route briefing. I can't remember if it was the night before or the morning of.

Q: What arming stance were you in?
A: I was (b)(1)1.4 (a) the small arms were (b)(1)1.4 (a) and the gunner was (b)(1)1.4 (a)

Q: When you went through the ECP 13, please take me through the events until the incident was over.
A: At the ECP we oriented the weapons to the 1 o'clock. I thought we were on the FOB, but I did not see any clearing barrels. The guard was sitting there eating an apple. We turn on to the Airport Road. Then the truck started shaking. SGT (b)(3)(b)(6) said the front wheel was shaking violently. We should pull over and check it out. Myself (b)(3)(b)(6) SSG (b)(3)(b)(6) and (b)(3)(b)(6) all dismounted (b)(3)(b)(6) also joined us at the vehicle. (b)(3)(b)(6) got under the vehicle and saw power steering fluid spraying and we decided to tow the vehicle. SGT (b)(3)(b)(6) truck was then pulled in front so we could hook up the towbar, but the pin was missing. Someone went to look at the other towbar. (b)(3)(b)(6) and SGT (b)(3)(b)(6) were directing traffic. We were trying to line up the towbar. I then heard two to three shots. Don't know where they came from (b)(3)(b)(6) was yelling, but I do not know what he was saying. The red car was less than a car width from the HMMWVs and came from the rear of the convoy.

Q: When you first saw the red car, did you hear anything or see anyone shooting at you?
A: Yes, I heard a woman screaming. I am not sure if they were shooting.

Q: Continue.
A: SPC (b)(3)(b)(6) had his weapon up and fired at the vehicle. I saw an orange flash. I could not distinguish whether it was a muzzle flash or a tracer. I could not see in the vehicle. I saw there was two people in the red car, one male was on the driver side, and the female in the passenger side front seat. As the red car was going by and the rounds were impacting, the red car inside was cloudy and had the glass blown out.

Q: The first time you saw the red car, it was next to the last HMMWV?
A: Yes.

Q: Continue.
A: SPC (b)(3)(b)(6) and SGT (b)(3)(b)(6) were moving around. (b)(3)(b)(6) was walking backwards seeking cover between the two HMMWVs. At that point, (b)(3)(b)(6) fired about 3 or 4 rounds.

Q: Did you hear any rounds impacting the HMMWVs?
A: No.

Q: Did you see any rounds impacting the ground in the area around the HMMWVs?
A: No.

Q: Continue.
A: I then followed SPC (b)(3)(b)(6) movement. SPC (b)(3)(b)(6) said something like "They tried to hit me" and then I heard someone say that "We were getting shot at".

Q: How many rounds did you fire?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 3 PAGES
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STATEMENT OF (b)(3)(b)(6) TAKEN AT 1600 hrs DATED 2008/06/29

9. STATEMENT (Continued)

Q: How many rounds did you fire?
A: 5
Q: Where did you focus your 5 rounds?
A: Into the back of the vehicle.
Q: Did you see you five rounds impact the vehicle?
A: No
Q: Did you see anyone from the red car returning fire?
A: No.
Q: What did the red car then do?
A: Continued down the road for about 200 meters. I then bound to the next vehicle in front of me, the back of D26 the .50 cal was firing at this time when it was still on the main road and then the red car merged to the right side and then went to the embankment. It was SPC (b)(3)(b)(6) in the second vehicle. The red car veered off. I switched sides of the HMMWV to keep looking at it. Then a M240B fired, but I do not know which M240B was firing.
Q: Did you see the .50 cal gunner firing before it swerved right?
A: I distinctly heard the .50 cal, but did not see the .50 cal firing.
Q: Continue.
A: Basically the whole PLT was focused on the red car. I turned back to the rear of the convoy and realized everything was under control I went to my broken vehicle. After the car crashed, I heard shots fired. There was small arms – maybe 10 rds of M4, and also .50 cal – roughly 30 or 40 rounds.
Q: Did you see the car start on fire?
A: No.
Q: Continue
A: I went to get my Aid Bag, as I was going back, I asked if anyone was shot. No one was injured. By the time I got to my truck the car was on fire.
Q: Did any NCOs or Leaders give orders?
A: Someone from the front said to stop firing.
Q: Continue.
A: I went to the rear back tire of my HMMWV and posted myself. (b)(3)(b)(6) was there with me. Then two vehicles were approaching. First one was a small SUV like a Kia and the second one was a small cargo work truck. SPC (b)(3)(b)(6) fired warning shots into the dirt.
Q: Did you see the rounds hit the dirt?
A: Yes. So did the trucks. They both locked the brakes simultaneously. I heard the tires squeal. Then the rear truck ran into the front truck and I saw a mirror fall off the back truck. The driver in the SUV got out and checked his vehicle damage. We were yelling to get them to leave. The drivers then went back down the road.
Q: Continue.
A: Then we moved to the embankment to get better cover. We pulled security for just a few minutes. Then we came back to the vehicle between the third and fourth vehicle. I was pulling security and waiting for guidance.
Q: How soon until other personnel showed up?
A: About 10 minutes.
Q: How many personnel besides US Soldiers showed up to the site.
A: There were about 40 total coming and going.
Q: Did any of the approximate 40 personnel speak to the US Soldiers in English?
A: Yes.
Q: Which one spoke to which Soldier.
A: There was one guy dressed in a tan Polo shirt that was talking to LT (b)(3)(b)(6)
Q: Did you hear any personnel speaking in English.
A: The fireman that initially put out the fire wanted a bottle water to dump on his head.
Q: Continue.
A: The original firemen and truck left and the fire in the red car re-ignited when the body in the driver seat started burning again. We were looking for fire extinguishes to help.
Q: Was there a period of time when only Iraqis had access to the car?
A: Yes. We were told to turn away because of customs.
Q: How long did that period last?
A: Roughly 40 to 60 minutes.
Q: Do you know if there were Americans around the car the entire time?
A: I have no idea.
Q: Continue.
A: We then were in the trucks and trying to cool off. We had crew served weapons providing security. We fell in between the QRF and then went to the ADOC.
Q: Did you see any items removed from the red car?
A: Yes.
Q: When did you see these items being removed from the red car?
A: It was during the time we were told to turn away, that I moved from my vehicle because the air conditioner was not running to the third vehicle with SPC (b)(3)(b)(6) I was now in the back left seat and I glimpsed up when drinking my water. I saw a person from the Ambulance crew take out a rod approximately 1 1/2 to 2 feet from the vehicle. I do not know where in the car it came from, just that he was walking away with this rod.

INITIALS OF PERSON MAKING STATEMENT

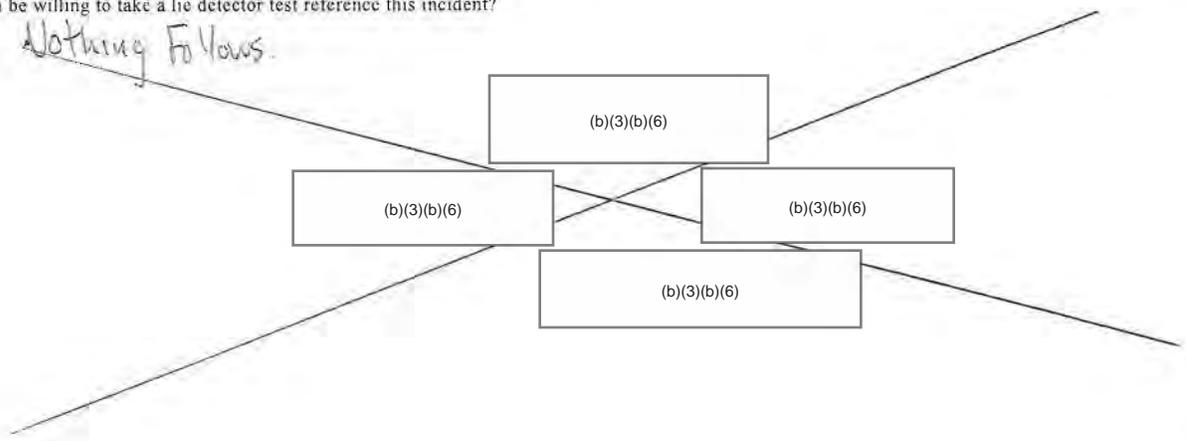
(b)(3)(b)(6)

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Q: Was the piece you just described scorched or burnt?
 A: It was black, that is all I could tell.
 Q: Where was this piece you described put?
 A: It was placed in the white van with the red crescent. I saw a member of the ambulance crew walk from the red car along the passenger side of the white van and place a rod inside the passenger door.
 Q: Did you see the white van drive away with the item?
 A: No.
 Q: Was that van still on the scene when you drove away?
 A: I could not tell. We were staged and ready to leave with the QRF.
 Q: Did you see any other items removed from the red car?
 A: Yes. I saw an Iraqi Police in uniform carry a bio-hazard red bag from the scene with an object in it. Best I could tell the object in the bag was about 1 1/2 foot long and 5 to 6 inches thick and the person carried along his side tucked into his right side of his body. He unlocked the front passenger side door and placed the bag with item in the truck and then locked the door.
 Q: From the moment you left the scene until now, has anyone told you what to say or how to say it?
 A: No.
 Q: Since leaving the scene until now, has anyone said that you need to talk to "get the story straight"?
 A: No.
 Q: Would you be willing to take a lie detector test reference this incident?
 A: Yes.

Nothing Follows.



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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
 94 BSB 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer (b)(3)(b)(6) this 29 JUNE 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
HHC, 2-30 IN; FOB Loyalty, Iraq

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

Q: How many SAF incidents have you been involved in this tour?
A: Three

Q: How many of these shooting incidents utilized EOF procedures?
A: One

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: One

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: Roughly 50

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: I was unaware if we were on or off the FOB and the tower guards location.

Q: Why did you remain in a "(b)(1)1.4 (a)" if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: We didn't stop at a clearing barrel and there are usually large signs highly visible ordering to clear weapons.

10. EXHIBIT	11. INITIALS (b)(3)(b)(6)	STATEMENT	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 BE INDICATED.

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We received OPORD and a warning order a day before. The oporder again the day of mission.

2. Graphics

A: Map in brief room with route and back briefed

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: we did vehicle and personnel checks prior

4. Rehearsals

A: We had warning order going over routes and the detainee mission and focussed on detainee control.

5. Security/Force Protection

A: 5 and 25s alive, weapon orientation, maintain intervals

6. Reconnaissance & Surveillance

A: map of routes

7. Time Management

A: we had timeline in place and were given enough time to prepare.

8. Composite Risk Management

A: we wear PPE and use security measures.

AFFIDAVIT

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WITNESSES:

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3)(b)(6)
Subscribed and sworn to before me, a person authorized by law to administer oaths (b)(3)(b)(6) 10 day of (b)(3)(b)(6) July, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 1419 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS PFC	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, B CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been in the Army?
A: 15 months.

Q: How long have you been in this unit?
A: Since June 2007, about 10 months

Q: How long have you been in Iraq?
A: 7 months. First Time being deployed.

Q: What Vehicle were you in?
A: Driver of Number 4 Truck (D22), pulled up in front of the NMC Third Vehicle (D27).

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: At the ECP 13, I saw the sign to turn off (b)(1)1.4 (a) and orient the weapons to the 1 o'clock position. I heard the radio traffic about the NMC vehicle, maybe a half shaft broken in the truck in front of me (D27). We stopped the convoy and PVT (b)(3)(b)(6) went to check his vehicle along with dismounts for security and traffic control. I then started moving the truck into position for towing operations. The towbar was missing a pin, so we used a tow cable and a chain. Just as I attached the chain I heard the automatic weapons fire. I ran to the back of my truck on the TC side wearing my body armor with the weapon in the drivers side. Firing coming from the 6 o'clock and then I ran behind the truck and heard two rounds snap around me. Then I saw a red car coming up behind me about two feet away with screaming. It seemed like a scared scream from a female. Then I jumped into the driver's seat and grabbed my weapon. My weapon is a M249.

Q: Did you fire your weapon?
A: No, I did not fire my weapon.

Q: Did you see or hear any rounds impact your vehicles or the ground around you?
A: No, I did not hear any rounds impact around me.

Q: Please continue with the events.
A: Then I heard SPC (b)(3)(b)(6) fired three 10 round burst from the gunner position on the second truck after the car hit the fence. About 200 meters in front of me is where the car hit the fence. Immediately the civilians were coming across the median and identified themselves, I think they were Global employees. I jumped up in the gunner position and took SPC (b)(3)(b)(6) position.

Q: Did SPC (b)(3)(b)(6) fire his weapon?
A: SPC (b)(3)(b)(6) never fired his weapon, M2 .50 cal, when he was in the gunner position during the beginning of the incident. I saw SGT (b)(3)(b)(6) fire his weapon, he ran in front of my truck and fired off two rounds and then took cover.

Q: Please continue with the events.
A: SGT (b)(3)(b)(6) gave the command to cease fire, but then I heard additional rounds being fired. I think they were firing at the cars coming from our 6 o'clock as warning shots. Then the fire truck stopped. Global employees talked with the fire truck driver, and then the fire truck proceeded to the site. Then a lot of other vehicles were on site. I think CID personnel and Global personnel were on site. We were planning on securing the scene, but the Air Force OCI took charge of the scene as well as assistance from Soldiers wearing the 10th MTN DIV patch. I saw stretchers being used. SPC (b)(3)(b)(6) then came over to my vehicle and took a seat in the TC vehicle. There were personnel telling us to turn the turrets to spin away from the site. 26 Truck to 9 o'clock, 23 truck to 11 o'clock, 22 truck to the 5 o'clock, and 27 to the rear security mission at 6 o'clock. We were told not to watch what was going on. Then we were told we were to go to another FOB.

Q: Did you see any muzzle flash or weapons pointed at you.
A: No.

Q: What was your mission?
A: Pick up detainees.

Q: When did you think you were on the FOB?
A: When we got in the ECP. That is the way other FOBs are -- we turned off (b)(1)1.4 (a) and orient weapons to the one o'clock.

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

10. EXHIBIT	11. INITIALS (b)(3)(b)(6)	MAKING STATEMENT	PAGE 1 OF <u>2</u> 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 1419 hrs

DATED 2008/26/27

9. STATEMENT (Continued)

Q: Who was in your Vehicle?

A: I was driving D22, SGT (b)(3)(b)(6) was the TC, Gunner was SPC (b)(3)(b)(6) SP (b)(3)(b)(6) and SP (b)(3)(b)(6) were both dismounts.

Q: What was (b)(3)(b)(6) and (b)(3)(b)(6) mission when you stopped?

A: Dismount and Pull security, and have (b)(3)(b)(6) take over traffic direction and make folks go to the far side of the road away from the convoy.

Q: How were the road conditions?

A: Seemed fine. Some potholes.

Q: Did you observe a traffic pattern the civilians were doing?

A: Slowing down and go to the far left side of the road and passing our convoy.

Q: What orders did you hear?

A: I heard SGT (b)(3)(b)(6) but noone else. I stayed in the truck and did not hear any other orders. Some folks were upset we were not in charge of the security.

PV2 (b)(3)(b)(6) and SGT (b)(3)(b)(6) looked for items along the road.

Q: At any time, did anyone in the Squad tell you what to say or how to say it?

A: No. Not all.

NOTHING FOLLOWS

(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 2. 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.

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

WITNESSES:

MAJ

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

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

94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before (b)(3)(b)(6) authorized by law to administer (b)(3)(b)(6) 27 June 2008

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

ng Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

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

TAKEN AT 2100 hrs

DATED 2008/07/10

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: Our PL told us the routes we were going to take, our mission, our task, purpose, and our Casevac plan.

2. Graphics

A: We used a wall sized map.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: Each Soldier is supposed to check themselves as I did. Then SGT (b)(3)(b)(6) checks his squad.

4. Rehearsals

A: Never rehearsed.

5. Security/Force Protection

A: We were told the enemy conditions as they always are the same.

6. Reconnaissance & Surveillance

A: No recon or surveillance done.

7. Time Management

A: Our time line was put out for each location we had a hit time.

8. Composite Risk Management

A: Our platoon sergeant told us our casevac plan.

AFFIDAVIT

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

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WITNESSES:

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me a person authorized by law to administer oath (b)(3)(b)(6) 10 day (b)(3)(b)(6) July 2008

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

ing Oath)

ing Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 MND-B HQs	2. DATE (YYYYMMDD) 2008/06/30	3. TIME 1327 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SGT	

8. ORGANIZATION OR ADDRESS
D COMPANY 2ND PLATOON 2-30 IN 4BCT 10TH MNT

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

Q: How long have you been in the Army?

A: 24 APR 07, 14 months.

Q: How did you make SGT so fast?

A: I came in as a SGT because I was a search and rescue swimmer in the US Navy for 8 years and had attained the rank of 2nd Class Petty Officer.

Q: How long have you been in this PLT?

A: OCT 2007, 8 months.

Q: How long have you been in Iraq?

A: 7 months.

Q: How many shooting incidents have you been in since arriving to Iraq?

A: Three. First was a sniper attack on COP 742. Second was when we were holding a building on (b)(1)1.4 (a) with the IP and we fought insurgents for 5 hrs. Then this one.

Q: Tell me about your actions prior to the execution of the detainee mission and the convoy brief prior to departing FOB Loyalty.

A: We were told we were going to Camp Cropper to get a bus full of detainees, approximately 40. We were to take them to three IP stations and let the IPs release them. The night before the mission we had the mission brief. The convoy route was discussed and planned, but I do not think it was completed because the A Section leader and LT (b)(3)(b)(6) were still planning in the morning. That morning I took the four trucks to the EWO to check (b)(1)1.4 (a) it is a new SOP to (b)(1)1.4 (a) before missions. Petty Officer (b)(3)(b)(6) checked (b)(1)1.4 (a) at 0630 hrs at BN. Then we returned to the barracks AO. We mounted weapons and then I did a quick PCI / PCC on vehicles and personnel. I looked for leaks under the trucks, any vandalism, check to see if any locks are cut on doors, check recovery equipment, although I was not very thorough this time because I did not follow the SOP to see if the towbar had all the pins, walked around the truck and checked equipment and ammo in the truck as well as making sure the windows are clean. I checked my men to make sure the PPE and other required equipment is on hand.

Q: What equipment did you have in your convoy for recovery operations?

A: My section carries two chains, one on each truck (D27 and D22). D22, my truck, also carries a towbar and a tow cable.

Q: Did your vehicles go through a maintenance inspection prior to leaving FOB Loyalty?

A: It was the day before the mission. They went to QA/QC, the D27 truck went in for a class 2 leak but when they actually performed maintenance the truck stopped leaking.

Q: What arming stance were the weapons in when you left FOB Loyalty.

A: I can only answer for the 22 truck, my weapon system was (b)(1)1.4 (a) the Gunner SPC Roche with the M2. M4s were (b)(1)1.4 (a) My driver, (b)(1)1.4 (a)

(b)(1)1.4 (a)

Q: What training have you received and implemented for EOF procedures for gaining attention of the drivers?

A: Since I arrived to Ft Polk in OCT 07, I received no training at FT Polk. I received a TACSOP in Kuwait. I read this TACSOP from cover to cover. It was talked about when we got to FOB Rustamiyah in DEC 07. Actually during missions we tried to use lasers to shine in front of a vehicle during night operations only to warn, stop or divert the drivers. What we found was that it diverted them and they turned away. Or sometimes the drivers stopped in position where we put the laser. The other things we would be to use the hellfire light to stop traffic. Just turn the light on them and they stop because it is a very bright light. I have used a strobe light called MS 2000 that has a blue filter and helps stop traffic, I think the cars think we are IP when I flash it. During the day it is hand and arm signals. Gunners will shout stop or halt forcefully. Then the next step will be to point the weapons at the vehicles. Then warning shots and disabling shots if necessary. We also trained in Iraq at COP 742 for EOF.

Q: Why did you not receive any EOF training prior to deploying to Iraq?

A: I arrived to the unit in OCT 07 and was part of the HQs PLT in D CO for two weeks. I was sent to SOS training for one week. There was only about one to two weeks that I was actually a part of 2nd PLT prior to deployment. The PLT did conduct EOF training at JRTC, but I was not assigned to 2-30 IN at that time.

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

Q: Why don't you use lazars during daylight?
 A: Just never thought of that. Didn't think of a lazer as practical tool for the daylight hours. I believe it would be more of a hazard. The lazars we have do not have aiming devices and could possibly be deployed into civilians eyes.

Q: Did SP6 (b)(3)(b)(6) or SP6 (b)(3)(b)(6) have lazars?
 A: SP6 (b)(3)(b)(6) has a lazer in his turret. SP6 (b)(3)(b)(6) does not have a green light lazer, only his PEQ-2 on his weapon.

Q: Did you think you were in a secure environment on a FOB?
 A: Yes. We went through a Global and Iraqi checkpoint and I saw a US Soldier eating an apple at this gate.

Q: What led you to belive you were on a FOB?
 A: The checkpoint with a US Soldier at the gate. Plus, I looked at a map and thought when I got off RTE Irish we were in a secure area after that checkpoint. The only weird part was that there was no clearing barrel. I did think I was in a secure area beside the fact there was no clearing barrels or written pcedures just inside that gate. Basically we thought we could stand down our readiness posture and take off our protective equipment. We didn't, but that was the attitude. The only one I actually ordered to take off equipment was PFC (b)(3)(b)(6) who checked under the NMC vehicle and took his ACH off while still wearing his IOTV.

Q: Did you see people in the car as it was passing you when you were attempting recovery operations?
 A: No. It was too fast.

Q: Did you see anyone specifically in the red car fire weapons at you?
 A: No. But, what I saw was smoke inside the vehicle that appeared to be the aftermath of someone firing a weapon.

Q: Did you feel threatened?
 A: Yes. Because of the smoke and the way the car was coming at me. Plus, the fact that all of us had now gone to a high state of readiness and there was shooting made me feel even more threatened.

Q: How many rounds did you fire from your M4?
 A: 11

Q: What were you aiming at?
 A: I was aiming at the red car.

Q: Was there a period of time that any personnel other than US Soldiers had exclusive access to the red car?
 A: Yes. Initially we had set a cordon around the vehicle in a 180 circle due to the fenceline and not crossing into the airfield. The cordon was approximate 20 to 40 feet from the vehicle mostly because of the smoke from the vehicle. We maintained this cordon and took pictures; IP and OSI also took pictures. OSI had instructed us to move to the road away from the red car as well as face away from the red car. The reason we were given was that it was Muslim culture that we were not allowed to watch the bodies be removed from the vehicle. The Iraqi Official made it very clear to OSI that this was religious based. During that time for approximately 45 minutes, we did not get to see the bodies removed or anything involved with the car once the fire was out and they pushed us back from the red car.

Q: From the moment you left the scene until now, has anyone told you what to say or how to say it?
 A: No.

Q: Since leaving the scene until now, has anyone said that you need to talk to "get the story straight"?
 A: No.

Q: Would you be willing to take a lie detector test reference this incident?
 A: Yes.

NOTHING FOLLOWS

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

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

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

(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 2. 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

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

WITNESSES:

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

94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer (b)(3)(b)(6) his 30 (b)(3)(b)(6) JUNE 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer (Authority To Administer Oaths)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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1. LOCATION MND-B HQ	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS D co 2nd PLT 2/30th IN			

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

Q: How many SAF incidents have you been involved in this tour?

A: 3 including this SAF incident.

Q: How many of these shooting incidents utilized EOF procedures?

A: None but EOF was performed by me and my squad after this SAF incident. It involved a red and white truck.

Q: How many EOF incidents have you been involved in that involved small arms fire?

A: 1

Q: How many EOF incidents have you been involved in that did not involve small arms fire?

A: I lost count. Almost every time we go outside the wire an EOF procedure is performed.

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?

A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?

A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?

A: No security was set until after the engagement. Traffic control was loosely set to manage passing traffic.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?

A: There were no clearing barrels or clearing procedures/directions given.

Q: Were there any specific instructions you gave SP (b)(3), (b)(6) when you stopped directing traffic and began assisting vehicle recovery operations?

A: Yes, keep the traffic away from the convoy and moving.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We briefed the OPORD the night before.

2. Graphics

A: We studied a route prior to leaving FOB Loyalty.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: I performed PCIs on my trucks and men from memory.

4. Rehearsals

A: This was a routine mission, convoy to cropper, drop detainees for release, RTF.

5. Security/Force Protection

A: We covered our sectors of fire until reaching the signs stating 100 and 01:00 clock.

6. Reconnaissance & Surveillance

A: Battalion gave route status.

7. Time Management

A: We where going to arrive 45 to 30 minutes early.

8. Composite Risk Management

A: Same as every time we roll out the gate. IED, EFP, RPG, SAF Suicide bombers, VBIEDs, Mortar, Roll Overs, vehicle accidents, fratricide, and the list goes on. We perform the mission to the best of our ability everyday.

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 2. 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

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

WITNESSES:

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, (b)(3)(b)(6) authorized by law to administer oath (b)(3)(b)(6) 10 day of (b)(3)(b)(6) JULY, 2008

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

Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 1930 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS B Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How long have you been in the Army?
A: 3 years.
Q: How long have you been in this unit?
A: 2 1/2 years.
Q: How long have you been in Iraq?
A: 7 months. Same squad, same position.
Q: Is this your first deployment?
A: No. I deployed to Afghanistan for 4 months and now I am deployed to Iraq.
Q: What is your position?
A: Gunner for D22 that was the last vehicle initially; however, became the third vehicle when D27 broke down.
Q: Who was in your vehicle?
A: The driver was PFC (b)(3)(b)(6) TC was SGT (b)(3)(b)(6) and the dismounts were SPC (b)(3)(b)(6) (sitting back left) and SPC (b)(3)(b)(6) (sitting back right).
Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.
A: We went through the ECP and we pointed the weapons to the 1 o'clock position. I thought we were on the FOB. We were driving along a road by the airstrip. D27 said their truck was shaking. We noticed one of the tires for the vehicle shaking on D27. We pulled in front of D27; in fact our spare tire bumped the Rhino as we were backing up to attempt to hook up. The Soldiers on the ground trying to use the towbar noticed that the pin was missing. I think the Soldiers grabbed a tow cable to accomplish the mission, but I do not know when they used it. I took my gloves off and looked down in the cab to throw my gloves in the vehicle on the radio mount. Then I heard firing and I looked to the airfield, since I figured the cars coming on the FOB had been searched. The D27 was blocking my view when looking to the rear. Then I saw a car go around the last truck and my truck and then the truck in front of me (D26) and ultimately go to the right towards the fence in between the first and second HMMWV.
Q: When you heard firing, was it continuous firing?
A: The initial firing was bursts of firing coming from the enemy. Some of the US Soldier dismounts fired, but I was not sure when the .50 cal opened up firing. When the car hit the fence the .50 cal did fire.
Q: Did you see who fired from your unit?
A: No.
Q: What color was the car?
A: Red, 4 door small sedan.
Q: What did you see when the car went by you?
A: I did not see or hear anything. The car was going too fast to distinguish the sounds.
Q: When the car went by you who was still in your vehicle?
A: Just me, the other Soldiers involved in recovery were taking cover from the fire/ returning fire.
Q: Whose job is it to ensure all the equipment is ready for a mission?
A: Squad leader.
Q: Did you check your equipment before you left?
A: I checked my Turret Equipment and my gun.
Q: Did SGT (b)(3)(b)(6) check the vehicle before the mission?
A: I do not know for sure. I was just checking my own equipment. I did tell SGT (b)(3)(b)(6) that the gun was ready before SP.
Q: How many rounds did you fire?
A: I fired zero rounds from my M2, .50 cal and 0 rounds from my M4.

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

Q: What did you see happen when the red car hit the fence?

A: The M2 from D26 (SPC (b)(3)(b)(6)) fired on the red car.

Q: How long did SPC (b)(3)(b)(6) fire?

A: Ballpark, around 100 rounds; most were fired after the red car hit the fence.

Q: What orders did you receive from SGT (b)(3)(b)(6)?

A: I had dismounts all around, so I did not fire the M2/M4. SGT (b)(3)(b)(6) was busy with the guys on the ground. I heard cease fire, but I do not know who yelled the cease fire, it came about the time the fire started on the car.

Q: Did you see or hear anything from the car when it hit the fence?

A: I heard .50 cal firing.

Q: Did you hear a man or woman screaming?

A: No.

Q: Briefly describe what happened after the car hit the fence.

A: Iraqi Security guys showed up on site. A fire truck arrived. One guy with a big silver suit put out the fire, then he left, but the car was still smoking. Then another fire truck arrived to assist with the fire due to the smoking. I think an Ambulance then showed up, but I do not know the exact time when it arrived on site.

Q: What happened after the fire was put out?

A: Another ambulance showed up as well as Guys in Khaki pants with Navy Blue Shirts, followed by more US Civilians. Then PFC (b)(3)(b)(6) and I switched out positions; he went in the turret and I went on the ground. After that, an Iraqi guy got out of the ambulance and put on purple coveralls and latex gloves and then white sheets and litters were laid out. Personnel then started pulling the bodies out, but I did not see the recovery of the bodies, the ambulance blocked my view when I was sitting in the driver seat.

Q: Did you see any weapons?

A: I only saw the one body, but the Iraqi Police did take a few items in a plastic bag that were tossed in the back of a pick up.

Q: What happened next?

A: The QRF escorted us to the FOB.

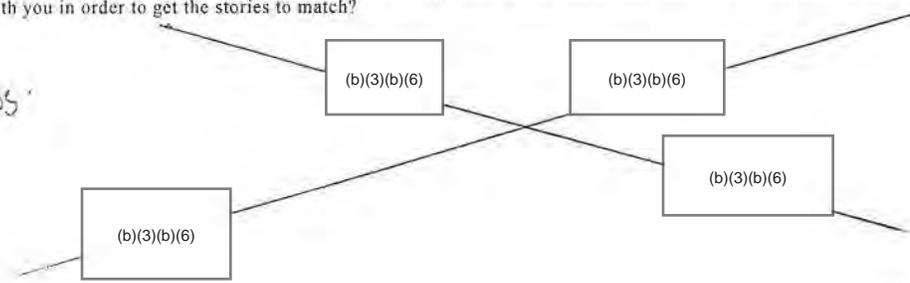
Q: When the incident started to the firing stopped to include the time since that afternoon, has anyone told you what to say in an investigation?

A: No. We were told not to talk about the incident. 2LT (b)(3)(b)(6) later that day after he was done with some paperwork ordered us not to talk about the events.

Q: Did anyone speak with you in order to get the stories to match?

A: No.

Nothing follows.



AFFIDAVIT

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

WITNESSES:

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

94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me (b)(3)(b)(6) on authorized by law to administer (b)(3)(b)(6) this 27 day (b)(3)(b)(6) June, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/06	3. TIME 1038 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: How long have you been assigned or attached with 2nd PLT, 2-30 IN?
A: Since April 2007 I have been in the Platoon, about 15 months. Arrived to D CO in November 2005.

Q: Have you been the Gunner the entire time you have been with 2nd PLT?
A: Yes.

Q: Approximately how many missions / convoys have you been on since arriving to Iraq?
A: I do about 2 or 3 patrols a day. So over 7 months it is about 300 to 400 missions. Usually doing security patrols in the neighborhoods, census patrols, helping ISF do their checkpoints as well as raids.

Q: How many shooting incidents have you been involved in?
A: Three. MRAP incident where the gunner was shooting but we were in the truck and did not fire, Route Predators fighting when I fired on the 28th of March 2008 and then this incident where I did not fire.

Q: As the gunner for D22, what weapon system did you have on 25 June 2008?
A: .50 cal

Q: Is there anything else that you want to explain in regards to this incident?
A: No.

Nothing follows

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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9. STATEMENT (Continued)

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

AFFIDAVIT

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

WITNESSES:

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

MAJ (b)(3)(b)(6)
94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) person authorized by law to administer (b)(3)(b)(6) his 06 (b)(3)(b)(6) JULY, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100	4. FILE NUMBER
5. LAST NAME FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS B Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How many SAF incidents have you been involved in this tour?
A: Three, one in the back of the MRAP (b)(1)1.4 (a) the one on 25 June.

Q: How many of these shooting incidents utilized EOF procedures?
A: One 25 June

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: The one on 25 June 08

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: Zero

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: I do not remember

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: I had my turret at the 1 o'clock, and was not pulling security. I started pulling security after the shooting started.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: We clear weapons when we approach the clearing barrels, and the top of your truck clears you.

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

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We were given a patrol brief prior to our SP from FOB Loyalty.

2. Graphics

A: The route is explained to the platoon using the a map.

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: Gunner PCI their weapons system. Driver PCI their truck

4. Rehearsals

A: We do rehearsals, but not for every patrol.

5. Security/Force Protection

A: Order of movement dictates your sector of fire. Lead truck 10-2 o'clock, 2 and 3 truck do security to the left and right, rear truck pulls rear security.

6. Reconnaissance & Surveillance

A: Use of maps

7. Time Management

A: Prep-truck time, wake up time, patrol brief time. SP time

8. Composite Risk Management

A: We were traveling on routes that traditionally have IEDs on them so use caution like you do on all patrols

AFFIDAVIT

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

WITNESSES:

CPT (b)(3)(b)(6) (b)(3)(b)(6)
18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, (b)(3)(b)(6) authorized by law to administer oaths, (b)(3)(b)(6) 10 day of (b)(3)(b)(6) JULY, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT 0123 hrs DATED 2008/06/26

9. STATEMENT (Continued)

NOTHING FOLLOWS.

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

AFFIDAVIT

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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB, 4-10 MTN
ORGANIZATION OR ADDRESS
ORGANIZATION OR ADDRESS

Subscribed (b)(3)(b)(6) sworn to before me (b)(3)(b)(6) authorized by law to administer (b)(3)(b)(6) his 26 day (b)(3)(b)(6) JUNE, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/27	3. TIME 2300 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	

8. ORGANIZATION OR ADDRESS
B Section, 2nd PLT, D CO, 2-30 IN; FOB Loyalty, Iraq

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

Q: Do you remember SPC (b)(3)(b)(6) replacing SP (b)(3)(b)(6) the gunner position of D27?
A: Yes.

Q: Where were you physically at when SPC (b)(3)(b)(6) came back to D27?
A: I was standing outside D27 near the TC seat.

Q: Did you get in to the vehicle?
A: Yes. Right after SPC (b)(3)(b)(6) relieved SP (b)(3)(b)(6).

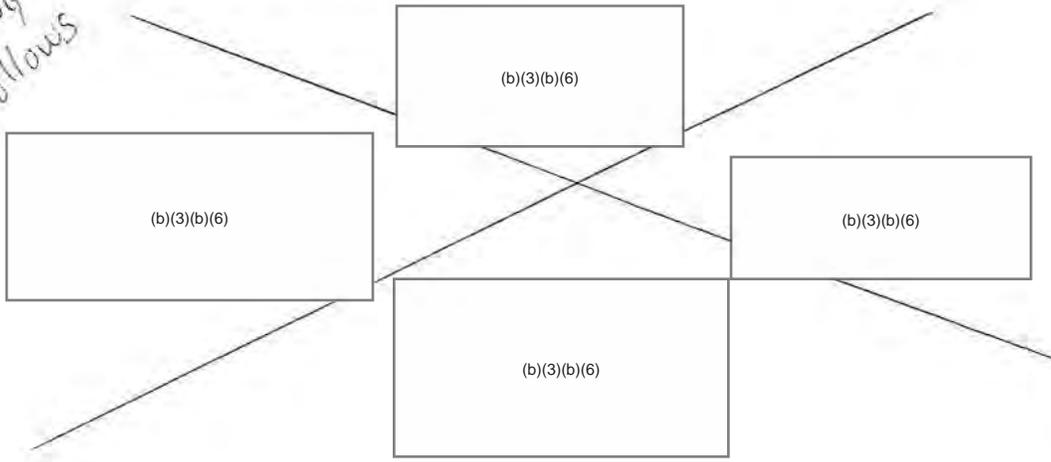
Q: According to SPC (b)(3)(b)(6) he had a conversation with you, do you remember discussing the events of the incident with him?
A: Yes, I remember talking with SPC (b)(3)(b)(6).

Q: What did you discuss?
A: I told him I was waving the red car off to the right, it did not move, so I fired the warning shot to the front of the vehicle. I hit the road; I saw the sparks. Then the red car sped up. Then I fired two disabling shots into the engine block. But, the car actually sped up and I heard the roar of the engine. Then I fired into the driver's area at least 4 shots.

Q: Was your weapon on semi?
A: Yes.

Q: Do you remember seeing a white truck at any time during this incident?
A: No.

Nothing follows



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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STATEMENT OF

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

TAKEN AT 2050 hrs

DATED 2008/26/27

9. STATEMENT (Continued)

Nothing follows

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

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

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

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

AFFIDAVIT

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

WITNESSES:

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

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

94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me by (b)(3)(b)(6) on authorized by law to administer (b)(3)(b)(6) this 27 day (b)(3)(b)(6) June, 2008

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

Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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1. LOCATION MND-B HQs	2. DATE (YYYYMMDD) 2008/06/30	3. TIME 1630 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS D COMPANY 2ND PLATOON 2-30 IN 4BCT 10TH MNT			

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

Q: What training has your PLT received and implemented for EOF procedures for gaining the attention of the drivers.
A: Our SOP is 5 Ss. Shout. Show. Shoot Warning Shots. Shoot to disable. Shoot to kill. If you are a dismounted you also have shove added before shooting. For the gunners, lazars are also part of the SOP to try to get the traffic to stop.
Q: Did you have lazars as part of an EOF package for the PLT?
A: All the gunners have lazars. I think others have lazars. I know PVT (b)(3)(b)(6) has a lazer and he is a driver.
Q: Was the PLT issued lazars or did Soldiers have to buy them for use on convoys?
A: I don't have one. I was not issued one. I don't know who was actually issued lazars.
Q: What training has your PLT specifically received on lazars?
A: Shine the lazer in front of the car or on the hood so the driver can see the lazer.
Q: Does your PLT use the lazer in daylight operations.
A: Yes.
Q: Did you use a lazer during the 25 JUN 08 incident with the red car.
A: Not me personally.
Q: Did anyone use lazars during the red car incident?
A: Yes. But not on the red car. It was on the cars that were coming up after the red car.
Q: Was there an opportunity for anyone to use the lazer on the red car?
A: No. Everyone thought we were in a safe zone and there was no need to use it. We were not expecting to use it.

Nothing Follows

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

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

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF <u>2</u> PAGES
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9. STATEMENT (Continued)

~~(b)(3)(b)(6)
(b)(3)(b)(6) (b)(3)(b)(6)
(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 . 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me (b)(3)(b)(6) authorized by law to
administer (b)(3)(b)(6) this 30 day JUNE, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (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 MND-B HQs, Camp Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/06	3. TIME 1100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/SPC	

8. ORGANIZATION OR ADDRESS
D CO 2/30 IN 10TH MNT

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

Q: How long have you been in the Army?
A: The first time I entered the Army SEP 05 and I stayed in until 24 OCT 06 for little over a year of service. I got out and then joined again in SEP 07. I went from MEPS straight to Ft Polk.

Q: How long have you been assigned or attached with 2nd PLT, 2-30 IN?
A: In SEP 07 I was assigned to 2nd PLT, so 10 months.

Q: What jobs have you had in the PLT?
A: Rifleman and then driver and now Rifleman again.

Q: How many months were you a driver?
A: About one month as a driver when other drivers were on leave.

Q: How long have you been in Iraq?
A: 7 months.

Q: Approximately how many missions / convoys have you been on since arriving to Iraq?
A: About 300 to 400 missions. We do blocking positions, resupply missions to the JSS to give them fuel and mermites, we have been on combined security patrols with the Iraqi Army, census patrols, raids, and dismounted patrols.

Q: How many shooting incidents have you been involved in?
A: Five. March madness was hours of firefighting along Route Predators, but I did not fire my weapon. I was at an ECP at COP 742 and a truck came into the ECP and I had to fire a warning shot to make the truck back up. Also in March, SP6 (b)(3), (b)(6) shot someone that had a RPG and I was in the truck right in front of him. SP6 (b)(3)(b)(6) also got sniped at in the bunkers at COP 742. SGT (b)(3)(b)(6) was sniped at while at COP 742.

Q: Do you remember how many rounds you shot on 25 June 2008?
A: Not an exact number, I was a dismount with a M4 that shot three different times. First one was a single shot as a warning shot that I shot about 45 meters in front of the vehicle that landed on the road, but the vehicle kept coming straight at our convoy. Second time was two disabling shots that I shot at the engine split seconds later. Then the red car sped up and I engaged with 3 to 4 shots center mass of the driver.

Q: Were you the first one to shoot your weapon?
A: Yes.

Q: Did you feel threatened?
A: Yes.

Q: Why did you feel threatened?
A: There are VBIEDs in our OE. I was concerned, plus I went through the steps of escalation of force and the car still came us. Yes, I felt threatened.

Q: Did you see the red car fire a weapon?
A: I saw muzzle flash, but it was when we all stopped firing and the car was down the embankment crashed into the fence. Then the PLT reengaged the vehicle. Then I ran behind D27 vehicle, but I did not fire anymore. About three seconds went by and then all the firing stopped.

Q: Is there anything else that you want to explain in regards to this incident?
A: No.

Nothing follows

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF <u>2</u> 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 1100 hrs

DATED 2008/07/06

9. STATEMENT (Continued)

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

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

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

(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 _____. I 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 WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL

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

WITNESSES:

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

MAJ (b)(3)(b)(6)
94 BSB, 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) Person authorized by law to administer oaths
JULY, 2008

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

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 MND-B HQs, Camp Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION OR ADDRESS D CO 2/30 IN 10TH MNT			

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

Q: How many SAF incidents have you been involved in this tour?
A: 7 Times

Q: How many of these shooting incidents utilized EOF procedures?
A: 2

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: 2

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: Over 20

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: Nobody told me to pull security I was told to direct traffic.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: There was no clearing barrels.

Q: Did you believe you were there to just direct traffic, but then assumed a defensive posture when you observed the red car approached rapidly?
A: Yes

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (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.

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: What time we SP, what the route is, and what the mission is and why.

2. Graphics

A: OP Order with map to show us our route

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: Make sure we have everything we need, NVG, Weapons, Mags, eye pro, ear pro, water knee pads ect.

4. Rehearsals

A: Cas eva, vehicle recovery, react to contact, react to IED, react to sniper

5. Security/Force Protection

A: We always keep 360 security

6. Reconnaissance & Surveillance

A: Remain situationally aware

7. Time Management

A: We are given an SP time and rtb time.

8. Composite Risk Management

A: We are always told to be aware of any risk and we also train for any situation.

AFFIDAVIT

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

WITNESSES:

CPT

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

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, (b)(3)(b)(6) authorized by law to administer oaths (b)(3)(b)(6) 10 day of (b)(3)(b)(6) JULY, 2008

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

(Signature of Oath Administrator)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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PRIVACY ACT 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 MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/06/29	3. TIME 1315 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS B CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How long have you been in the Army?

A: 3 1/2 years.

Q: How long have you been in this PLT?

A: Attached since the day before the incident, 24 JUN 08. Assigned to B CO, 2nd PLT.

Q: How long have you been in Iraq?

A: 7 months in Iraq.

Q: What Vehicle were you in?

A: I was in the last vehicle, D22. I was a dismount seated behind the driver. The driver was PFC (b)(3)(b)(6) the TC was SGT (b)(3)(b)(6) and there Gunner was SPC (b)(3)(b)(6) The other dismount was SP (b)(3)(b)(6) behind the TC.

Q: How many shooting incidents have you been in since arriving to Iraq?

A: 4 or 5.

Q: Tell me about departing Loyalty on WED, 25 JUN 08 and the convoy brief.

A: We were instructed to go to the room the night before and we received a brief. I had just arrived from leave. CP (b)(3)(b)(6) so told me that there was a morning brief. We were to go to BIAP and pick up detainees. LT (b)(3)(b)(6) briefed us on the route. SGT (b)(3)(b)(6) briefed specifics on the mission. We would pick up detainees and then release in the sector.

Q: What was the arming stance of the weapons in the vehicle when you left FOB Loyalty?

A: My weapon (b)(1)1.4 (a). I loaded my weapon. I am not certain about the gunner, I know in 2nd PLT we were told to put everything in (b)(1)1.4 (a)

(b)(1)1.4 (a) few weeks ago. Specifically that day I could not tell you what the other Soldiers were in.

Q: Please describe the events from the time the convoy entered ECP 13 and you finally left the scene of the incident.

A: As we approached the gate, SGT (b)(3)(b)(6) saw a sign for the weapons to go to the 1 o'clock. We are the last vehicle and would be pulling rear security, but we went to 1 o'clock. We noticed other convoys doing it. Then PFC (b)(3)(b)(6) told SGT (b)(3)(b)(6) to turn off (b)(1)1.4 (a) I was unclear about the whole thing. I thought I was on a FOB. Then SSG (b)(3)(b)(6) said his vehicle was shaking. Soldiers asked if the vehicle would make it. The answer was no, so we stopped and then the dismounts and TCs dismounted to begin recovery operations. SPC (b)(3)(b)(6) SGT (b)(3)(b)(6) and I were on the driver's side of the vehicle. SGT (b)(3)(b)(6) was telling us how to direct traffic. We were going to have to move our vehicle to tow the third vehicle. I began to help with recovery ops. I grabbed the towbar with SGT (b)(3)(b)(6) but discovered the pin was missing on the left side of the towbar. We began to look for an alternative method of towing and I moved forward to the front section. Then before I got up to the front the others had found the chain and the cable so I moved back to my vehicle. they yelled "We got it". As I was moving back I was parallel with the third vehicle in line with the passenger door and I heard gunshots. I was scrambling to get cover. I heard the whiz of bullets.

Q: Was it outgoing or incoming?

A: Incoming. Because I heard the whiz of the bullets instead of the explosion in the chamber.

Q: Continue.

A: I was continuing to scramble. I was still unsure about where the shots were coming from. I could see where the traffic was balling up. I was on the right side of the third vehicle and then didn't see the car until it crossed in front of the first vehicle in the convoy. Before I saw it hit the fence I saw flashes at the top of the car where the window meets the roof. I was unsure if it was muzzle flashes or .50 cal hitting the car. When the vehicle hit the fence the pile of dismounts had moved to the airport side, right side, of the convoy.

Q: How many rounds did you fire?

A: Zero.

Q: Continue.

A: I took the initiative to get down behind the driver side tire of the disabled vehicle on the asphalt. I looked on from this position to see if anything else was coming and then never had a confirmed target.

Q: Who was giving orders at this time?

A: SGT (b)(3)(b)(6) came around and told us to check our Buddies. The red car was in flames. Everyone reported that they were fine. No one was hurt.

10. EXHIBIT 4, TAB R1, SPC (b)(3)(b)(6) AR 15-6, 07JUL08, D CO 2-30 IN, 4-10 MTN	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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9. STATEMENT (Continued)

TCs were collecting ammo count from the Gunners. I then assumed security position in the 6 o'clock position. SPC (b)(3)(b)(6) was also at the back of the vehicle. I wanted to have cover but also eyes on so I was moving around in the area looking for a better position until I ended up down by the fence at a drainage culvert with SP (b)(3)(b)(6) that was also carrying a M4. I heard warning shots during all my movement, but I do not know exactly how many. SP (b)(3)(b)(6) fired the warning shots, and then SGT (b)(3)(b)(6) told SP (b)(3)(b)(6) be sure about what he was doing. I was in the culvert no more than 2 or 3 minutes. Then there were Global personnel that directed traffic from about 200 - 300 meters back across the median and into the other lane. I came back towards our vehicle and was going to help with the hook up but it was all ready done. SGT (b)(3)(b)(6) said we were to wait until the site is exploited. There was one guy that was going into shock at the median. He was falling uncontrollably. There was a bald guy with a stripped polo shirt and big coffee stain that came up and asked SP (b)(3)(b)(6) use water to clean the stain. I was in a circle of another conversation, but this bald guy then said to SP (b)(3)(b)(6) "There were two women and a retard in there" as he pointed at the car. I know I was stunned when I heard that. That was a focal point of conversation.

Q: Amongst Who?

A: I can't remember.

Q: Continue.

A: I relieved SP (b)(3)(b)(6) from the gun so he could do what he needed to do. I was worried about security, they seemed to be at the rear of the vehicle totally exposed. Another Non-English speaking person was talking to the group. He was loud and talking with LT (b)(3)(b)(6) There was an interpreter that was dressed in a Blackhawk Vest with Global uniform. And there was another guy with a full button down white Oxford shirt. Full button down shirt guy was asking questions in a very vindictive manner. I do not remember the questions; but, I do remember the last statement. The interpreter told LT (b)(3)(b)(6) after the full button down Oxford Shirt guy spoke that, "For your information that guy has worked here for two years."

Q: Did he say anything about the women?

A: No.

Q: Continue.

A: After a few moments I told SP (b)(3)(b)(6) get back on the gun so I could go to the bathroom and get some water. Then I went down to (b)(3)(b)(6) and (b)(3)(b)(6) to tell (b)(3)(b)(6) to come back and be on standby for relief.

Q: At any time did you see a weapon in the car?

A: No.

Q: Did you stay at the red car?

A: I stayed there about 20 minutes. I was told by (b)(3)(b)(6) not to look over at the car.

Q: Was there a period of time that any personnel other than US Soldiers had exclusive access to the car?

A: Yes. When I arrived to the car they had exclusive rights, we were about 15 meters from the car and we were told to look away. I was there for about 15 minutes, but I do not know how long prior to me getting there.

Q: Do you remember hearing any rounds impact the HMMWVs or seeing any rounds hit the ground around you?

A: No.

Q: From the time you left the scene until now, has anyone told you what to say?

A: No.

Q: At any time during the scene or in the last couple days has anyone told you that we have to get our story straight?

A: No.

Q: Are you confident to take a lie detector test about this incident?

A: Yes.

Nothing Follows

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 2. 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.

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

WITNESSES:

MAJ (b)(3)(b)(6) (b)(3)(b)(6)
94 BSB 4-10 MTI

Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to administer (b)(3)(b)(6) this 29 JUNE 2008

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

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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.
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/10	3. TIME 2100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC	
8. ORGANIZATION OR ADDRESS B CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: How many SAF incidents have you been involved in this tour?
A: About 6

Q: How many of these shooting incidents utilized EOF procedures?
A: 1

Q: How many EOF incidents have you been involved in that involved small arms fire?
A: 1

Q: How many EOF incidents have you been involved in that did not involve small arms fire?
A: 0

Q: In the few minutes you were conducting vehicle recovery operations did you hear any firing from any other source prior to the incident with the red car?
A: No

Q: After receiving the order to "cease fire" did you hear any firing from any other source from any direction?
A: No

Q: You have all stated in one form or another that you believed you were on the FOB. If you were on the FOB why did you feel that you needed to pull security? Who told you to pull or emplace security?
A: I don't think that you read my statement because I never told anyone that I was on the FOB. SGT (b)(3)(b)(6) emplaced the security for our section.

Q: Why did you remain in a (b)(1)1.4 (a) if you thought you were on VBC and after seeing signs directing you to turn off your ECMs and orienting weapons to 0100 clock position?
A: The Army is usually very clear with their instructions. In high school I was taught to not stop until the whistle blows. While in basic training we were all taught to do "exactly" as you're told, completely and without addages. Maybe there should be a sign to "clear."

10. EXHIBIT 4, TAB R2, SPC (b)(3)(b)(6) AR 15-6, 07JUL08, D CO 2-30 IN, 4-10 MTN	11. INITIALS OF PERSON MAKING STATEMENT (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 BE INDICATED.

9. STATEMENT (Continued)

Q: Tell me how you or your leaders applied the Ironhorse "BIG 8" for this operation:

1. Operations Order

A: We were all in a room and were given specifics by L. (b)(3)(b)(6)

2. Graphics

A: Maps and dry erase

3. Pre-Combat Checks (PCC)/Pre-Combat Inspections (PCI)

A: I was checked by CP (b)(3)(b)(6) and SGT (b)(3)(b)(6)

4. Rehearsals

A: Demonstrations and scenarios were given.

5. Security/Force Protection

A: 360 degree mounted and dismounted.

6. Reconnaissance & Surveillance

A: There was only the intel pertaining to the extraction and drop off points.

7. Time Management

A: We were given plenty of time to prepare and execute. Had we not been directed from higher we still would have mission completed our task.

8. Composite Risk Management

A: Medium

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 2. 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.

WITNESSES:

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

18th Fires BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath (b)(3)(b)(6) 10 day of (b)(3)(b)(6) July, 2008

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

Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

SWORN STATEMENTS SUMMARY

Investigating Officer: LTC (b)(3)(b)(6)

MND-B ISF Cell Chief, SVOIP (b)(2), (b)(6)

Nam	Vehicle	Position	Saw "Flashes" from Red Car	Heard "Gunfire" from Red Car	Fired Weapon	DID NOT Fire Weapon
1 SPC	D23	Driver	X	X		X
2 SGT	D23	Truck Commander	X	X	X	
3 PFC	D23	Gunner (M240 B)	X	X	X	
4 SPC	D23	Rear Right				X
5 CPL	D23	Rear Left	X			X
6 PV2	D26	Driver	X	X		X
7 2LT	D26	Truck Commander	X	X	X	
8 SPC	D26	Gunner (M2)	X		X	
9 SPC	D26	Rear Left	X	X	X	
	(b)(3)(b)(6)					
10 PVT	D27	Driver		X		X
11 SSG	D27	Truck Commander	X			X
12 SPC	D27	Gunner (M240B)	X	X	X	
13 SPC	D27	Rear Left (Medic)		X	X	
14 PFC	D22	Driver		X		X
15 SGT	D22	Truck Commander		X	X	
16 SPC	D22	Gunner (M2)		X		X
17 SPC	D22	Rear Right	X		X	
18 SPC	D22	Rear Left	X	X		X

TOTALS:	12	13	9	9
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EXHIBIT 4, TAB S, AR 15-6, 07 JUL 08, D CO, 2-30 IN, 4-10 MTN

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION MND-B HQs, FOB Liberty, Iraq	2. DATE (YYYYMMDD) 2008/07/04	3. TIME 1445 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS SFC	
8. ORGANIZATION OR ADDRESS D CO, 2-30 IN; FOB Loyalty, Iraq			

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

Q: DESCRIBE THE TRAINING THE PLT RECEIVED PRIOR TO DEPLOYMENT.

A: The platoon did a JRTC rotation in July or August prior to deploying to Kuwait in November. I cannot be exact as to what type of training went on during JRTC because I was not there. The platoon did not however receive this training as a platoon internal, they were attached to different platoons in the company due to the fact that at the time 2nd Platoon did not have a Platoon Leader and I was at Maneuver ANCOG(MANCOG). Some of the soldiers in the platoon may have gotten in the unit after the JRTC rotation.

Q: WHAT STANDARD PACKAGE OF EQUIPMENT DOES YOUR PLATOON HAVE FOR TCP's?

A: The platoon carries C wire on each truck, the platoon also has VS 17 panels to put on the C wire for visibility during the day and chemlights for visibility at night. The M2 .50cal gunners also have a surefire hellfire spotlight that is also IR capable that we use to control traffic at night. During the day the traffic is controlled by the dismounts in the platoon which is normally only 4 to 6 soldiers. The gunners also have a green lazer for nighttime operations to alert vehicles of our presence.

Q: WHEN HAVE YOU HAD TO USE THE EQUIPMENT FOR TCP's, HOW MANY TCP's HAVE YOU CONDUCTED IN IRAQ?

A: We have not yet done a TCP as a platoon internal that I can remember because we have always been tasked to conduct combined TCP's with the Iraqi Army at their already established TCP's on certain MSR's or ASR's. The company has a TACSOP that we can reference when conducting a TCP as a platoon.

Q: WHAT TRAINING ON TCP's, EOF, RECOVERY OPERATIONS AND ARMING STATUS HAS OCCURRED SINCE ARRIVING TO KUWAIT / IRAQ?

A: The training that the platoon does for EOF is that the TC / squad leader will be out in front of the vehicle and act as a vehicle approaching the truck or as an individual approaching the truck and the gunner will go over his EOF standards which are show, shout, shove(for individuals), shoot to disable and shot to kill. If time allows for all of the steps to be conducted in sequence. For vehicle recovery we practice maneuvering trucks around the disabled truck and hooking up either the towbar or cables/chains from the recovery truck to the disabled truck and at the same time putting out local security which are some or all of the dismounts. This process only takes a few minutes normally. As far as the arming status for our weapons, we have classes on the loading and unloading procedures of our machine guns. When we normally drive out of the gate, the .50 cal (b)(1)1.4 (a) which means there are rounds in the feedtray and the bolt is forward. The .50 cal gunners use a spent .50 cal casing to put behind the butterfly trigger so the trigger can not be depressed.

(b)(1)1.4 (a)

(b)(1)1.4 (a)

Q: BRIEFLY DESCRIBE THE PERSONNEL STRUCTURE OF YOUR PLATOON, HOW YOU EMPLOY PERSONNEL AND VEHICLES, AND THE TURNOVER OF PERSONNEL.

A: My platoon is an Anti-Tank platoon which is MTOE only 18 personnel. Right now my platoon only has 16 personnel in it plus 3 attachments from the Battalion's Bravo Company. At any given time through this deployment since EML has started I have 2 to 3 or more personnel on leave and at times 1 of the attachments are on leave. I may have different soldiers in my platoon from our headquarters platoon to help with everyday patrols when I have a certain amount of soldiers on leave. During the incident that took place on 25 June, there were 6 out of 20 soldiers that were attached to the platoon.

10. EXHIBIT 4, TAB T, SFC (b)(3)(b)(6)
AR 15-6, 07JUL08, D CO 2-30 IN, 4-10 MTN

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.

STATEMENT OF

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

TAKEN AT 1445

DATED 2008/07/04

9. STATEMENT (Continued)

Q: HOW MANY FIRING ENGAGEMENTS / EOF HAS THE PLATOON AS A UNIT EXPERIENCED IN IRAQ, BRIEFLY DESCRIBE THE EVENTS?

A: My platoon has had multiple engagements with the insurgents and experienced 8 hours of intense fighting on 28 March 2008 and sporadic engagements on 29 March 2008 along Route Predators. SPC Ray was awarded an ARCOM for engaging an RPG team that was trying to maneuver to the rear of our PLT position which disrupted the attack from the RPG team. My soldiers have been subjected to multiple rocket and mortar attacks on both FOB RUSTAMIYAH and FOB LOYALTY as well COP 742 and a couple of soldiers have been targeted by snipers on separate occasions since deploying to Iraq. This is the first EOF engagement that I can recall since we have been deployed. My platoon has also experienced 3 IED attacks on the platoon since being deployed to Iraq.

Nothing Follows

(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 2. 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:

MAJ

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

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

94 BSB 4-10 MTN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before (b)(3)(b)(6) on authorized by law to administer (b)(3)(b)(6) is 04 (b)(3)(b)(6) JULY 2008

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 CAMP LIBERTY, IRAQ	2. DATE (YYYYMMDD) 2008/07/06	3. TIME 1430 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CPT	

8. ORGANIZATION OR ADDRESS
18TH FIRES BRIGADE FORWARD, G-3 ISF CELL, 4TH ID HEADQUARTERS

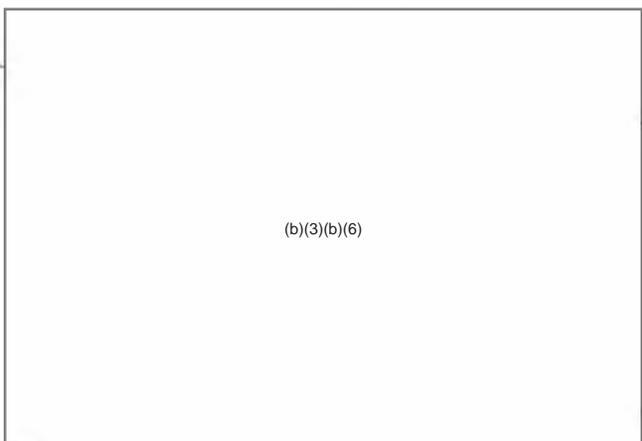
9. I, CPT (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 30 June 2008 I was tasked to support LTC (b)(3)(b)(6) in his AR 15-6 Investigation of a small arms fire/escalation of force incident that occurred on 26 June 2008 in BIAP. My scope of work has primarily been in collection of background information, gathering of Operations Orders, Fragmentary Orders, Training Guidance, Standard Operating Procedures, and Policy Letters that provide guidance in regards to this incident.

Other duties include creation of several powerpoint presentations to depict the events in a step by step process.

On 3 July 2008, I went to the scene of the incident with the platoon involved in the incident. At the scene I measured all distances in question with both a digital rolling wheel and tape measure. All of these measurements are reflected in the concept sketch powerpoint presentation that I also created. Following the scene recreation I rode in the front passenger seat of the lead vehicle of 21.T (b)(3)(b)(6) convoy. We left the scene Northbound on Airport Road exited BIAP on Route Irish. Once clear of Victory Base Complex on Route Irish driving East, we turned around the Convoy and drove East back into Victory Base Complex. Once the convoy was oriented East on Route Irish I began to video the exact route that convoy had taken on 26 JUN 08. The film which will be offered as an exhibit to the AR 15-6 is approximately 15 minutes in it's entirety. The video ends when to convoy is stopped on the right shoulder of the Southbound Lane of Airport Road where the incident occurred. After the convoy is stopped I exited the HMWWV and walked to the rear of the convoy to depict the traffic flow around the convoy and show the spacing of vehicles.

Nothing Follows



10. EXHIBIT 4, TAB U, CPT (b)(3)(b)(6)	11. INITIALS (b)(3)(b)(6)	STATEMENT	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 BE INDICATED.

9. STATEMENT (Continued)

Nothing Follows

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

AFFIDAVIT

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

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

STATEMENT MADE
EACH PAGE
READ, WITHOUT

(Statement)

WITNESSES:

MAJ (b)(3)(b)(6)
94 BSB 4-10 MTC

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

Subscribed and sworn to before me on 6 JUNE, 2008
administered by (b)(3)(b)(6) on authorized by law to

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

(Signature)

(ring Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON STATEMENT MADE BY
(b)(3)(b)(6)



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED)
 MULTI-NATIONAL DIVISION-BAGHDAD
 CAMP AL-TAHREER (LIBERTY) APO AE 09344

AFYB-G3-ISF

1 July 2008

MEMORANDUM FOR RECORD

SUBJECT: Victory Base Complex Base Defense Operations Center (BDOC) Interview with LTC (b)(3)(b)(6)

1. I conducted a meeting with LTC (b)(3)(b)(6) Force Protection Officer, Task Force Bowie, Base Defense Operations Center for Victory Base Complex, on 1 JUL 08 . Purpose of this meeting was to discuss the force protection standards and policies for BIAP.

2. The following comments are a summary of the meeting:

a. ECP 13 is the primary DOD ECP from Route Irish to Camp Slayer operated by U.S Soldiers.

b. ECP 1 is the primary ECP from Route Irish into BIAP operated by Global Security.

c. BIAP is not a part of Victory Base Complex base defense.

d. Currently U.S. Soldiers are permitted to exit ECPs on VBC and enter BIAP in NTVs. Soldiers are supposed to be in body armor and weapon (b)(1)1.4 (a) However, commonly Soldiers are seen driving around BIAP in NTVs without their body armor or helmets. NTVs have actually exited BIAP onto Route Irish accidentally on numerous occasions.

e. Currently none of the ECPs entering BIAP from VBC stop vehicles to ensure that Soldiers are in correct uniform.

3. POC for this action is the undersigned at SVOIP (b)(2), (b)(6) DSN (b)(2), (b)(6) , SIPR email (b)(2), (b)(3), (b)(6) or NIPR email (b)(2), (b)(3), (b)(6)

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

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

LTC, FA
 Investigating Officer



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED)
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP AL-TAHREER (LIBERTY) APO AE 09344

AFYB-G3-ISF

5 July 2008

MEMORANDUM FOR RECORD

SUBJECT: Slayer ADOC ATO / Force Pro Phone Interviews

1. I conducted a phone interview with CPT (b)(3)(b)(6), SVOIP (b)(2), (b)(6) or (b)(2), (b)(6), on 28 JUN 08 to discuss the SAF incident that occurred on 25 JUN 08. MAJ (b)(3)(b)(6) and CPT (b)(3)(b)(6) Assistant Investigating Officers, conducted a follow up phone interview on 5 JUL 08.

2. The following comments are a summary of the interview:

a. CPT (b)(3)(b)(6) is the Company Commander of HHC, 1-153 IN assigned to the 39th IBCT (Team Bowie). He is the Anti-Terrorism Officer and Force Protection Officer for the Slayer Area Defense Operations Center (ADOC).

b. While in the Slayer ADOC, CPT (b)(3)(b)(6) was notified by the Battle Captain that there was an incident along airport road and a car was on fire. CPT (b)(3)(b)(6) then drove approximately 350 meters to the tower along airport road near the incident scene. CPT (b)(3)(b)(6) is the Captain that is referred to by Soldiers in their statements as being the Captain that was notified immediately after the incident.

c. CPT (b)(3)(b)(6) spoke with Soldiers from the scene and asked for unit identification because the Slayer ADOC was unable to pick up a (b)(1)1.4 (a)

d. CPT (b)(3)(b)(6) described a civilian witness that went to ECP 8 and made a statement about the car shooting at a HMMWV.

e. CPT (b)(3)(b)(6) stated that this incident was outside Slayer ADOC battle space and no Slayer QRF responded to the incident. TF Vigilant (Victory ADOC) QRF responded to the situation as well as the Iraqi Police directing traffic and Global Securities on scene.

f. CPT (b)(3)(b)(6) provided the 39 minutes 40 seconds of Joint Land Cruise Missile Defense Elevated Netted Sensor (JLENS) system coverage that was used to determine specific events immediately following the incident.

3. POC for this action is the undersigned at SVOIP (b)(2), (b)(6) DSN (b)(2), (b)(6) SIPR email (b)(2), (b)(3), (b)(6) or NIPR email (b)(2), (b)(3), (b)(6)

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

LTC, FA
 Investigating Officer



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED)
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP AL-TAHEREER (LIBERTY) APO AE 09344

AFYB-G3-ISF

2 July 2008

MEMORANDUM FOR RECORD

SUBJECT: Iraqi Police Interview

1. I conducted an interview with COL (b)(6) BIAP IP Station Chief, MAJ (b)(6) Deputy BIAP IP Station Chief, and MAJ (b)(6), Chief Investigator, on 2 JUL 08 from 1044 to 1222 to discuss the incident that occurred on 25 JUN 08.

2. The following comments are a summary of the interview:

a. LTC (b)(3)(b)(6) ISF Chief; MAJ (b)(3)(b)(6) 4-10 MTN Support Operations Officer; CPT (b)(3)(b)(6) ISF LOG, and (b)(6) ISF interpreter, attended the meeting at BIAP IP HQ on 2 JUL 08.

b. MAJ (b)(6) asked if this was an official visit because lots of people had been visiting in reference to the incident. He indicated that there were people from the French Village (on BIAP) that also were asking questions. LTC (b)(3)(b)(6) informed MAJ (b)(6) that he was the investigating officer appointed by MG Hammond, MND-B Commanding General, and that was the official capacity within which this discussion would take place. LTC (b)(3), (b)(6) speculated that the others may have been legal personnel seeking information in order to make condolence payments to the correct family members, but he was conducting the official investigation for MND-B.

c. MAJ (b)(6) stated that the families of the deceased wanted to know why the incident occurred and if there was an investigation ongoing to punish the Soldiers. LTC (b)(3)(b)(6) replied that he had interviewed all the Soldiers present at the scene, and is conducting an investigation to make recommendations to his chain of command.

d. LTC (b)(3)(b)(6) asked MAJ (b)(6) how he was informed of the situation. MAJ (b)(6) replied that he was the first IP to arrive at the scene, because his boss, COL (b)(6) told him a car was burning. MAJ (b)(6) was at the French Village and moved to the accident scene with an Iraqi Police patrol. He found an American Army patrol blocking the road as well as fire fighters extinguishing the fire. He stated that there were five American HMMWVs present. He asked the 2LT patrol commander why he had opened fire. MAJ (b)(6) stated that the 2LT said he received 15 shots from the car. MAJ (b)(6) replied with a laugh. MAJ (b)(6) stated that the 2LT was a liar. MAJ (b)(6) asked the 2LT if he was a liar or just playing with his mind. He said the 2LT was projecting a position of force and power and tried to make MAJ (b)(6) think the shots were OK. The 2LT attempted to show him the bullet impacts on the last HMMWV. MAJ (b)(6) informed him the spot was rusty and very old and did not believe those impacts were from this incident. MAJ (b)(6) told the 2LT that further

investigation would prove if the impact marks did truly come from a weapon in the red car. MAJ (b)(6) then stated that one of the senior leaders from Global security came to the scene. MAJ (b)(6) stated that if the civilians had a pistol, rifle, or shell casings we should be able to see it in the car. MAJ (b)(6) stated that they then removed the bodies from the vehicle. While at the vehicle he always had the OSI (Air Force) personnel with him step by step. LTC (b)(3)(b)(6) asked if they discovered anything to indicate a weapon in the car. MAJ (b)(6) replied with "No, No, No, we didn't find anything." MAJ (b)(6) stated that he already knew there were no weapons because they would have been checked at the checkpoint and that no weapons were allowed on BIAP. LTC (b)(3)(b)(6) asked the question again to clarify that there was always an American investigator present while the Iraqi Police searched the car. MAJ (b)(6) stated that there were always several Americans and their (b)(6)

e. MAJ (b)(6) joined the conversation and stated that he was the one that physically wore gloves and searched the car at the scene with the presence of the Air Force lady. He said that he himself was searching the vehicle while one Air Force OSI person observed him from the rear of the vehicle and another from the opposite side. MAJ (b)(6) stated there were pieces of glass residue, gold, cell phones, money, and other women's items and two expended .50 caliber rounds. MAJ (b)(6) stated that to confirm that no weapons were underneath the vehicle they pulled the car back from the fence five meters and searched the ground and still found nothing. MAJ (b)(6) stated that they took pictures of items as they removed them from the car. The search lasted about one to one and a half hours. The Iraqi Police were on site at the scene for approximately two and a half to three hours total time. LTC (b)(3)(b)(6) asked where the car was taken after it was removed from the site. MAJ (b)(6) stated he did not know where the car was taken and that all the IPs had left the site while the car was still there with the Americans and Global security. MAJ (b)(6) assumed that the car was in possession of Global security. LTC (b)(3)(b)(6) asked if the IPs were blocked from the scene. MAJ (b)(6) stated that the Americans had cordoned off the area and only allowed himself, MAJ (b)(6) and COL (b)(6) to enter, the rest of the IPs were arranged in an outer perimeter beyond the American perimeter.

f. LTC (b)(3)(b)(6) asked the IP officers if they knew the people involved in the incident personally. MAJ (b)(6) stated yes, they knew them. LTC (b)(3)(b)(6) stated he had heard in other interviews that the driver of the car was handicapped. MAJ (b)(6) stated that he would not call the man handicapped but that he was a very fat man with short arms. LTC (b)(3)(b)(6) asked about any after market modifications that were visible on the car. MAJ (b)(6) stated that all the metal was melted and could not tell if any changes were made.

g. LTC (b)(3)(b)(6) asked if the American personnel were asked to turn around and face away from the car while the remains were removed. MAJ (b)(6) did not answer this question directly and stated that there were always Americans present during the search of the vehicle.

h. MAJ (b)(6) asked LTC (b)(3)(b)(6) if there are fire extinguishers in HMMWVs and why they didn't put the fire out with them or help the innocent women in the car. LTC (b)(3)(b)(6) stated that yes HMMWVs do have a fire extinguisher in them and two of them

were used but were not powerful enough to put out the flame. LTC (b)(3)(b)(6) stated that the fire was likely started by tracer or incendiary rounds. LTC (b)(3)(b)(6) also stated that immediately following the incident Soldiers were placed in numerous positions to fulfill required duties. LTC (b)(3)(b)(6) stated that the entire incident likely only lasted 10-15 seconds from the time the vehicle was fired upon at the trail vehicle of the patrol until it passed the convoy and came to a stop against the fence. Based on this short of a contact not all Soldiers fired. MAJ (b)(6) stated that he agreed and was aware that not all Soldiers had fired.

i. MAJ (b)(6) stated that as a rule outside BIAP local civilians do not approach HMMWVs within 100 meters; however, inside BIAP they know it is okay and they think it is a secure area and the locals are accustomed to driving fast around HMMWVs. LTC (b)(3)(b)(6) stated that he had been to the site and observed the traffic flow for about an hour; he stated there was a stain in the concrete, and there was damage to the road that caused traffic to move to the right. LTC (b)(3)(b)(6) stated that he feels that this is something the driver had been doing everyday due to habit; moving to the right in order to avoid the damaged part and it was just usual driving habits. MAJ (b)(6) and MAJ (b)(6) agreed about the road damage and the driving habits and stated that they and most others do the same thing. LTC (b)(3)(b)(6) continued by stating that the car was coming at the young Soldier standing at the rear of the convoy and that he can only infer that the Soldier realized that this one car was not doing as all others had been by passing to the extreme left and approached directly behind the convoy; at which time the Soldier felt threatened. LTC (b)(3)(b)(6) again restated that he is still conducting his investigation and cannot disclose the results until complete, upon which time he is sure that the report will go to the highest level of American Forces and into some levels of the Iraqi Government.

j. COL (b)(6) arrived to the meeting approximately one hour into the discussion. Upon his arrival LTC (b)(3)(b)(6) thanked him for allowing him to discuss the incident and that his personnel had been very helpful. Upon COL (b)(6) arrival MAJ (b)(6) departed the meeting.

k. COL (b)(6) stated that no U.S. Army personnel came to the scene after the incident, that only personnel in civilian clothes had come (Air Force OSI). COL (b)(6) stated that he was there when the car was searched with Global Securities and the American OSI team along with their (b)(6). COL (b)(6) stated that when he arrived and the other IPs arrived that they were not permitted to do anything until the Air Force team arrived. LTC (b)(3)(b)(6) explained that the U.S. Soldiers were not trying to hide anything; that they were conducting operations as they were trained to cordon the area to secure the evidence. COL (b)(6) then stated that they placed the remaining IPs in an outer perimeter beyond the American perimeter.

l. MAJ (b)(6) and COL (b)(6) conducted a dialogue to explain previously discussed issues. LTC (b)(3)(b)(6) explained the coincidence of traffic flow being funneled to the right by the road damage and how that may have contributed to the incident. COL (b)(6) asked how long the Soldiers had been in Iraq and explained that there had been no incidents on BIAP in three years. He reiterated the civilian vehicles go through a check point with Global Security conducting searches by hand and with dogs, and that

civilians are not allowed to carry weapons. The only personnel authorized to carry weapons are the force protection personnel. COL (b)(6) continued stating that maybe the U.S. patrol did not know this. LTC (b)(3)(b)(6) replied that these Soldiers were not from the BIAP area and were from the East side of the river and not operating in their normal area. LTC (b)(3)(b)(6) stated that perhaps if the Soldiers had known the area better they would have utilized ECP 13 and not utilized BIAP as a cut-through. However, LTC (b)(3)(b)(6) stated again that was only speculation on his part. COL (b)(6) went on to discuss that we are all investigating this incident and want to know the reality of the situation and will leave the findings to the legal personnel. LTC (b)(3)(b)(6) agreed with COL (b)(6) and stated that the report will go up the U.S. Chain of Command and then eventually be shared with the Iraqi Government at some level.

m. LTC (b)(3)(b)(6) then explained that U.S. Soldiers use a standard series of events when they perceive a threat. Many times they use hand motions, lights, and other methods to capture the attention of the drivers. This convoy stopped due to a maintenance problem. LTC (b)(3)(b)(6) believes that the damage in the road caused the civilians to drive to the right (where the convoy was located) thus making the Soldiers very cautious. The Soldier in the back of the convoy and the Soldier in the turret of the trail vehicle were directing traffic to the left hand side of the road, however I was not there. This vehicle continued its route on the right-hand side thus being viewed as a threat to the convoy. The Soldier on the ground stated that he fired one round into the road in front of the oncoming vehicle as a warning shot. LTC (b)(3)(b)(6) stated that he and the IPs all know that the utilization of warning shots does not always work. LTC (b)(3)(b)(6) stated that the Soldier then fired two rounds into the engine compartment of the vehicle, and again stated that the driver may not even notice that rounds impacted their car while driving if they were listening to the radio or in a conversation. LTC (b)(3)(b)(6) then stated that when all the other Soldiers heard the shots being fired, they believed that their fellow Soldiers had perceived a threat and would thus also engage the threat themselves. LTC (b)(3)(b)(6) reiterated the fact that not all Soldiers fired their weapons and that the amount fired was probably reasonable for this length of engagement and these types of weapons; and reassured them this was a military structured engagement and not just reckless firing.

n. MAJ (b)(6) then asked how many rounds were fired. LTC (b)(3)(b)(6) replied that he did not have the exact number now but that they would be published in the report.

o. COL (b)(6) then asked about the procedures utilized when a vehicle breaks down and why they blocked off traffic. LTC (b)(3)(b)(6) then stated that all Soldiers receive training on recovery operations and that he would check into the current policies and procedures for the training requirements for Soldiers coming into Iraq.

p. COL (b)(6) stated we cannot turn the clock back; however, we should learn from our past mistakes, and we have a long future together. COL (b)(6) then asked to mention in the report instruction and guidance for what Americans can do in regards to situations such as this. He said workers at BIAP use the checkpoints, prior to the incident there was a 200m line waiting for inspection, and now the line is only 20m long. The reason is the drivers learned a lesson to not drive their vehicles on BIAP and are now scared, resulting in them riding the bus.

AFYB-G3-ISF
SUBJECT: Iraqi Police Interview

q. LTC (b)(3)(b)(6) stated that this is not an official statement from the U.S. Government; but that as a husband and father he is touched by this situation and will provide an honest, thorough, and fair report.

r. COL (b)(6) stated that the family members of the deceased came to the IP station that morning, and that most were women because most of the males are dead. He said the sadness was very deep, and he never showed them the pictures of the scene.

s. LTC (b)(3)(b)(6) thanked them for their time and insight into the incident. (b)(6) (b)(6) received the IP cell phone numbers for follow up meetings if necessary.

3. POC for this action is the undersigned at SVOIP (b)(2), (b)(6) DSN (b)(2), (b)(6) SIPR email (b)(2), (b)(3), (b)(6) or NIPR email (b)(3), (b)(6) (b)(2).

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

LTC, FA
Investigating Officer

PICTURE LISTING: Investigating Officer under AR 15-6
Investigating Officer: LTC (b)(3)(b)(6)
MND-B ISF Cell Chief, SVOIP (b)(2), (b)(6)

TAB	PICTURE TITLE
TAB A: CAR PHOTOS	
A1	DRIVER'S SIDE AND REAR OF VEHICLE
A2	DRIVER'S SIDE AND REAR OF VEHICLE
A3	PASSENGER SIDE AND REAR OF VEHICLE
A4	VEHICLE ON FIRE 1 OF 7
A5	VEHICLE ON FIRE 2 OF 7
A6	VEHICLE ON FIRE 3 OF 7
A7	VEHICLE ON FIRE 4 OF 7
A8	VEHICLE ON FIRE 5 OF 7
A9	VEHICLE ON FIRE 6 OF 7
A10	VEHICLE ON FIRE 7 OF 7
A11	FIRE BEING EXTINGUISHED
TAB B: ITEMS RECOVERED FROM CAR	
B1	NUMEROUS ITEMS RECOVERED FROM CAR
B2	IRAQI DINAR AND EXPENDED .50 CAL ROUND
B3	IRAQI DINAR
B4	IRAQI DINAR
B5	GOLD BRACELETS
B6	GOLD BRACELETS
B7	.50 CAL ROUND
TAB C: ROUTE IRISH SIGNS	
C1	ENTRY INTO DOD LANE ON ROUTE IRISH
C2	ORIENT WEAPONS TO 0100 O'CLOCK POSITION
C3	SIGN FOR CALL FORWARD AND IDENTIFICATION
C4	VIEW DOWN DOD ENTRY LANE, ECP 13 IN DISTANCE
C5	HMWWV THAT ROLLS BACK TO PERMIT CONVOYS TO CONTINUE INTO BIAP AND ECP 13 TOWER

EXHIBIT 5, AR 15-6, 07 JUL 08, D CO, 2-30 IN, 4-10 MTN



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 1 DRIVER'S SIDE AND REAR OF VEHICLE

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 2 DRIVER'S SIDE AND REAR OF VEHICLE

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 3 PASSENGER'S SIDE AND REAR OF VEHICLE

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 4 PHOTO OF VEHICLE ON FIRE (1 OF 7)

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 5 PHOTO OF VEHICLE ON FIRE (2 OF 7)

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 6 PHOTO OF VEHICLE ON FIRE (3 OF 7)

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 7 PHOTO OF VEHICLE ON FIRE (4 OF 7)

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 8 PHOTO OF VEHICLE ON FIRE (5 OF 7)

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 9 PHOTO OF VEHICLE ON FIRE (6 OF 7)

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 10 PHOTO OF VEHICLE ON FIRE (7 OF 7)

Picture taken on scene on 25JUN08.

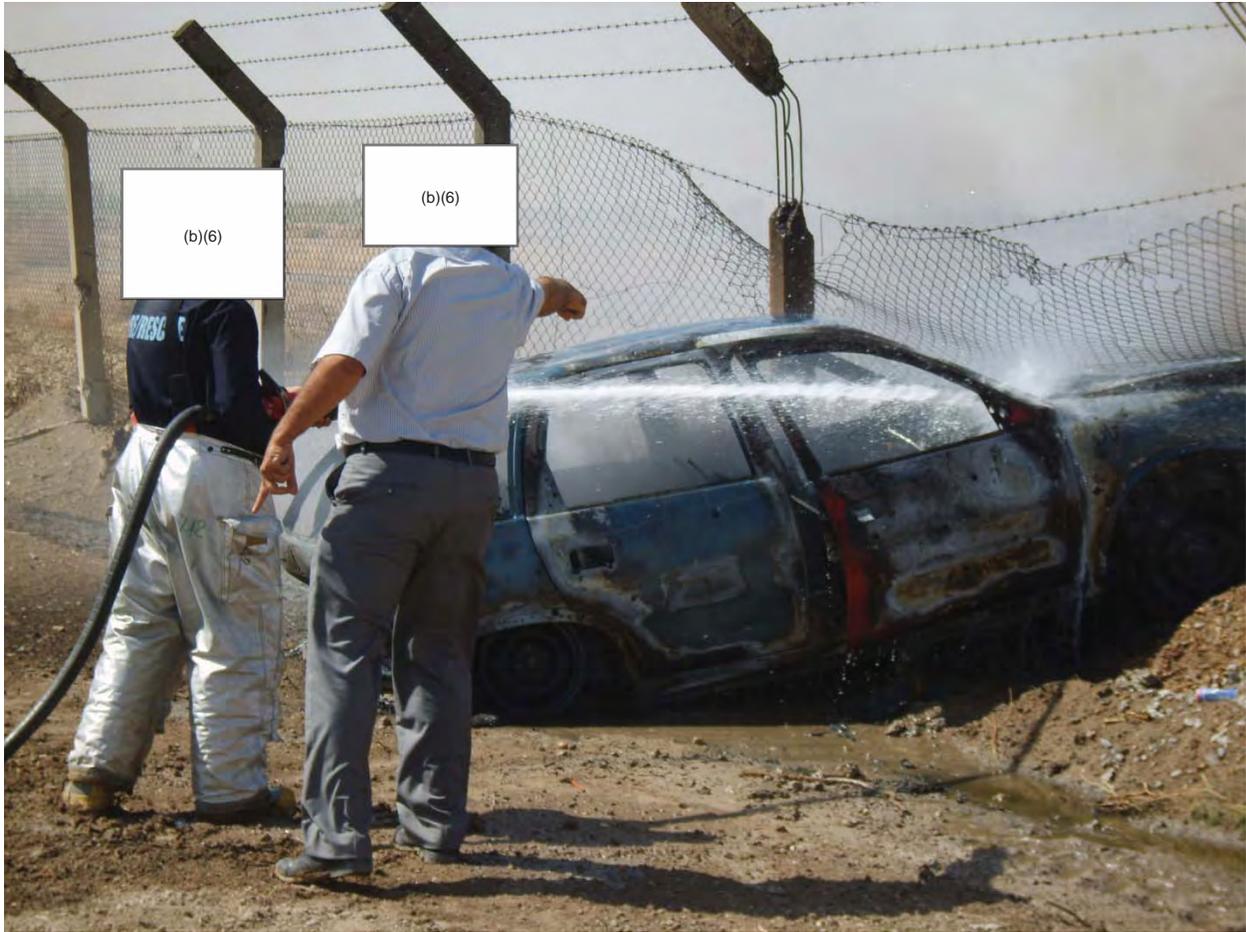


EXHIBIT 5, TAB A (CAR PHOTOS), PICTURE 11 PHOTO OF VEHICLE BEING EXTINGUISHED BY IRAQIS

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 1 NUMBEROUS ITEMS RECOVERD FROM VEHICLE

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 2 IRAQI DINAR AND EXPENDED .50 CALIBER ROUND

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 3 IRAQI DINAR

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 4 IRAQI DINAR

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 5 GOLD BRACELETS

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 6 GOLD BRACELTES

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB B (ITEMS RECOVERED FROM VEHICLE), PICTURE 7 .50 CALIBER ROUND

Picture taken on scene on 25JUN08.



EXHIBIT 5, TAB C (ROUTE IRISH SIGNS), PICTURE 1 ENTRY INTO DOD LANE ON ROUTE IRISH

Picture taken on 26JUN08.



EXHIBIT 5, TAB C (ROUTE IRISH SIGNS), PICTURE 2 ORIENT WEAPONS TO 0100 O'CLOCK POSITION

Picture taken on 26JUN08.



EXHIBIT 5, TAB C (ROUTE IRISH SIGNS), PICTURE 3 ECP 13 SIGN FOR CALL FORWARD AND IDENTIFICATION

Picture taken on 26JUN08.



EXHIBIT 5, TAB C (ROUTE IRISH SIGNS), PICTURE 4 VIEW DOWN ENTRY LANE, ECP 13 TOWER IN DISTANCE

Picture taken on 26JUN08.



EXHIBIT 5, TAB C (ROUTE IRISH SIGNS), PICTURE 5 HMWWV THAT ROLLS BACK TO PERMIT CONVOYS TO CONTINUE INTO BIAP

Picture taken on 26JUN08.

VIDEO LISTING: Investigating Officer under AR 15-6

Investigating Officer: LTC (b)(3), (b)(6)

MND-B ISF Cell Chief, SVOIP (b)(2), (b)(6)

TAB	VIDEOS
A	JLENS FOOTAGE
B	ROUTE IRISH TO SCENE
C	ROUTE IRISH TO AIRPORT ROAD ON BIAP
D	AIRPORT ROAD TO SCENE
E	SCENE AND TRAFFIC FLOW

| EXHIBIT 6, AR 15-6, 7 JUL 08, D CO, 2-30 IN, 4-10 MTN |

REFERENCE LISTING: Investigating Officer under AR 15-6

Investigating Officer: LTC (b)(3), (b)(6)

MND-B ISF Cell Chief, SVOIP (b)(2), (b)(6)

TAB	REFERENCE TITLE
MNC-I GUIDANCE	
A	MNC-I EOF POLICY LETTER 9 JUN08
B	OPORD 08-02-C-16
C	OPORD 08-02-C-16-C (EOF TRAINING) TO OPORD 08-02
D	OPORD 08-02-C-16-D (GREEN LASER LIGHT TRAINING)
E	MNCI EOF Kits 1Aug06
MND-B GUIDANCE	
F	FRAGO_501 (EOF) PROCEDURE CHANGES
G	Annex M (Force Protection) to MND-B OPORD 08-02
H	EOF Refresher Training
I	M-1-C MND-B FP (Uniform and Arming Posture)
J	MOD_31_TO_APP_8(ENDURING GUIDANCE)_TO_ANNEX_C(OPS)_TO_MND_B_OPORD_08-01
K	How We Fight Memo from MG Hammond 10 NOV 07
4-10 MTN GUIDANCE	
L	FRAGO_003_14FEB08
2-30 IN BN GUIDANCE	
M	FRAGO 058
N	FRAGO 159
O	APPENDIX 5 - (LOAC AND ROE REFRESHER TRAINING POI)
BDOC GUIDANCE	
P	Uniform FRAGO for BIAP
Other Guidance	
Q	Imagery Showing Arrisoula Range and Scene
EXHIBIT 7, AR 15-6, 07 JUL 08, D CO, 2-30 IN, 4-10 MTN	

~~SECRET~~



REPLY TO
ATTENTION OF

**HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342**

(b)(1)1.4(a)

~~SECRET~~

(b)(1)1.4a, (b)(3), (b)(6), (b)(2)

HEADQUARTERS MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
10 MAY 08

Appendix 16 (Escalation of Force) to Annex C (Operations) to MNC-I OPORD 08-02 (U)
ESCALATION OF FORCE

1. (U) **PURPOSE.** This appendix serves as a consolidated statement of policy and guidance to MSCs for Escalation of Force.
2. (U) **REFERENCES**
 - a. MNC-I OPORD 08-02, ANNEX C, APPENDIX 11 (ROE).
 - b. (U) MNC-I FRAGO 268 [14 MAR 06 DTU] TASK 6 (ESCALATION OF FORCE (EOF) SIGN KITS FOR CHECK POINT OPERATIONS).
 - c. (U) MNC-I FRAGO 280 [31 JUL 06] (MNC-I POLICY AND GUIDANCE REGARDING ESCALATION OF FORCE (EOF)).
3. (U) **GENERAL**
 - a. (U//~~FOUO~~) All Leaders and Soldiers must clearly understand the severe consequences and resulting negative perception of Coalition Forces (CF) that are created by every EOF event. Each and every EOF event creates potential enemies and future insurgents if we utilize unrestrained or disproportionate force in the conduct of operations. CF leaders at all levels must understand and apply the EOF procedures identified in this SOP IOT minimize lethal force engagements of friendly force personnel and Iraqi citizens. This SOP does not imply that CF personnel should ever be deprived of their right to defend themselves or utilize every available advantage that ensures their survival and accomplishment of the mission.
 - b. (U//~~FOUO~~) Point of contact for this SOP is MNC-I, OSJA, Chief, Current Operations
DSN: (b)(2), (b)(6); email (b)(2)
4. (U) **ALL MSC'S AND SEPARATES**
 - a. (U//~~FOUO~~) Review and comply with MNC-I Commanding General Policy Letter, May '08 (Tab A).
 - b. (U//~~FOUO~~) Comply with MNC-I EOF training package (Tab B). Review local EOF guidance and policy and conduct refresher training for all Coalition Forces on a quarterly basis.

- c. (U//~~FOUO~~) Ensure vehicles are properly marked IAW MNC-I Vehicle Marking Standards (Tab C). Identify and report shortages of vehicle marking equipment/material through supply and logistics channels to C4.
- d. (U//~~FOUO~~) Comply with MNC-I green light laser training and safety guidance (Tab D).
- e. (U//~~FOUO~~) Report any EOF incident as a SIGACT. EOF SIGACTS will contain the following information:

(1) (~~S//REL~~) [redacted] (b)(1)1.4a
[redacted] (b)(1)1.4a

(2) (~~S//REL~~) [redacted] (b)(1)1.4a
[redacted] (b)(1)1.4a

(3) (~~S//REL~~) [redacted] (b)(1)1.4a .

(4) (~~S//REL~~) [redacted] (b)(1)1.4a
[redacted] (b)(1)1.4a

(5) (~~S//REL~~) [redacted] (b)(1)1.4a
[redacted] (b)(1)1.4a

(6) (~~S//REL~~) [redacted] (b)(1)1.4a
[redacted] (b)(1)1.4a

5. (U) EOF PROCESS

- a. (U//~~FOUO~~) Escalation of Force procedures are a set of best practices proven effective in assisting Soldiers to first, properly assess a potential threat as hostile or benign, and second to eliminate the threat if hostile. Soldiers should attempt to follow the procedures in the order listed below, but must also be able to modify the procedures as the situation dictates. Training aids and graphic representations of this process can be found in Tab B.
- b. (U//~~FOUO~~) Step One: Evaluation. EOF procedures begin with an initial evaluation based on visual inspection of a potential threat. This step occurs naturally as part of the Soldiers' constant attempt to maintain battlefield awareness and "zero-in" on abnormalities or suspicious activity. Specifically during this phase, the Soldier should seek to identify characteristics that appropriate intelligence reports have emphasized as suggesting hostile intent. Such factors might include the number of personnel, age, gender, time of day, and type of vehicle.

- c. (U//~~FOUO~~) Step Two: Threat Assessment. If suspicion of hostile intent persists beyond the initial evaluation, Soldiers should employ non-lethal measures to further assess the potential threat. While using these measures is encouraged, Soldiers must be careful to allow sufficient time and space to react with lethal force in self-defense if hostile intent becomes clear. Non-lethal measures include the following:
- (1) (U//~~FOUO~~) Visual Signals. Visual signals are used to gain the attention of the suspected vehicle or person. These visual signals include, but are not limited to, hand and arm signals, signal flags, laser pointers and dazzlers, hand held and vehicle mounted spotlights, and flares.
 - (2) (U//~~FOUO~~) Audible Signals. These audio signals include, but are not limited to, the vehicle's horn, vehicle mounted sirens, and bull horns or vehicle mounted PA systems.
- d. (U//~~FOUO~~) Step Three: Lethal Force. Lethal force is defined as the discharge of a weapon for any purpose, to include warning, disabling, or killing. Soldiers employing lethal force as part of EOF should do so as a last resort. Nevertheless, there will be circumstances where the use of lethal force prior to any non-lethal measures is appropriate for self-defense purposes. Lethal force consists of three types of shots:
- (1) (U//~~FOUO~~) The first type of shot is the "warning shot." Warning shots serve a narrow function and should only be used against a safe backdrop. When facing a mounted threat, warning shots are often ineffective due to the driver's preoccupation, confusion, or simple inability to hear or see the round impact. As an alternative, Soldiers should wait until confirming hostile intent and utilize a disabling shot as described below. If fired, however, warning shots should be aimed to the side of a vehicle, or in the direction that is away from civilian personnel or vehicles. It is not recommended to fire in front of a vehicle, since the round can ricochet and hit a person in the vehicle. When possible, units should fire warning shots using a non-crew served weapon (i.e. M4, M16). If possible, the round should be a tracer during the day or night to increase the likelihood that the intended person will see the warning shot.
 - (a) (U//~~FOUO~~) When possible, units should utilize non-lethal munitions and tools during EOF incidents. Effective practices include the use of 40MM TPT and sponge rounds or other non-lethal munitions for the M203, and flash-bang devices previously approved for use in the ITO.
 - (b) (U//~~FOUO~~) Ensure that units using the green light laser and 40MM non-lethal ammunition for the M203 have conducted training IAW guidance published in Tabs B and E.
 - (2) (U//~~FOUO~~) The second type of shot is the "disabling shot". The disabling shot is meant for vehicles only, and should not be used against personnel on foot. This shot should be fired either at the tires or into the front grill of an oncoming vehicle.

(3) (U//~~FOUO~~) The third type of shot is the “kill” shot. This course of action is to be taken after positively identifying hostile intent and only when all other means of elimination have been exhausted or are impractical due to time and space limitations.

e. (U//~~FOUO~~) All MNC-I forces continue to have the authority to engage forces that commit hostile acts or display hostile intent against Coalition Forces, IAW current ROE. Positive identification (PID) of targets is required prior to engagement. PID is defined as a reasonable certainty that the object of attack is a legitimate military target in accordance with the ROE.

6. (U) EOF INVESTIGATIONS

a. (U//~~FOUO~~) Investigate all EOF incidents that involve serious injury, death or damage to property over \$10,000. The MSC Commander will determine the level and type of investigation (formal or informal 15-6) IAW service or national regulations. All final investigations of EOF incidents must be forwarded to Commander, MNC-I with information copies to MNC-I SJA and MNC-I AT/FP.

b. (U//~~FOUO~~) EOF incidents not involving serious injury, death or where property damage is less than \$10,000 should still be investigated. Commanders will, at a minimum, conduct a Commander’s Inquiry on all EOF incidents. Commanders at all levels have an interest in learning how these incidents occur and what remedial actions, if any, are necessary for preventing future EOF incidents. When requested, send reports of investigations on CENTRIXS to: (b)(2)
SIPR: (b)(2)

7. (U) CERP FUNDING

a. (U//~~FOUO~~) CERP criteria are those provided in USD(C) Memorandum “Commanders’ Emergency Response Program Guidance” 09 May 07 and DOD FMR, Volume 12, Chapter 27, “Commanders’ Emergency Response Program” (November 2007).

b. (U//~~FOUO~~) Battle damage as a result of Coalition operations may be covered under the Foreign Claims Act (FCA) depending on the circumstances or severity of the event. Even though the FCA is a lengthy process, it should be considered by commanders as the first recourse to victims affected. CERP payments are only available if it is not compensable under the FCA.

c. (U//~~FOUO~~) Commanders are reminded that although condolence payments may be authorized under the CERP Program, there is no requirement to pay an individual should they incur damages from coalition operations. Condolence payments are paid to express sympathy and to provide urgently needed humanitarian relief to individual Iraqis and the Iraqi people in general. Condolence payments are not an admission of fault by the US Government. It is not an acknowledgement of any moral or legal responsibility for someone’s death, injury, or damaged property.

- d. (U//~~FOUO~~) Battle damage and condolence payments for ISF caused damage in unusual circumstances may be approved on a case by case basis by the MSC CG. This authority cannot be delegated.

8. (U) TABS

- A. (U) MNC-I Policy Letter, May '08 – Employing Escalation of Force (EOF) TTPs.
- B. (U) MNC-I Vehicle Marking Standards for Fratricide Prevention.
- C. (U) MNC-I Escalation of Force (EOF) Training.
- D. (U) Control Measures and TTP Training for Green Light Laser Systems.



MNC-I ESCALATION OF FORCE (EOF) TRAINING

Updated 10 May 2008



- **MNC-I Commander's Intent**
- **Problem Statement**
- **EOF Mechanics**
- **Definitions:** Defensive Action, EOF Incidents, Friendly Fire Incidents
- **Investigation Requirements**
- **Graphical Aids:** Convoy Ops, CP & Blocking Position, Administrative Process & Claims Card
- **Scenarios:** Convoy Operations & Dismounted Patrols



Commanding General of Multi-National Corps – Iraq’s INTENT on EOF

COMMANDER’S INTENT:

PURPOSE: To improve leaders’ and Soldiers’ awareness dealing with EOF training, planning, preparation and execution to prevent unnecessary deaths of Coalition Soldiers and the citizens of Iraq.

KEY TASKS:

- 1. Leaders and Soldiers at every level must understand EOF procedures – before, during, and after an EOF event; to include the possible Strategic Impacts of EOF incidents on Local Nationals’ negative perceptions.**
- 2. Leaders and Soldiers must continuously train and rehearse EOF procedures – but never limit a Soldiers inherent right to self defense.**
- 3. All Soldiers must understand EOF in order to prevent hesitation or second guessing of their decisions.**
- 4. Leaders must plan and prepare before operations – units must be resourced with the correct equipment to reduce unnecessary EOF incidents resulting in the use of “lethal force”.**

ENDSTATE: MNC-I Soldiers and leaders at all levels understand and apply EOF procedures IOT prevent unnecessary deadly force engagements and continue to build and reinforce a positive image of Coalition Forces with the citizens of Iraq.



Problem Statement

- An approaching vehicle or person's hostile intent is often difficult to determine, especially in an urban environment
- Making the incorrect choice by engaging innocent personnel can have detrimental strategic effect
- As Coalition Forces (CF) achieve greater trust from the Iraqi population, critical thinking and familiarity with local conditions are required in lieu of rigid stand off distances and strict defensive posturing
- EOF procedures must be synchronized with education of the local population to ensure their understanding of CF actions

EOF Mechanics



- Purpose of EOF:
 - *EOF is the Soldier's tool for threat assessment – to help determine if a potential threat is hostile or non-hostile. The objective of EOF procedures is not to “escalate force” as a means of dissuading an approaching threat, but rather to provide a menu of options for first evaluating threats and then eliminating those that reveal themselves as hostile. Where time and space permits, Soldiers should seek to employ the least invasive EOF measures first.*
- S-4 Framework: Shout, Show (your weapon), Shove, Shoot.
 - “Shout” implies getting the potential threat’s attention and may be shining a laser, sounding a siren, or other method.
 - “Shove” involves physical manipulation and may be accounted for with concrete barriers or defensive positioning.
 - “Shoot” involves warning, disabling, and kill shots. Warning shots are often ineffective against mounted threats and should be used sparingly if ever.
- A Two-Step Process:
 1. Use non-lethal measures to assess , and...
 2. If hostile, immediately employ lethal force to eliminate the threat.
- Emphasize and adhere to local intel when forming TTPs – each AO will potentially be different.



Definition for “Defensive Action”

- Defensive Action:

EOF procedures initiated but the threat terminates with successful employment of non-lethal means (hand/arm signals, colored flags, spotlights, pyrotechnics or any other available resource)



Definition for “Escalation of Force” Incident

- EOF Incident:

Any direct action that results in weapons discharge where the purpose or intent of the weapons discharge was to warn, or in self defense of an individual or unit. However, if the result of the weapon discharge causes personal injury or damage to equipment of CF, whether intended or not, it becomes a Friendly Fire Incident.



Definition for “Friendly Fire Incident”

- Fratricide (AKA Friendly Fire Incident):

Employment of lethal force during military action by friendly forces actively engaged with the enemy and directing fire at what is thought to be a hostile force that mistakenly or accidentally results in friendly persons killed or wounded or friendly equipment damaged.

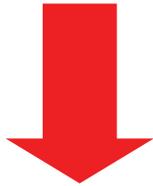
Includes Blue-on-Blue, Blue-on-Green, or Green-on-Blue incidents.



Investigations

If either:

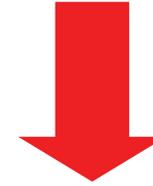
- 1) Death
- 2) Serious Injury (injury requiring medical evacuation) OR
- 3) Property damage > \$10,000



Must conduct AR 15-6 Investigation

If either:

- 1) Only minor injury (no medical evac required)
OR
- 2) Property damage < \$10,000



Still conduct inquiry, but may be either:

- 1) 15-6
- 2) Formal (written) CDR's Inquiry (preferred)
OR
- 3) Informal CDR's Inquiry

Page 225 redacted for the following reason:

(b)(1)1.4a

Checkpoint/ Blocking Position w/ EOF Procedures

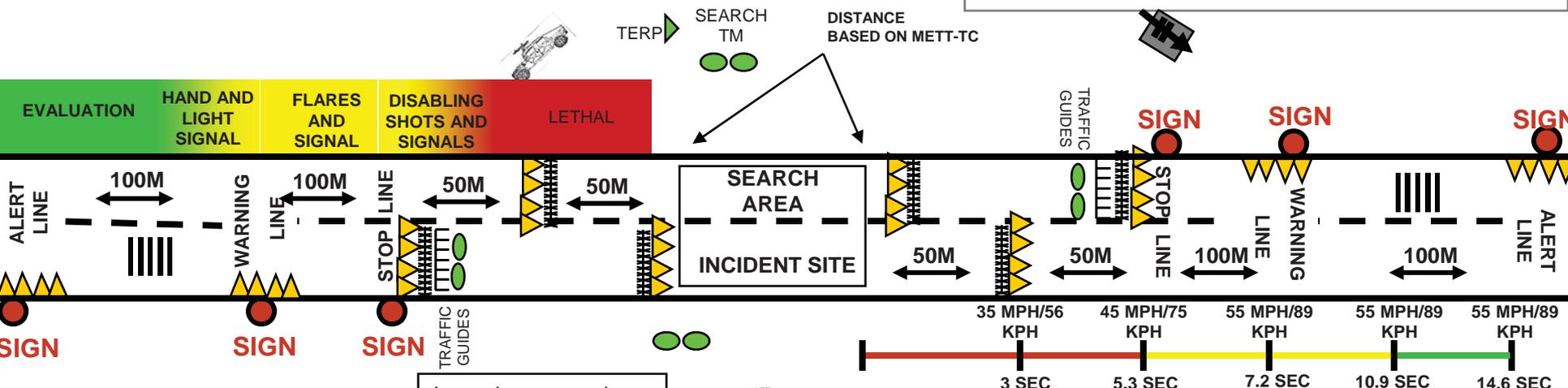
TRAINING

- Marksmanship
- Safety
- ROE/EOF Procedures
- Situational Training Exercises
- Battle Drills (SVCP, CP, Convoy)

EOF EQUIPMENT

- Sandwich Board Signs
- Laser pointers (individual)
- Laser dazzler (crew served)
- Lights (spot light; lasers)
- Speaker system; siren
- Translation device
- Portable spike strips
- Portable speed bumps
- Traffic cones w/ flares

(b)(1)1.4 (a)



LEGEND:

- = C-WIRE
- = SPEED BUMPS
- = FLARE CONES
- = IA / CF SOLDIERS
- = IA VEHICLE
- = SPIKE STRIP

Large Laser; used starting from the Alert Line (300m) to the Stop Line (100m)

PHA
C2
Platform

Patrol Leader makes final tactical decision on positioning of key weapons/vehicles, based on METT-TC

LETHAL DISABLING SHOTS AND SIGNALS FLARES AND SIGNAL HAND AND LIGHT SIGNAL EVALUATION

NOTE: ESCALATION OF FORCE FLOW IS ILLUSTRATIVE AND ASSUMES THAT FORCES MANNING THE CHECKPOINT FEEL THAT THE APPROACHING VEHICLE IS CONTINUING TO PRESENT A THREAT. IF A VEHICLE DEMONSTRATES COMPLIANCE, OR IS EVALUATED AS NON-THREATENING THEN THE ESCALATION OF FORCE FLOW WOULD CEASE.

TRAINING

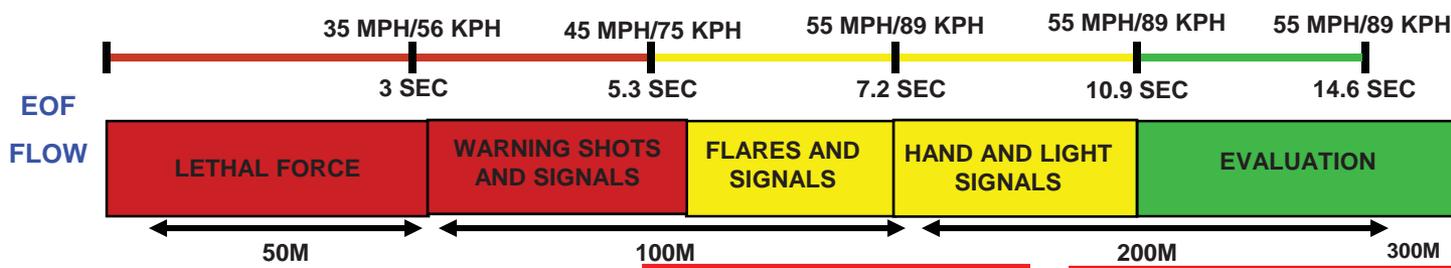
- Marksmanship
- Safety
- ROE/EOF Procedures
- Situational Training Exercises
- Battle Drills (SVCP, CP, Convoy)

EQUIPMENT

- Spike strips
- Laser pointers
- Flares (regular; pen)
- Lights (spot light; flashing; siren)
- Signs
- Traffic cones
- Weapons
- Bullhorn (or speaker system)
- Colored Flags (green, yellow, red)

MISSION PREPARATION

- Backbriefs
- Rehearsals
- Periodic scenario-based decision exercises



PROCEDURES DURING AN EOF

MNC-1 Cdr's Intent: construct position or resource convoy IOT provide alternatives to the lethal force decision for our Soldiers or Marines.

- Use audible warnings to warn (horn, air horn, loudspeaker, flash/bang device, siren)
- Use visual aids (lights, laser pointers, flares, colored flags, signs)
- Show weapon & demonstrate intent to use it
- Attempt non-lethal means (stop strips, physical barrier, vehicle, visual/audio signal, signs)
- Fire warning shots (in vic of threat)
- Utilize disabling fire (tires, engine block, windows)
- Utilize deadly force (proportional)

INCIDENT OCCURS RESULTING IN DISCHARGE OF WEAPON

- Determine if death, injury or property damage has occurred
- Secure the site
- Render first aid
- Request civilian ambulance or conduct MEDEVAC

CONDOLENCE \$\$

Take information for claim submission

OR

Issue claim form on scene

CLAIMANT PRESENTS FORM AT FOB OR IRAQI ASSISTANCE CENTER

OR

UNIT SUBMITS CLAIM

CLAIM IS PROCESSED AND APPROVED

CASH PAYMENT IS DISBURSED TO CLAIMANT

AND

LEADERS REPORT 5Ws TO HQs IAW CONTACT SOP

HQs: NOTIFY LOCAL PJCC AND COORD. FOR IPs

HQs: NOTIFY / TASK CMO/CA/SJA FOR APPROPRIATE ACTION

FOLLOW UP REPORT TO HQs

- WHO: NUMBER OF CASUALTIES (CIVILIAN AND MILITARY); AGE AND GENDER; OTHER UNITS INVOLVED
- WHAT: EOF PROCEDURES TAKEN; APPROXIMATE DISTANCES; ACTIONS / REACTIONS OF THE SUBJECTS TO EOF PROCEDURES; TYPE OF OPERATION BEING CONDUCTED (STATIC/MOVING)
- WHEN / WHERE: DTG / MGRS
- ADDITIONAL INFO:
 - VEHICLE/PERSONNEL SEARCH RESULTS
 - INTEL INITIAL ASSESSMENT: KNOWN THREATS
 - TACTICAL QUESTIONING: DO CITIZENS UNDERSTAND THE POLICIES?
 - WHAT TYPE OF INVESTIGATION – IS IT INITIATED?
- SUBMIT SITREP / SPOTREP TO HIGHER HQ (SIGACT)

قوة مهام بغداد رخصة المطالبة بالتعويض



يحق لك المطالبة بالتعويض عن الأضرار المادية
الأصلية - فقدان الحياة عن القوات الأمريكية إذا
كنت متضمنة بذلك. لملأ استمارة التعويض يجب
عليك الحصول وثائق هوية الإحراق المدنية و شهادة
التسليم و محضر شرطة وكذلك محضر الشهود
وتلحق هذه الوثائق لإقرار مركز تعويضك يجب
أن تكون الوثائق رسمية وصورة أصلية. طلب
أن تلتزم بالضرورة بكون محضرها بالفرنسية.

IRAQI CLAIMS POCKET CARD



The US Military may pay claims to Iraqi civilians
for property damage, injury and death caused
by US Forces.

If your unit is involved in an incident resulting
in damage to property of an Iraqi civilian, or
the death or injury of an Iraqi civilian:

1. Fill out the required information below.
2. Give this card to the Iraqi civilian, or other appropriate person in the case of death.
3. Direct claimant to the nearest Government Information Center or the Iraqi Assistance Center. Do not promise them anything.
4. Upon return to your POB, complete SF 94. Describe the incident completely and forward it to your nearest legal office, and to MHC-I Client Services. NOTE: This information is NOT an admission of liability by the service member involved and will be used only to substantiate a claim against the US Military.

UNIT _____

DATE _____

LOCATION _____

TYPE OF INCIDENT _____



Convoy Scenario

- You are the trail vehicle commander in a small convoy proceeding through a heavily populated area that local intel suggests is largely supportive of the CF mission. Although occasional small arms and IED attacks occur in your AO, there has not been an SVBIED attack there in over a year. A small sedan with at least two personnel is speeding at you from the rear and has not responded to sirens or laser dazzlers. What are your actions?



Convoy Scenario Solution

- Based on your unit's current threat assessment regarding SVBIEDs, you should start with the assumption that the approaching vehicle is not hostile. The presence of a passenger also contributes to this assumption. Iraqi drivers routinely ignore traffic laws and can appear to drive erratically even though perfectly innocent.
- Recognize that, unless otherwise directed by your commander, Coalition Forces should be attempting to share the road with local drivers as the mission allows -- as opposed to forcing these drivers off the road. Their proximity to CF vehicles demonstrates comfort and trust, which ultimately leads to greater support against hostiles. Consider signaling to your convoy to move to the side and allow the speeding vehicle to pass.
- However, given the non-response to a signal or laser, you must stay alert. If the vehicle's speed increases extraordinarily, consider firing a non-lethal munition such as a pen-flare or paintball round to the body of the vehicle, attempting to avoid the windshield.
- If driving behavior persists or intensifies beyond this point, this would likely indicate hostile intent. You should immediately employ a disabling or kill shot to eliminate the threat.



Dismounted Patrol Scenario Solution

- You are currently part of a dismounted patrol in a busy market area during a religious holiday with the mission to provide security and screening for people entering the area. There have recently been several SVEST (Suicide Vest) attacks in this area, some even being detonated by females. To facilitate your mission, the market has been largely walled-off and allows entry only at selected points, arranged by staggered concrete barriers. The weather is cool, but not unpleasant. A female with a bulky coat approaches your screening team and refuses to take her coat off at your demands. She is currently 20 meters away navigating the barriers, walking alone, and begins to pick up her pace despite your commands to halt.



Dismounted Patrol Solution

- The fixed nature of this ECP potentially allows for easier determination of hostile intent. A critical component in these situations is clear signs, markings, and education campaigns that advise the locals on how to comply with force protection measures in a given situation.
- The woman's bulky coat in mild weather should immediately raise concerns. Assuming that guidance is clearly posted requiring the temporary shedding of excess outer garments while moving through the ECP, her refusal to do so raises reasonable suspicion of hostile intent.
- The woman's further refusals to stop after being commanded by armed personnel is also troublesome – although not conclusive due to the possibility of her being partially disabled and unable to hear or understand. Her facial expressions and interaction with others around her are critical to determining her abilities.
- Where further observation suggests that she can understand, further EOF TTPs must be employed. The typical blast radius of a person-borne IED (PBIED) is approximately 15-20 meters and she is currently at that threshold.
- As she quickens her pace after repeated commands to halt, hostile intent becomes more certain. A rubber or foam munition, if available, should be fired to disable the threat. If a safe backdrop exists nearby, a warning shot may also be appropriate.
- If the woman is intent on doing harm, her pace would likely turn into a run following your non-lethal actions. If so, you should immediately fire a kill shot and take cover.



UNCLASSIFIED//~~FOUO~~



Control Measures and TTP Training for Green Light Laser Systems

Overall Classification of This Document is:

~~SECRET//REL TO USA AND MCFI~~

UNCLASSIFIED//~~FOUO~~



Small Laser



UNCLASSIFIED//~~FOUO~~



Z-Bolt BTG-2/10 (Laser Pointer)



- Quantity purchased by REF: 2000
- Output Power: <5 mW (Class IIIa laser)
- Eye Safe Distance: 10m
- CHPPM study: Not conducted
- ATEC Safety Testing waived
- Legal Review: Eye safe laser not capable of inflicting long term damage; legal review not required.
- Not capable of bore sighting to weapon



Large Lasers



UNCLASSIFIED//~~FOUO~~



XADS PD/G-105



- **Quantity purchased by REF: 1**
- **Output Power: 105 mW (Class IIIb laser)**
- **Eye Safe Distance: 28m (unaided viewing) / 186m (w/magnifying optics)**
- **CHPPM Report: Complete in Aug 05**
(safe if operators are informed of hazards and follow appropriate precautions)
- **ATEC Safety Confirmation and Capabilities and Limitations Report: Complete in Dec 05**
(not capable of bore sighting to weapon)
- **Favorable Legal Review: Complete in Jan 06**
(no Law of War or other treaty impediments in the deployment and employment of this weapon system)



UNCLASSIFIED//~~FOUO~~



B.E. Meyers GBD-III



- Quantity purchased by REF: 3
- Output Power: 250 mW (Class IIIb laser)
- Eye Safe Distance: 10m (unaided viewing) / 69m (w/magnifying optics)
- CHPPM Report: Complete in Dec 05 ** MUST BE USED WITH THE DIFFUSER **
(safe if operators are informed of hazards and follow appropriate precautions)
- ATEC Safety Confirmation and Capabilities and Limitations Report: Complete in Mar 06
(capable of bore sighting to weapon)
- Favorable Legal Review: Complete in Feb 06
(no Law of War or other treaty impediments in the deployment and employment of this weapon system)

UNCLASSIFIED//~~FOUO~~



UNCLASSIFIED//~~FOUO~~



B.E. Meyers Mini-Green



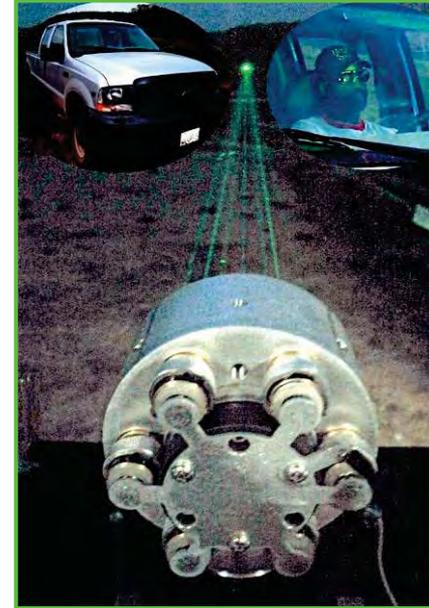
- Quantity purchased by REF: 2
- Output Power: 125 mW (Class IIIb laser)
- Eye Safe Distance: 18m (unaided viewing) / 120m (w/magnifying optics)
- CHPPM Report: Complete in Apr 06
(safe if operators are informed of hazards and follow appropriate precautions)
- ATEC Safety Confirmation Report: Complete in Apr 06
(capable of bore sighting to weapon)
- Favorable Legal Review: Complete in Apr 06
(no Law of War or other treaty impediments in the deployment and employment of this weapon system)



UNCLASSIFIED//~~FOUO~~



Helios



- Quantity purchased by REF: 6
- Output Power: 7 x 70 mW (Class IIIb lasers)
- Eye Safe Distance: 10m (unaided viewing) / 65m (w/magnifying optics)
- CHPPM Report: Complete in Dec 05
(safe if operators are informed of hazards and follow appropriate precautions)
- ATEC Safety Confirmation and Capabilities and Limitations Report: Complete in Dec 05
(not capable of bore sighting to weapon)
- Favorable Legal Review: Complete in Jan 06
(no Law of War or other treaty impediments in the deployment and employment of this weapon system)



Ghost



- Quantity purchased by REF: not yet deployed to OIF (ESD: 15 Jun 06)
- Output Power: 4 x 75 mW (Class IIIb laser)
- Eye Safe Distance: 8m (unaided viewing) / 56m (w/magnifying optics)
- CHPPM Report: Complete in Apr 06
(safe if operators are informed of hazards and follow appropriate precautions)
- ATEC Safety Confirmation and Capabilities and Limitations Report: PENDING
(not capable of bore sighting to weapon)
- Favorable Legal Review: Complete in Apr 06
(no Law of War or other treaty impediments in the deployment and employment of this weapon system)



UNCLASSIFIED//~~FOUO~~//



THE FOLLOWING TTPS ARE ONLY GENERAL GUIDANCE. IN ORDER TO PREVENT MISUSE OF THE SYSTEMS, RECOMMEND THAT MAXIMUM EXPOSURE TIMES BE CALCULATED FOR THE DEVICE AT THE INTENDED RANGES AND BRIEFED TO THE OPERATORS. COMMANDERS MUST ENSURE SOLDIERS ARE AWARE OF THE WARNINGS AND HAZARDS FOR EACH TYPE OF LASER EMPLOYED.

UNCLASSIFIED//~~FOUO~~//



Green Light Laser Control Measures

- Recommend employment of laser systems as an EOF tool when:
 - Lethal Force is not appropriate
 - Lethal Force is justified and available for back-up but lesser force may subdue the aggressor
 - Lethal Force is justified but could cause collateral effects such as injury to bystanders or damage to property/environment
 - Or otherwise justified by Unit SOP and/or Rules of Engagement
- Users should never attempt to blind an individual with a laser. Lasers can only be used to gain a suspect individual's or group's attention and/or as a visible alert and warning that the individual is being targeted.



UNCLASSIFIED//~~FOUO~~



Green Light Laser Control Measures

- This laser is a non-lethal weapon; keep the laser on safe (batteries removed/safe cable disconnected) when not in use and never intentionally point the laser at anyone except an aggressor.
- Never point the laser in anyone's face for longer than 5 seconds.
- Include proper laser use and safety precautions when briefing the ROE and EOF procedures during patrol and convoy briefs.
- Units include in their Safety SOPs information on laser hazards and provide control measures to mitigate those hazards.
- Ensure laser operators are trained on proper use and are familiar with the hazards, and control measures to mitigate them, as listed in the operator's manual. Ensure Soldiers utilize proper eye protection during use.
- Preferred method of use is mounted on the individual or crew served weapon.
 - Primary use is for EOF purposes
 - Secondary use for TC's/patrol leaders to identify AIF targets, IEDs or designate sectors of fire



Small Laser TTPs

General

- Never shine the laser at someone's face if they are closer than 50 meters.
- Never point the laser in anyone's face for longer than 5 seconds to get their attention. Once you have their attention, place the beam on their chest if still needed.

(b)(1)1.4 (a)



Small Laser TTPs

Patrols/Convoys

- When approaching vehicles head on, shine the laser to the center of the hood or windshield of the vehicle starting at (b)(1)1.4 (a) out to get the attention of vehicles at 5 second intervals until the vehicle acknowledges your presence by pulling over to the side of the road.
- When approaching vehicles from the rear shine the laser at 5 second intervals at the back window or in the rear view mirror to get the attention of the vehicle or until the vehicle acknowledges your presence by pulling over to the side of the road.



Large Laser TTPs

General

- Never shine the laser at someone's face if they are closer than 50 meters.
- Never point the laser in anyone's face for longer than 5 seconds to get their attention. Once you have their attention, place the beam on their chest if still needed.

(b)(1)1.4 (a)



Large Laser TTPs

Patrols/Convoys

- When approaching vehicles head on, shine the laser to the center of the hood or windshield of the vehicle starting at (b)(1)1.4 (a) out to get the attention of vehicles at 5 second intervals until the vehicle acknowledges your presence by pulling over to the side of the road.
- When approaching vehicles from the rear, shine the laser at 5 second intervals at the back window or in the rear view mirror to get the attention of the vehicle at until the vehicle acknowledges your presence by pulling over to the side of the road.

Page 249 redacted for the following reason:

(b)(1)1.4a

MNC-I EOF CONVOY AND CP KITS**CONVOY EOF KIT**

QUANTITY PER 3 CONVOY PROTECTION PLATFORMS

QTY PER 3 CPP's	NOMENCLATURE	NSN OR COMMERCIAL	DESCRIPTION	
2	SIREN/SPEAKER SYSTEM, VEHICLE MOUNTED Cost: \$250 ea.	GALLS www.galls.com	Vehicle mounted, vehicle powered. Siren device has loud horn and other siren tones that alert the intended subject. Speaker device employs a hand mic and allows a verbal message to be broadcast from inside the vehicle.	
1	GREEN LASER, LARGE BEAM, CREW SERVED WEAPON MOUNTED Cost: \$2,800 ea.	B.E. MEYERS MINI GREEN www.bemeyers.com	Powerful, Long Range green laser with a large beam used to dazzle and visually warn the intended subject. Mounted on crew-served weapon. Remote wire allows operator to maintain weapon ready posture with firing hand on trigger. Includes weapon mount.	
4	GREEN LASER, INDIVIDUAL WEAPON MOUNTED Cost: \$80 ea.	Z-BOLT HAND HELD GREEN LASER POINTER (BTG-10); www.z-bolt.com BEAM OF LIGHT TECHNOLOGIES, INC.	Bright green laser used to dazzle and visually warn the intended subject. Mounted on individual weapon. Remote wire allows operator to maintain weapon ready posture with firing hand on trigger. Includes mount and remote wire.	

QTY PER 3 CPP's	NOMENCLATURE	NSN OR COMMERCIAL	DESCRIPTION	
2	HIGH POWERED SPOTLIGHT, VEHICLE MOUNTED Cost: \$128 ea.	MAGNA-LITE HML-5M www.magnalite.com	High Power spotlight vehicle mounted, 24V system is vehicle powered, controlled by gunner, used to grab a subject's attention	
4	HIGH POWERED FLASHLIGHT, INDIVIDUAL WEAPON MOUNTED Cost: \$300 ea.	SUREFIRE SCOUT LIGHT www.surefire.com	Weapon mounted, high powered, durable flashlight with remote on/off switch. Used to grab a subject's attention.	
3	BOXES OF CHEMLITES	AVAILABLE THRU SUPPLY CHANNELS		
2	WARNING SIGNS, VEHICLE MOUNTED	AVAILABLE THRU LOCAL CONTRACTORS		SEE SLIDE 3 OF THIS ATTACH. FOR EXAMPLES
12 (4 PER VEHICLE)	GTA EOF CARDS		GTA card will provide instruction on EOF TTPs and proper employment of the tools in the kit	SEE ATT. A OF THIS FRAGO FOR EXAMPLES
6	TRAFFIC CONES WITH POWER FLARES Cost: \$50 per cone/flare	www.trafficsafetystore.com www.powerflare.com	Traffic Cones with Power Flares underneath to visibly block a lane/direct traffic	

VEHICLE WARNING SIGN DESIGN FOR CONVOY VEHICLES (FOR DISPLAY IN IRAQ)

**SIGN
SIZE**
4' x 3'

OCTAGONS
~8" TALL



PRIMARY
LANGUAGE
(TOP 2 LINES - RED
MIDDLE LINE - GREEN)
~8" TALL



SECONDARY
LANGUAGE
(BOTTOM
2 LINES - BLACK)
~4" TALL



TCP EOF KIT

TCP KIT AUGMENTS CONVOY KIT; 1 KIT PER TCP

1	<p>TRANSLATION DEVICE</p> <p>Cost: \$3,000 ea.</p>	<p>VOICE RESPONSE TRANSLATOR</p> <p>www.i-w-t.com</p>	<p>Hands-free, eyes-free device, allows operator to maintain SA. Translates pre-programmed English commands into Iraqi Arabic. Can be used dismantled with megaphone or in conjunction with the Siren/Speaker system.</p>	
2	<p>PORTABLE SPIKE STRIPS</p> <p>Cost: \$550 ea.</p>	<p>MAGNUM SPIKE TIRE DEFLATION DEVICE</p> <p>www.chiefsupply.com</p>	<p>Used in a TCP to stop a vehicle</p>	
2	<p>PORTABLE SPEED BUMPS</p> <p>Cost: \$ 425</p>	<p>6' EPDM RUBBER SPEED BUMP (PART # SBE6)</p> <p>www.trafficsafetystore.com</p>	<p>Slow Traffic with quick deployable speed bumps. No mounting hardware required</p>	
2 SETS	<p>TCP SANDWICH BOARD SIGNS</p>	<p>MNF-I PRODUCED</p>	<p>Used to warn traffic of an upcoming TCP at 300 meters, 200 meters, and 100 meters out from the TCP.</p>	<p>SEE SLIDE 5</p>

CP SANDWICH BOARD SIGN – FRONT AND REAR VIEWS





MND- BAGHDAD (4ID)
CAMP AL-TAHREER (LIBERTY)
BAGHDAD, IRAQ
24 0100 C JUN 08

FRAGO 501 TO MND-B OPORD 08-01 (OPERATION IRONHORSE RESOLVE)

(U) THIS FRAGO HAS BEEN APPROVED FOR RELEASE BY COL (b)(3)(b)(6) MND-B G3

(U) REFERENCES: APPLICABLE REFERENCES ARE LISTED IN EACH SUBHEADING

(U) TIME ZONE USED THROUGHOUT THE FRAGO: CHARLIE (LOCAL)

(U) **SUBJECT:**

1. UPDATED ESCALATION OF FORCE GUIDANCE

1. (~~S//REL~~) **SITUATION:**

TASK 1: EFFECTIVE IMMEDIATELY, MND-B IMPLEMENTS UPDATED ESCALATION OF FORCE GUIDANCE

2. (U) **MISSION.**

3. (U) **EXECUTION. CHANGE.**

3.A. (U) COMMANDER'S INTENT.

3.B. (U) CONCEPT OF THE OPERATION.

3.C. (~~S//REL~~) **TASK TO SUBORDINATE UNITS CHANGE.**

3.C.1. UPDATED ESCALATION OF FORCE GUIDANCE

3.C.1.A. REFERENCE: NONE

(b)(1)1.4a

(b)(1)1.4a

3.C.1.A.3.C.1.C. 1/4 ID, 3/4 ID, 2/101 AA, 4/10 MTN, 2/25 ID, 18 MP, 926 EN, TF BOWIE



FRAGO 501 TO MND-B OPORD 08-01 (OPERATION IRONHORSE RESOLVE)

(b)(1)1.4a
(b)(1)1.4a

3.C.1.B.3.C.1.D. **COORDINATING INSTRUCTIONS**

(b)(1)1.4a
(b)(1)1.4a

(b)(1)1.4a
(b)(1)1.4a

3.C.1.B.3.3.C.1.D.3. (U//~~FOUO~~) STEP ONE: EVALUATION. THE FIRST STEP IN THE EOF PROCESS SHOULD BE TO EVALUATE AND ASSESS THE PERCEIVED THREAT. SOLDIERS SHOULD LOOK FOR FACTORS ADDRESSED IN INTELLIGENCE REPORTS AS SUGGESTING HOSTILE INTENT. GENERAL INDICATORS TO LOOK FOR ARE THE NUMBER OF PERSONNEL, AGE, GENDER, TYPE OF VEHICLE, AND, IF POSSIBLE, ANY ACTIONS AT THE TIME WHICH MIGHT INDICATE A THREAT.

3.C.1.B.4.3.C.1.D.4. (U//~~FOUO~~) STEP TWO: THREAT ASSESSMENT. IF SUSPICION OF HOSTILE INTENT PERSISTS, SOLDIERS SHOULD EMPLOY NON-LETHAL MEASURES TO ASSESS THE POTENTIAL THREAT. WHILE NON-LETHAL MEASURES ARE ENCOURAGED, SOLDIERS MUST BE CAREFUL TO ALLOW SUFFICIENT TIME AND SPACE TO REACT WITH LETHAL FORCE IN SELF-DEFENSE IF HOSTILE INTENT BECOMES CLEAR. NON-LETHAL MEASURES:

3.C.1.B.5.3.C.1.D.5. (U//~~FOUO~~) VISUAL SIGNALS. VISUAL SIGNALS ARE USED TO GAIN THE ATTENTION OF THE SUSPECTED VEHICLE OR PERSON. THESE VISUAL SIGNALS INCLUDE, BUT ARE NOT LIMITED TO, HAND AND ARM SIGNALS, SIGNAL FLAGS, LASER POINTERS AND DAZZLERS, HAND HELD AND VEHICLE MOUNTED SPOTLIGHTS, AND FLARES.

3.C.1.B.6.3.C.1.D.6. (U//~~FOUO~~) AUDIBLE SIGNALS. AUDIO SIGNALS INCLUDE, BUT ARE NOT LIMITED TO, THE VEHICLE'S HORN, VEHICLE MOUNTED SIRENS, AND BULL HORNS OR VEHICLE MOUNTED PA SYSTEMS.

3.C.1.B.7.3.C.1.D.7. (U//~~FOUO~~) STEP THREE: LETHAL FORCE. LETHAL FORCE IS DEFINED AS THE DISCHARGE OF A WEAPON FOR ANY PURPOSE, TO INCLUDE WARNING, DISABLING, OR KILLING. SOLDIERS SHOULD USE LETHAL FORCE AS A LAST RESORT AND ONLY IN RESPONSE TO HOSTILE INTENT OR A HOSTILE ACT. THE IMMEDIATE USE OF LETHAL FORCE IS APPROPRIATE FOR SELF-DEFENSE PURPOSES. THERE ARE THREE TYPES OF LETHAL SHOTS:



FRAGO 501 TO MND-B OPORD 08-01 (OPERATION IRONHORSE RESOLVE)

~~3.C.1.B.8.3.C.1.D.8.~~ (U//~~FOUO~~) THE FIRST TYPE OF SHOT IS THE "WARNING SHOT." WARNING SHOTS SERVE A NARROW FUNCTION AND SHOULD ONLY BE USED IN EXTRAORDINARY CIRCUMSTANCES, AGAINST A SAFE BACKDROP. WARNING SHOTS ARE OFTEN INEFFECTIVE AGAINST A MOUNTED THREAT. IT IS BEST TO SKIP IMMEDIATELY TO A DISABLING OR KILL SHOT, AS DESCRIBED BELOW. IF FIRED, WARNING SHOTS SHOULD BE AIMED TO THE SIDE OF A VEHICLE, OR IN THE DIRECTION THAT IS AWAY FROM CIVILIAN PERSONNEL OR VEHICLES. IT IS NOT RECOMMENDED TO FIRE IN FRONT OF A VEHICLE, SINCE THE ROUND CAN RICOCHET AND HIT A PERSON IN THE VEHICLE. WHEN POSSIBLE, UNITS SHOULD FIRE WARNING SHOTS USING A NON-CREW SERVED WEAPON (I.E. M4, M16). IF POSSIBLE, THE ROUND SHOULD BE A TRACER DURING THE DAY OR NIGHT TO INCREASE THE LIKELIHOOD THAT THE INTENDED PERSON WILL SEE THE WARNING SHOT.

~~3.C.1.B.9.3.C.1.D.9.~~ (U//~~FOUO~~) WHEN POSSIBLE, UNITS SHOULD UTILIZE NON-LETHAL MUNITIONS AND TOOLS DURING EOF INCIDENTS. EFFECTIVE PRACTICES INCLUDE THE USE OF 40MM TPT AND SPONGE ROUNDS, FN303 PAINTBALL GUN OR OTHER NON-LETHAL MUNITIONS FOR THE M203, AND FLASH-BANG DEVICES PREVIOUSLY APPROVED FOR USE IN THE ITO.

~~3.C.1.B.10.3.C.1.D.10.~~ (U//~~FOUO~~) ENSURE THAT UNITS USING THE GREEN LIGHT LASER AND 40MM NON-LETHAL AMMUNITION FOR THE M203 AND FN303 PAINTBALL GUN HAVE CONDUCTED PROPER TRAINING ON THE TOOLS.

~~3.C.1.B.11.3.C.1.D.11.~~ (U//~~FOUO~~) THE SECOND TYPE OF SHOT IS THE DISABLING SHOT. THE DISABLING SHOT IS MEANT FOR VEHICLES ONLY, AND SHOULD NOT BE USED AGAINST PERSONNEL ON FOOT. THIS SHOT SHOULD BE FIRED EITHER AT THE TIRES OR INTO THE FRONT GRILL OF AN ONCOMING VEHICLE.

~~3.C.1.B.12.3.C.1.D.12.~~ (U//~~FOUO~~) THE THIRD TYPE OF SHOT IS THE "KILL" SHOT. THIS COURSE OF ACTION IS TO BE TAKEN ONLY WHEN ALL OTHER ALTERNATIVES HAVE BEEN EXHAUSTED OR ARE IMPRACTICAL DUE TO TIME AND SPACE LIMITATIONS.

~~3.C.1.B.13.3.C.1.D.13.~~ (U//~~FOUO~~) ALL MND-B FORCES CONTINUE TO HAVE THE AUTHORITY TO ENGAGE FORCES THAT COMMIT HOSTILE ACTS OR DISPLAY HOSTILE INTENT AGAINST COALITION FORCES, IAW CURRENT ROE. POSITIVE IDENTIFICATION (PID) OF TARGETS IS REQUIRED PRIOR TO ENGAGEMENT. PID IS DEFINED AS A REASONABLE CERTAINTY THAT THE OBJECT OF ATTACK IS A LEGITIMATE MILITARY TARGET IN ACCORDANCE WITH THE ROE.

~~3.C.1.B.14.3.C.1.D.14.~~ (~~S//REL~~) (b)(1)1.4a
PROCEDURES AND REQUIREMENTS WILL BE LOCATED IN APPENDIX 11 (ESCALATION OF FORCE) TO ANNEX M (FORCE PROTECTION) TO MND-B SOP, TO BE PUBLISHED AT A LATER DATE.

~~3.C.1.B.15.3.C.1.D.15.~~ (~~S//REL~~) POC FOR MND-B FORCE PROTECTION IS MAJ (b)(3), (b)(6)
(b)(3), (b)(6) S-VOIP: (b)(2), (b)(6), SIPR E-MAIL: (b)(6), (b)(2), (b)(3)



FRAGO 501 TO MND-B OPORD 08-01 (OPERATION IRONHORSE RESOLVE)

3.C.1.B.16.3.C.1.D.16. (U) POC FOR THIS TASK IS MAJ (b)(3), (b)(6) MND-B G3 FUOPS, AT S-VOIP: (b)(2), (b)(6) SIPR E-MAIL: (b)(6), (b)(2), (b)(3)

- 4. (U) **SERVICE SUPPORT.** NO CHANGE
- 5. (U) **COMMAND AND SIGNAL.** NO CHANGE

ACKNOWLEDGE:

HAMMOND
MG

OFFICIAL:

(b)(3), (b)(6)
G3

APPENDICES:

APPENDIX 1: MNC-I EOF POLICY LETTER, 9 JUN 08

MND-Baghdad (4ID)
Camp Al-Tahreer (Liberty)
Baghdad, Iraq
011200CJUL08

Annex M (Force Protection) to MND-B OPORD 08-02 (OPERATION FARDH AL QANOON II)

(U) This Annex has been approved for release by LTC (b)(3), (b)(6) MND-B CBRN

(U) References:

- (U) MNC-I OPORD 08-02, 19 MAY 08
- (U) MND-B OPORD 08-02, 24 JUN 08
- (U) JCOB Handbook, NOV 07
- (U) JFOB Handbook, DEC 06
- (S) MND-B Force Protection SOP

(U) Time zone used throughout the order: Charlie

1. (U) **SITUATION.**

1.A. (U) Enemy Forces.

1.A.1. (~~S//REL~~) (b)(1)1.4c

(b)(1)1.4c

(b)(1)1.c

(b)(1)1.c

1.B. (U) Friendly Forces. See Base Order.

1.C. (U) Environment. See Base Order.

2. (U) **MISSION.** See Base Order.

3. (U) **EXECUTION.**

3.A. (U) Scheme of Force Protection Support.

3.A.1. (~~S//REL~~) (b)(1)1.4c

(b)(1)1.4c

Page 260 redacted for the following reason:

(b)(1)1.4a, (b)(3), (b)(6), (b)(2)

Annex M (Force Protection) to MND-B OPOD 08-02 (OPERATION FARDH AL QANOON II)

~~_____~~ (b)(1)1.4a
(b)(1)1.4a

~~_____~~ (b)(1)1.4a
(b)(1)1.4a

3.B.1.I. (~~S//REL~~) (b)(1)1.4a

3.B.1.I.1. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a

3.B.1.I.2. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a

3.B.1.I.3. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a

3.B.1.I.4. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a

~~_____~~ (b)(1)1.4a

(b)(1)1.4a

3.B.1.I.6. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a

3.B.1.J. (U) Conduct the following recurring training:

~~_____~~ (b)(1)1.4a

(b)(1)1.4a, (b)(3), (b)(6), (b)(2)

3.B.1.J.2. (U) Escalation of Force quarterly refresher training (See MND-B [EOF Training](#)).
Maintain documentation that training has occurred.

~~_____~~ (b)(1)1.4a

(b)(1)1.4a

Annex M (Force Protection) to MND-B OPOD 08-02 (OPERATION FARDH AL QANOON II)

~~_____~~ (b)(1)1.4a
(b)(1)1.4a, (b)(2), (b)(3), (b)(6)

3.B.1.K. (U) Land-owning BCTs establish and maintain an Anti-Terrorism Plan for all FOB/COP/JSS in BCT OE and integrate tenant units. FOB critical program requirements are as follows:

3.B.1.K.1. (~~S//REL~~) (b)(1)1.4a

3.B.1.K.2. (~~S//REL~~) (b)(1)1.4a

3.B.1.K.3. (U) Trained Force Protection (FP/ATO) officers assigned in writing.

3.B.1.K.4. (~~S//REL~~) (b)(1)1.4a

3.B.1.K.5. (~~S//REL~~) (b)(1)1.4a

3.B.1.K.6. (~~S//REL~~) (b)(1)1.4a
(b)(1)1.4a

3.B.1.K.7. (~~S//REL~~) (b)(1)1.4a

3.B.1.K.8. (~~S//REL~~) (b)(1)1.4a
(b)(1)1.4a

~~_____~~ (b)(1)1.4a
(b)(1)1.4a

~~_____~~ (b)(1)1.4a
(b)(1)1.4a, (b)(2)

3.B.2. (U) Tasks to Staff

3.B.2.A. (U) Force Protection.

~~_____~~ (b)(1)1.4a
(b)(1)1.4a

3.B.2.A.2. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a, (b)(2), (b)(3), (b)(6)

MND-B

ESCALATION OF FORCE
(EOF)

QUARTERLY TRAINING

Overall Classification:

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

14AUG07

1

Contents

- Definition of an EOF Incident
- MNC-I Commander's Intent
- Definition of Problem
- Contributing Factors that cause EOF events
- Less than lethal options (FN 303 paintball gun, shotgun, M203)
- EOF measures
- Convoy Operations, CP & Blocking Position SOPs
- EOF Smart Card
- EOF Vignettes: Taken from real EOF Incidents

Definition for an “Escalation of Force” Incident

- EOF is defined as sequential actions that begin with non-lethal force measures (visual and audible signals) and graduate to **lethal measures** (warning, disabling, or “kill” shots) in order to defeat a threat and protect the force.
- EOF Incident: The employment of lethal force that results in weapons discharge where the purpose or intent of the weapons discharge was to warn a perceived threat, or in self defense of an individual or unit. However, if the result of the weapon discharge causes personal injury or damage to equipment of CF, whether intended or not, becomes a Friendly Fire Incident.

Commanding General of Multi-National Corps – Iraq’s Intent on EOF

COMMANDER’S INTENT:

PURPOSE: To improve leaders’ and Soldiers’ awareness dealing with EOF training, planning, preparation and execution to prevent unnecessary deaths of Coalition Soldiers and the citizens of Iraq.

KEY TASKS:

- 1. Leaders and Soldiers at every level must understand EOF procedures – before, during, and after an EOF event, to include the possible Strategic Impacts of EOF incidents on Local Nationals’ negative perceptions.**
- 2. Leaders and Soldiers must continuously train and rehearse EOF procedures – but never limit a Soldiers inherent right to self defense.**
- 3. All Soldiers must understand EOF in order to prevent hesitation or second guessing of their decisions.**
- 4. Leaders must plan and prepare before operations – units must be resourced with the correct equipment to reduce unnecessary EOF incidents resulting in the use of “lethal force”.**

ENDSTATE: MNC-I Soldiers and leaders at all levels understand and apply EOF procedures IOT prevent unnecessary deadly force engagements and continue to build and reinforce a positive image of Coalition Forces with the citizens of Iraq.

What every Leader and Soldier must Understand:

- Convoy & combat patrol procedures
- Communications
- Pre-combat inspections
- Proper Vehicle Markings SOP
- Cross-boundary communications
- Checkpoint procedures and standards
- Actions at incident site
- ROE / EOF Procedures
- MEDEVAC of civilians (helo for urgent, life, limb, eyesight)
- Reporting procedures for EOF
- Investigation of all incidents
- Compensation and Claims process
- Public awareness projects
- Convoy discipline and TTPs
 - Road usage (convoys block road or allow vehicles to travel along side of convoy)
 - Speed of convoy/patrol
 - Procedures for overtaking / passing convoys IOT avoid friendly fire incidents

Definition of Problem

- Perceived threat to CF causes unnecessary EOF events.
- Provide alternatives to the “lethal” decision for our Coalition Forces.
- Unnecessary casualties.
- Iraqi **perception** that Coalition Forces engage in indiscriminate **use of force**.

Contributing Factors

- Incomplete guidance, training, and preparation.
- Inadequate dissemination of information, current threat and training (TOA).
- Iraqi drivers often disregard traffic laws. This must be factored into your analysis as you go through the EOF process.
- Lack of Iraqi public awareness campaign to educate Iraqi citizens on requirements at ECPs/CPs, mounted or dismounted patrols and basically any CF operation where CF Forces interact with the Iraqi population.
- Recognize that LNs in EOF events are just not paying attention meaning no harm to CF and that different CF standards across the operational environment cause confusion for the LN.
- Lack of understanding of the LN point of view in reference to EOF.



Additional: Common contributing problems to EOF

- **Less-lethal capabilities needed:** Many patrols lack less-lethal capabilities (M203, shotgun, FN303 paintball gun). Less-lethal rounds get the LNs attention and result in no damage or injury if used properly w/o mixing non-lethal and lethal ammunitions on one weapon.
- **Different standards for standoff distance:** One unit may allow LN traffic to travel along the side of patrols to prevent IEDs, while another unit will not allow the LNs to travel alongside their patrols. The LN appears to pose a threat to a unit that enforces LNs to stay at least 100 meters back from patrols and gets shot. The LN did not mean any harm, he just didn't know what CF wanted him/her to do.
- **LN vehicles not following flow of traffic:** LN not following the flow of traffic because they are in a hurry or not paying attention, which makes them stand out and perceived as a threat. For example: all vehicles are stopped but one vehicle decides to leave the pack.
- **LN vehicle flees after receiving warning shots and CF consider that hostile intent:** CF expect civilian drivers to stop immediately after being fired upon, which is an illogical and irrational act when one is receiving SAF from an unknown source and trying to avoid being fired upon. If a vehicle flees or backs away, he is no longer a potential threat.
- **Hasty positions/cordons not marked properly or not marked at all:** LNs are not accustomed to signs and traffic signals. All CF patrols are equipped with TCP EOF kits IOT properly mark positions and must be used.
- **Quick, sudden, and unexpected turns:** Patrol turns onto street and LN vehicle recognizes the patrol too late or the LN vehicle turns towards a patrol and realizes it too late. Patrol typically expects LN vehicle to pull their vehicles completely off the road as patrol approaches. When driver fails to do so, patrols generally suspect hostile intent and initiate EOF procedures.
- **LNs signs/cones are placed but LN disregard them:** Unit properly places signs/cones at ECPs/TCPs but LNs fail to obey and not paying attention.
- **LN negligence:** LNs drunk, faulty brakes, or negligence.
- **Signals not getting attention of LNs:** CF went through full process of EOF but LN still failed to stop. Warning shots did not get LN attention either. We can't expect LNs to see or hear our signals from over 100 meters. LNs are not paying attention, but they mean no harm thus creating unnecessary casualties.
- **Ricochets:** Ricochets from warning shots hitting innocent bystanders. Understand the results of a lethal round being fired in urban areas.



CF convoys are not a target for SVBIEDs. Units/gunners need to understand the difference between a SVBIED and VBIED threat parked on the side of the road with nobody in it.

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Non-Lethal Munitions and Tools

- Provide a safer, less than lethal alternative to warn and deter individuals during EOF incidents.
- Units should utilize non-lethal munitions and tools whenever possible during EOF incidents.
- Soldiers must conduct proper training and familiarization with each type of non-lethal munitions and tool prior to their use.
- Non-lethal weapons are set to **ENHANCE THE COMMANDERS ABILITY TO ACCOMPLISH THE MISSION** by mitigating casualties and minimizing collateral damage.

FN303 Less Lethal Launcher

- The FN303 is a rifle-mounted, rapid-fire, multi-shot, pneumatic powered “paint-ball” type weapon system with high accuracy against personnel targets out to 80 – 100 meters and area targets out to 150 meters.
- 4x types of rounds: OC, permanent marking, washable marking, and training, OC and permanent marking are unauthorized in MND-B.



Sample EOF Measures

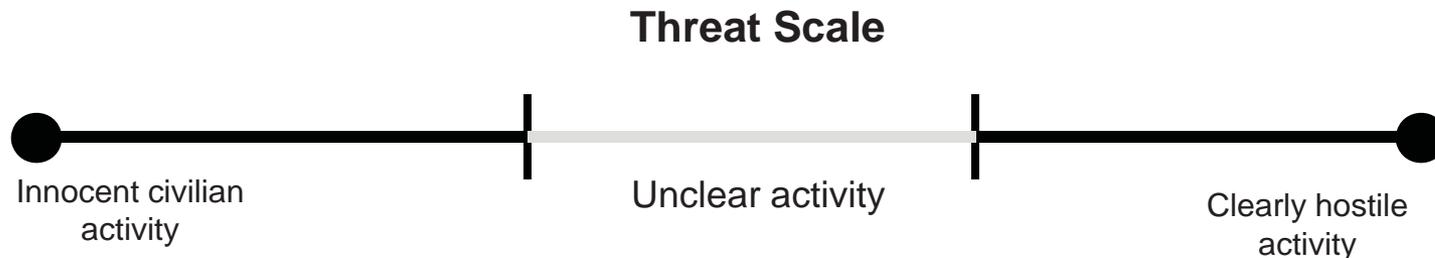
- **Audible warnings** - audio warnings to halt; (verbal warnings in their language, horns, loudspeakers, sirens, translator device, long range acoustic device).
- **Show/shine** - visual warnings, hand signals, spotlights, high-powered flash light, green beam laser, show your weapon and demonstrate intent to use it.
- **Physically restrain** - block access (signs, cones, spike strips, speed bumps), or detain (static position, or dismounted).
- **Shoot a non-lethal round** - if available (shotgun, M203, FN303 paintball gun).
- **Shoot an aimed warning shot** - (live round) in vicinity of threatening vehicle or person;
- **Shoot to disable the threat** - focusing on tires and engine (only when threat is a vehicle);
- **Shoot to eliminate the threat.**

When to use EOF Measures

- When a Soldier is uncertain about whether observed conduct is hostile, EOF measures are appropriate to develop the situation.
- Use of EOF measures assists Soldiers to determine whether an action is threatening or not.
- Soldiers are not required to go through every EOF measure if the situation does not permit it.
- EOF measures are unnecessary when a unit PIDs a hostile act or demonstration of hostile intent.

Threat Scale/Range

- Some activities are clearly hostile and trigger the right to self-defense.
- Some activities are clearly innocent and non-threatening.
- Some activities are unclear as to whether they are hostile or innocent.
- Use good judgment-understand LN perspective.



EOF Measures in Unclear Situations

- EOF measures reduce uncertainty.
- A threat's failure to respond to EOF measures may demonstrate that hostile intent exists.
- A threat's change in behavior demonstrates that no hostile intent exists.



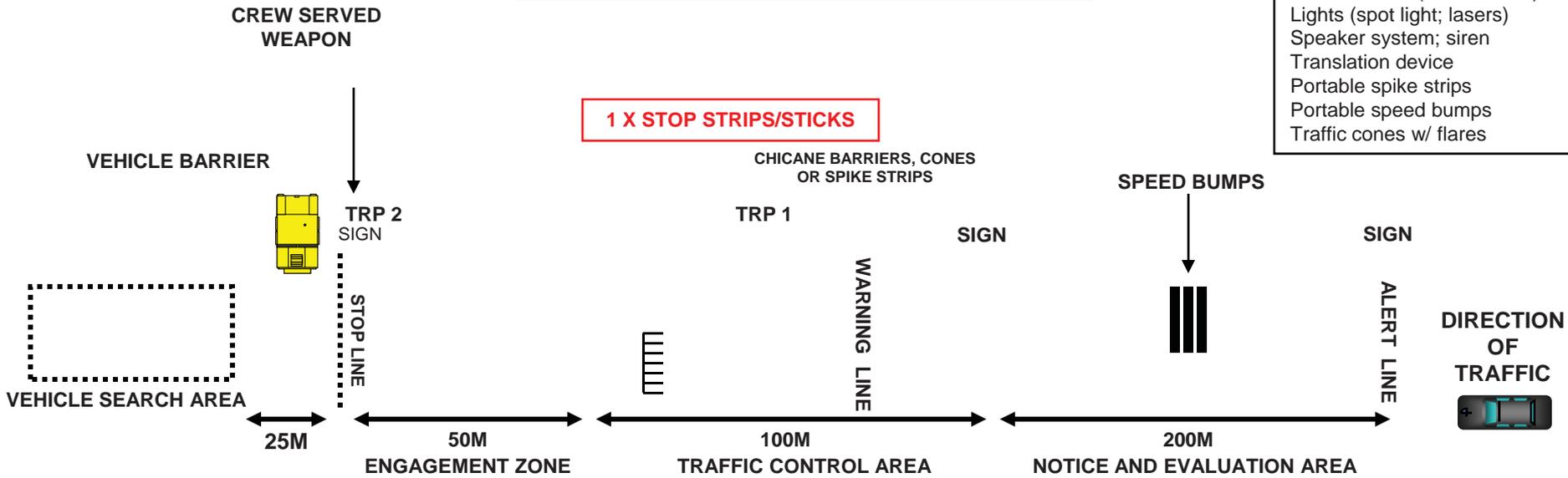
Standard Operating Procedures

- In order to reduce LN confusion, we must ensure LN know and understand our intent. SOPs make it clear to the LN what we expect them to do. Failure to provide LNs our intent creates unnecessary casualties.
- Standard Operating Procedures provided:
 - Hasty TCP SOP
 - Checkpoint SOP
 - Convoy EOF
 - Condolence Payments
- CDRs will ensure strict adherence to the following SOPs. Any shortages of equipment must be acquired immediately.

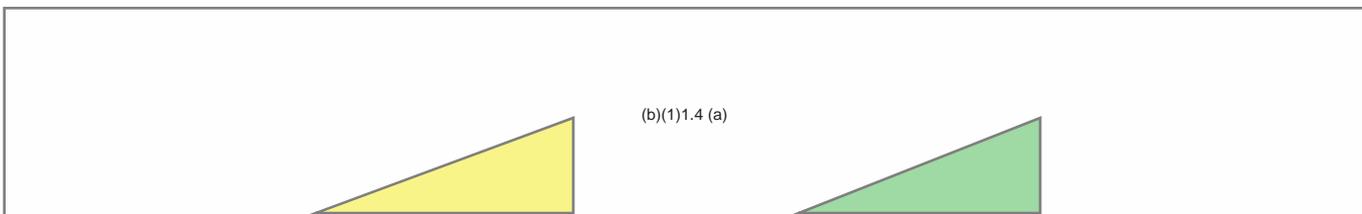
MND-B CHECKPOINT (HASTY TCP) WITH U.S. ESCALATION OF FORCE SOP

EOF EQUIPMENT

- Sandwich Board Signs
- Laser pointers (individual)
- Laser dazzler (crew served)
- Lights (spot light; lasers)
- Speaker system; siren
- Translation device
- Portable spike strips
- Portable speed bumps
- Traffic cones w/ flares



REACTION TIME REMAINING AT GIVEN SPEEDS

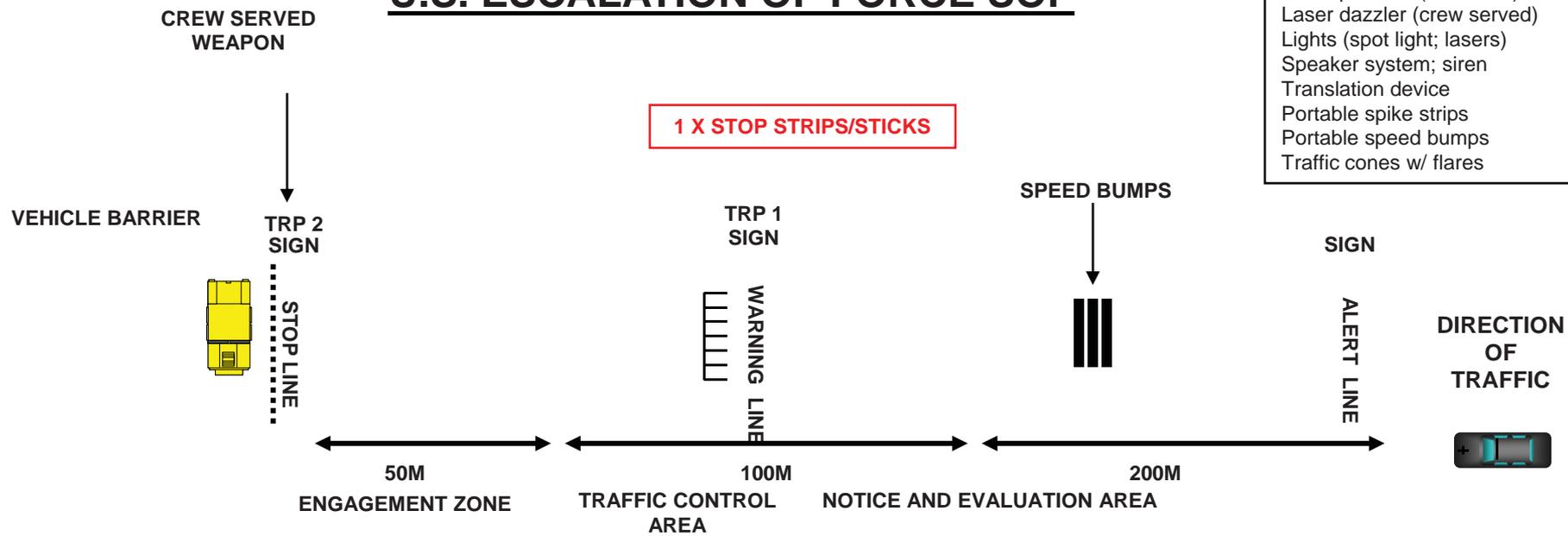


(b)(1)1.4 (a)

NOTE: ESCALATION OF FORCE FLOW IS ILLUSTRATIVE AND ASSUMES THAT FORCES MANNING THE CHECKPOINT FEEL THAT THE APPROACHING VEHICLE IS CONTINUING TO PRESENT A THREAT. IF A VEHICLE DEMONSTRATES COMPLIANCE, OR IS EVALUATED AS NON-THREATENING THEN THE ESCALATION OF FORCE FLOW WOULD CEASE.

MND-B BLOCKING POINT AND/OR CORDON WITH U.S. ESCALATION OF FORCE SOP

- EOF EQUIPMENT**
- Sandwich Board Signs
 - Laser pointers (individual)
 - Laser dazzler (crew served)
 - Lights (spot light; lasers)
 - Speaker system; siren
 - Translation device
 - Portable spike strips
 - Portable speed bumps
 - Traffic cones w/ flares



(b)(1)1.4 (a)

(b)(1)1.4 (a)

NOTE: ESCALATION OF FORCE FLOW IS ILLUSTRATIVE AND ASSUMES THAT FORCES MANNING THE BLOCKING POSITION/CORDON FEEL THAT THE APPROACHING VEHICLE IS CONTINUING TO PRESENT A THREAT. IF A VEHICLE DEMONSTRATES COMPLIANCE, OR IS EVALUATED AS NON-THREATENING THEN THE ESCALATION OF FORCE FLOW WOULD CEASE.

CONVOY EOF PROCEDURES

PROCEDURES DURING AN EOF

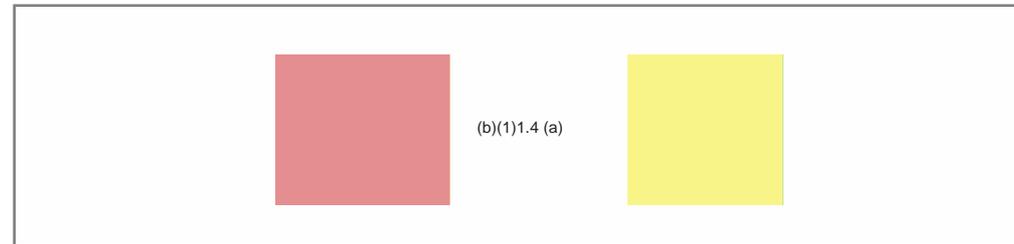
MNC-I Cdr's Intent: Resource convoy IOT provide alternatives to lethal force for our Soldiers or Marines.

(b)(1)1.4 (a)

(b)(1)1.4 (a)



←
DIRECTION OF TRAVEL



MISSION PREPARATION

- Backbriefs
- Rehearsals
- Periodic scenario-based decision exercises

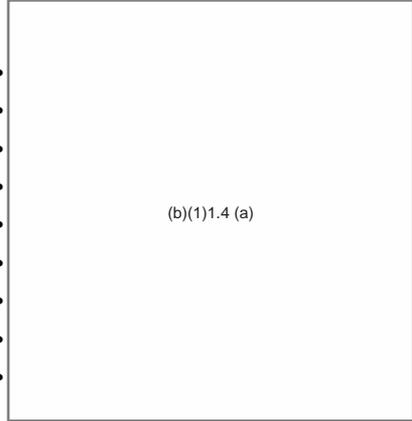
REFERENCES

MND-B Quarterly EOF Training
EOF Handbook – Center for Army LSNs Learned

NOTE: ESCALATION OF FORCE FLOW IS ILLUSTRATIVE AND ASSUMES THAT THE CONVOY COMMANDER AND TC OF THE VEHICLE INVOLVED FEEL THAT THE APPROACHING VEHICLE IS CONTINUING TO PRESENT A THREAT. IF A VEHICLE DEMONSTRATES COMPLIANCE, OR IS EVALUATED AS NON-THREATENING THEN THE ESCALATION OF FORCE FLOW WOULD CEASE.

TRAINING

- Marksmanship
- Safety
- ROE/EOF Procedures
- Situational Training Exercises
- Battle Drills (SVCP, CP, Convoy)



MISSION PREPARATION

- Backbriefs
- Rehearsals
- Periodic scenario-based decision exercises

INCIDENT OCCURS RESULTING IN DISCHARGE OF WEAPON

- Determine if death, injury or property damage has occurred
- Secure the site
- Render first aid
- Request civilian ambulance or conduct MEDEVAC

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(b)(1)1.4 (a)

Take information for claim submission

OR

Issue claim form on scene

AND

LEADERS REPORT 5Ws TO
HQs IAW CONTACT SOP

HQs: NOTIFY LOCAL PJCC
AND COORD. FOR IPs

HQs: NOTIFY / TASK
CMO/CA/SJA FOR
APPROPRIATE ACTION

CLAIMANT PRESENTS FORM
AT FOB OR IRAQI
ASSISTANCE CENTER

OR

UNIT SUBMITS
CLAIM

CLAIM IS PROCESSED
AND APPROVED

CASH PAYMENT IS
DISBURSED TO
CLAIMANT

FOLLOW UP REPORT TO HQs

- WHO: NUMBER OF CASUALTIES (CIVILIAN AND MILITARY); AGE AND GENDER; OTHER UNITS INVOLVED
- WHAT: EOF PROCEDURES TAKEN; APPROXIMATE DISTANCES; ACTIONS / REACTIONS OF THE SUBJECTS TO EOF PROCEDURES; TYPE OF OPERATION BEING CONDUCTED (STATIC/MOVING)
- WHEN / WHERE: DTG / MGRS
- ADDITIONAL INFO:
 - VEHICLE/PERSONNEL SEARCH RESULTS
 - INTEL INITIAL ASSESSMENT: KNOWN THREATS
 - TACTICAL QUESTIONING: DO CITIZENS UNDERSTAND THE POLICIES?
 - WHAT TYPE OF INVESTIGATION – IS IT INITIATED?
- SUBMIT SITREP / SPOTREP TO HIGHER HQ (SIGACT)

Vignettes

Taken from real EOF incidents

Scenario 1: Effective Well Marked ECP

- A blue van followed by an orange car approached an ECP and entered the military-only approach lane. The vehicles had driven past three posted signs (in English and Arabic) warning against entry. The Soldiers manning the overwatch position immediately began issuing verbal warnings in Arabic and English over a loud speaker. Simultaneously, the Soldiers waved their arms to alert the drivers. When the drivers continued approaching, the M240B gunner charged his weapon and prepared to fire. When the vehicles reached a previously determined and well marked trigger line, the M-240B gunner fired a 2-3 round burst into the ground approximately 10 meters to the front and left side of the lead vehicle. The vehicles stopped immediately. The vehicles backed out of the lane and continued north.

Scenario 1: Analysis

- The Soldiers used proper EOF measures. The ECP was well marked with warning signs.
 - The Soldiers escalated force as the situation required.
 - They began with visual and audio warnings and graduated to warning shots at the designated point.
- The unit did well at not firing at the vehicles that fled or backed away. The drivers' response to EOF measures demonstrated that they had no hostile intent. EOF was a success when the cars backed away. In response to EOF, vehicles that back away, turn away or flee are no longer considered a potential threat and should never be fired upon. They have clearly showed that their actions are not hostile. Escalation of force measures stop when a threat no longer exists.

SCENARIO 1: Well Marked ECP

SUMMARY

EOF at ECP X (MB X, zone X)

On XX MAY 06 at 1041hrs, a blue van followed by an orange and white car approached ECPX and entered the approach lane at this military only ECP. At this point, the vehicles had already driven passed numerous posted signs warning against entering. The soldiers manning battle position X, the ECPX overwatch position, immediately began issuing verbal warnings with a loud speaker in both Arabic and English. Simultaneously the soldiers waved their arms to alert the LNs visually. When this did not deter the drivers progression, the M240B gunner charged his weapon and prepared to fire. When the vehicles had reached a previously determined and well marked point, a single burst, 2-3 rounds, was fired into the ground approximately 10 meters in front of, and to the left side of the lead vehicle. The vehicles stopped immediately, and after being instructed by LN workers at ECPX, backed out of the lane and continued North. The 2 vehicles were stopped and searched by IA soldiers at the checkpoint a few hundred meters down the road.

EOF AAR



SUSTAIN

- Soldiers used proper EOF procedures
 - a. Warning signs are posted in English and Arabic
 - b. Verbal warnings issued in English and Arabic over loud speaker
 - c. Warning shots were fired into the ground
- Soldiers are alert and ready to react to AIF attack

IMPROVE (W/ RECOMMENDATIONS)

ECP project submitted to install pop-up hydraulic barriers at Tier 1

Will received a LRAD from the division that was here prior to our arrival IOT amplify warning messages

Scenario 2: Improper EOF on a Fleeing Vehicle

- A patrol on an MSR saw a suspicious blue, 4-door sedan on the side of the road with 5 local nationals outside the vehicle. When the patrol approached the sedan, the local nationals shut the trunk, jumped into the vehicle, and began driving away. The patrol used audible and visual signals in an attempt to stop the vehicle. When the patrol's attempts to stop the vehicle failed, the patrol fired 1 warning shot, which was ineffective. The patrol then fired a shot into the left front tire which caused the vehicle to stop. The patrol tactically questioned the local nationals and searched the vehicle for contraband. The Soldiers found nothing.

Scenario 2: Analysis

- In this case, the Soldiers should not have used EOF measures (to include warning and disabling shots) to stop the vehicle. When the local nationals fled, they were no longer a potential threat. Escalation of force measures stop when a threat no longer exists.
- However, if the unit determined the individuals were committing a hostile act or demonstrating hostile intent, then pursuit and engagement with lethal force would have been authorized. For example, if the individuals were planting an IED or setting up a mortar, the unit could have used deadly force to eliminate the threat. When a unit PIDs hostile act or hostile intent, the unit can skip all EOF measures.

SCENARIO 2: Improper EOF On A Fleeing Vehicle

EOF

XX1745FEBXX: WHILE CONDUCTING A PATROL ON MSR X, THEY SAW A SUSPICIOUS BLUE, 4-DOOR SEDAN ON THE SIDE OF THE ROAD WITH 5xLN OUTSIDE THE VEHICLE. WHEN THE PATROL PULLED UP TO THE SEDAN, THE LN'S SHUT THE TRUNK, JUMPED INTO THE VEHICLE AND TRIED TO DRIVE AWAY. THE PATROL USED VISUAL AND VERBAL SIGNS TO TRY AND GET THE VEHICLE TO HALT. WHEN THE PATROLS ATTEMPTS TO STOP THE VEHICLE FAILED, THEY FIRED 1xWARNING SHOT, WHICH WAS INEFFECTIVE, AND THEN FIRED A SHOT INTO THE LEFT FRONT TIRE WHICH FINALLY CAUSED THE VEHICLE TO STOP IT'S MOVEMENT. THE PATROL QUESTIONED THE LN'S AS WELL AS SEARCHED THE VEHICLE AND SURROUNDING AREA FOR ANY CONTRABAND, NONE WAS FOUND. THE PATROL RELAYED THROUGH THEIR INTERPRETER TO THE LOCAL NATIONALS THE DANGERS OF PARKING ON MSR X AS WELL AS TRYING TO ELUDE CF PATROLS. THE LN'S WERE RELEASED.



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Scenario 3: LN Vehicle Not Following the Flow of Traffic

- While cordoning a house, a patrol observed a civilian vehicle traveling approximately 35mph **around the stopped traffic** and approached the cordon. The gunner in the rear vehicle initiated EOF measures. At approximately (b)(1)1.4 (a), the gunner began to use his laser pointer to mark the vehicle. As the vehicle continued to approach, he then waved his stop sign paddle and used hand and arm signals to get the vehicle to stop. As the vehicle continued to approach further, he then began to shout. At approximately (b)(1)1.4 (a) meters, the gunner fired 1 warning shot to the front of the vehicle. The vehicle still continued towards the cordon. The gunner assessed the vehicle as a threat and fired shots into the engine block as well as the tires in an attempt to disable the vehicle. The vehicle began to slow and crashed into a brick wall on the southeastern edge of the cordon. The local national dismounted his vehicle and sat down in front of his vehicle. The medics on site assessed the local national and evacuated the individual to a CF FOB for treatment.

Scenario 3: Analysis

- The patrol used proper EOF measures in this engagement.
- Units should ensure that EOF kits contain adequate signs to warn local nationals. The better the marking, the less likely civilians will mistakenly approach CF units.
- The use of a stop sign paddle makes signaling more effective.
- We must understand the LN perspective. They may be in a hurry and just not see the blocking position or convoy. They may also be involved in a conversation or looking in the opposite direction. We must give LN the opportunity to recognize that we consider them a threat before firing a lethal round.

SCENARIO 3: LN Vehicle Not Following The Flow Of Traffic

INCIDENT REPORT

DTG: XX 1043 JAN XX

LOCATION: X, ZONE X

MISSION OF UNIT

T: BARRIER REMOVAL

P: REMOVE TURNING OBSTACLE AROUND CRATER ON RTE X

TIMELINE OF EVENTS

1041: UNIT REPORTS AN EOP VIC MC X. UNIT HAD CORDON SET WHEN A CIVILIAN VEHICLE TRAVELING APPROXIMATELY 35MPH PASSED THE STOPPED TRAFFIC AND APPROACHED THE CORDON. THE GUNNER IN REAR VEHICLE BEGAN EOP PROCEDURES. AT APPROXIMATELY (b)(1)1.4 (a) THE GUNNER BEGAN TO USE HIS LASER POINTER ON THE VEHICLE. AS THE VEHICLE CONTINUED TO APPROACH, HE THEN WAVED HIS STOP SIGN PADDLE AND USED HAND AND ARM SIGNALS TO ATTEMPT TO STOP THE VEHICLE. AS THE VEHICLE CONTINUED TO APPROACH FURTHER, HE THEN BEGAN TO SHOUT AND TRY TO VERBALLY STOP THE VEHICLE. AT APPROXIMATELY (b)(1)1.4 (a) METERS, THE GUNNER THEN FIRED 1 WARNING SHOT TO THE FRONT OF THE VEHICLE. THE LN VEHICLE STILL CONTINUED FORWARD TOWARDS THE CORDON. THE GUNNER ASSESSED THE VEHICLE AS A THREAT AND FIRED SHOTS INTO THE ENGINE BLOCK AS WELL AS THE TIRES TO ATTEMPT TO DISABLE THE VEHICLE. THE LN VEHICLE BEGAN TO SLOW AND CRASHED INTO A BRICK WALL ON THE SOUTH EASTERN EDGE OF THE CORDON. THE LN DISMOUNTED HIS VEHICLE AND SAT DOWN IN FRONT OF HIS VEHICLE AND THE MEDICS ON SITE ASSESSED THE LN.

1100: CONDUCTS A GROUND MEDEVAC TO CAMP X WITH THE WOUNDED LN. THE LN SUFFERED LACERATIONS TO THE FACE AND ARMS. THE IP'S WERE NOTIFIED OF THE LN VEHICLE WHICH REMAINED ON SITE AND SECURED IT FOR HIS RETURN.

1130: RP CAMP X WITH LN.

1350: LN RELEASED FROM MED

1418: UPON RELEASE FROM MED, HE WAS TAKEN BY X BACK TO HIS VEHICLE WHERE HE WAS GIVEN A CLAIMS CARD AND RELEASED.



CONSTRUCTION MC X

MEDIC TREATS WOUNDED LN AND EASY COMPANY CONDUCTS GROUND MEDEVAC TO CAMP X.

(b)(1)1.4 (a) ROUNDS FIRED INTO THE ENGINE TIRES, CAR COMES TO A STOP AND HITS A WALL.

(b)(1)1.4 (a) 1 WARNING SHOT FIRED TO THE FRONT OF THE VEHICLE.

(b)(1)1.4a CAR DOES NOT STOP AFTER ARM & HAND SIGNALS, USE OF LASER POINTER USE OF STOP SIGN PADDLE OR SHOUTING.

Scenario 4: No Warning Signs

- On two occasions a white sedan, with a male driver and no passengers, drove from north to south across the front of a unit's blocking position. The unit stopped the white sedan, questioned the driver, and searched the vehicle. The unit found no contraband. The unit released the driver.
- Fifteen minutes later, a white sedan charged the unit's blocking position. The sedan hit the position's wire and spike strips (see pictures). The overwatch M1114 engaged the vehicle when it crossed the fire line and impacted the wire. The sedan's driver suffered 7 gunshot wounds.

Before:



After:



Scenario 4: Analysis

- The unit used proper EOF measures. They maintained situational awareness and stopped the vehicle before it became an imminent threat.
- When the white sedan drove through the well-marked wire and spike strip, the driver displayed hostile intent. The unit was justified to go directly to deadly force without progressing through intermediate EOF measures.
- Although, they were found to use proper EOF measures, ensure that warning signs are put out to inform check point or blocking position is ahead at least prior to blocking position IAW blocking position SOP. It is only fair that we provide them the opportunity to respond prior to firing a lethal round at them.

SCENARIO 4: No Warning Signs

INCIDENT: ESCALATION OF FORCE

DTG: XX 1500 FEB XXXX

ORDER OF EVENTS:

UNIT ESTABLISHED A BLOCKING POSITION.

UNIT EMPLACED WIRE AND SPIKE STRIP
(b)(1)1.4 (a) TO THEIR FRONT.

UNIT MARKED WIRE WITH VS-17 PANEL.

UNIT OBSERVED WHITE SEDAN
REPEATEDLY DRIVING BY.

UNIT STOPPED AND SEARCH THE SEDAN,
NOTHING FOUND.

15 MINUTES LATER, A WHITE SEDAN
CHARGED THE BLOCKING POSITION.

WHITE SEDAN DROVE THROUGH THE WIRE
AND SPIKE STRIP.

UNIT ENGAGED VEHICLE WHEN IT
CROSSED THE FIRE LINE.

VEHICLE ULTIMATELY STOPPED AFTER
PASSING THE BLOCK POSITION M1114S.

SEDAN DRIVER SUFFERED 7 GUNSHOT
WOUNDS.

UNIT TREATED THE INDIVIDUAL AND
SUMMONED AN AMBULANCE.



**FIELD EXPEDIENT EOF KIT:
WIRE/VS-17/SPIKE STRIP (b)(1)1.4a TO THE
FRONT OF THE BLOCKING POSITION.**



Scenario 5: Improper EOF on a Fleeing Vehicle

- A unit was conducting a cordon in support of census taking. The unit observed 2 sedans circle the unit's cordon multiple times before attempting to drive towards the unit.
- The patrol operating the cordon attempted to halt the vehicles by shouting and showing their weapons; however, the 2 sedans continued to advance. The unit fired warning shots. One of the vehicles stopped. The other attempted to flee.
- The unit fired disabling shots at the fleeing vehicle. The vehicle then stopped. The driver of the fleeing vehicle was shot in his shoulder and also sustained lacerations to his hand. The unit found no contraband in the vehicles.

Scenario 5: Analysis

- The unit should not have fired at the fleeing vehicle. The drivers' response to EOF measures demonstrated that they had no hostile intent. When one car stopped and the other turned away, the EOF was a success. By turning away the vehicle was no longer a potential threat.

SCENARIO 5: Improper EOF On A Fleeing Vehicle

INCIDENT: EOF

RESULTS:

1 X LN NBI
1 X LN VEHICLE DAMAGED

DTG: XX 1805 FEB XX

LOCATION: X

MISSION OF UNIT: CONDUCT CENSUS IN ZONE X

SUMMARY: ELEMENTS WERE CONDUCTING A CORDON IN SUPPORT OF CENSUS TAKING IN ZONE X WHEN THEY EXECUTED AN EOF ON 2 X LN VEHICLES. THE 2 X SEDANS CIRCLED CORDON MULTIPLE TIMES BEFORE FINALLY ATTEMPTING TO DRIVE TOWARDS IT.

THE PATROL OPERATING THE CORDON ATTEMPTED TO HALT THE VEHICLES BY SHOUTING AND SHOWING THEIR WEAPONS, HOWEVER THE 2 X SEDANS CONTINUED TO ADVANCE. WARNING SHOTS WERE FIRED AND ONE OF THE VEHICLES STOPPED, BUT THE OTHER ATTEMPTED TO EVADE THE PATROL. PATROL THEN FIRED DISABLING SHOTS AT THE FLEEING VEHICLE WHICH HALTED ITS MOVEMENT.

THE DRIVER OF THE FLEEING VEHICLE WAS SHOT IN HIS SHOULDER AND ALSO SUSTAINED LACERATIONS TO HIS HAND. MEDEVAC WAS REQUESTED AND THE WOUNDED LN WAS TRANSPORTED TO THE MEDICAL INSTALLATION.

UNIT BELIEVES THE DRIVERS OF THE SEDANS TO BE AIF AFFILIATED, HOWEVER A SEARCH OF THEIR VEHICLES YIELDED NO CONTRABAND.

S2 ASSESSMENT: N/A



Scenario 6: Vulnerability During Battle Handover

- Two units were conducting a relief in place. The established unit began disassembling their blocking position. The relieving unit was emplacing their blocking position. During the changeover, a vehicle started to pass through the checkpoint. The established unit implemented EOF measures. After attempting to signal the vehicle, a Soldier fired warning shots. The Soldier then fired 2 disabling shots into the front of the vehicle. The vehicle failed to stop so the Soldier engaged the windshield. Medics treated the local national for lacerations to the face and chest. The unit gave the local national a claims card.

Scenario 6: Analysis

- The unit used proper EOF measures once the potentially threatening vehicle was identified. However, the incident demonstrates the need to plan for EOF measures during all phases of an operation. Units are vulnerable during battle handover. Commanders must ensure EOF measures are considered when planning a relief in place.

SCENARIO 6: Vulnerability During Battle Handover

INCIDENT: EOF

RESULTS:

1 X LN WIA

DTG XX 0700 FEB XX

LOCATION: X, ZONE X,

MISSION OF UNIT

T: SECURE ROUTE

P: ALLOW FREEDOM OF MOVEMENT FOR COALITION FORCES

TIMELINE OF EVENTS

0700: UNIT WAS CONDUCTING A BATTLE HANDOVER WITH ANOTHER UNIT. RELIEVED UNIT BEGAN TAKING DOWN THEIR BLOCKING POSITION AND RELIEVING UNIT WAS EMPLACING THEIR BLOCKING POSITION WHEN A LN VEHICLE MOVED TO PASS THROUGH THE CHECKPOINT. UNITS CONDUCTED EOF PROCEDURES INCLUDING WARNING SHOTS, ALL OF WHICH FAILED TO STOP THE VEHICLE. THEN THEY FIRED DISABLING SHOTS INTO THE VEHICLE, WOUNDING THE LN. US FORCES ARE CURRENTLY TREATING THE LN AND DO NOT REQUIRE AN AMBULANCE.

0730: MEDICS TREATED THE LN FOR LACERATIONS IN THE FACE AND CHEST DUE TO GLASS. A CLAIMS CARD WAS ISSUED AND THE LN DROVE HIMSELF TO THE HOSPITAL.

0900: FURTHER CLARIFICATION REVEALED THAT THE SOLDIER FIRED 2X DISABLING SHOTS INTO THE FRONT OF THE VEHICLE. THE VEHICLE FAILED TO STOP SO THE SOLDIER ENGAGED THE WINDSHIELD WITH HIS M4.

AN AAR WAS CONDUCTED TO DETERMINE A BETTER PROCEDURE FOR RELIEF AT CHECKPOINTS AND THE BDE IS CURRENTLY EVALUATING THE PROCEDURE

SHOTS FIRED

B31

Unit
VEHICLES

LN VEHICLE

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Scenario 7: Different Standards for Standoff Distances

- A unit was traveling south on route when a local national vehicle drove from the off ramp into the middle of the convoy. The vehicle moved directly towards the 3rd vehicle in the convoy. The unit moved through 5 levels of warnings before firing lethal shots at the vehicle. The vehicle implemented the following EOF measures:
 - (b)(1)1.4 (a) – horn
 - – horn & hand/arm signals & verbal
 - – all the above plus maneuver left
 - - all the above plus 3 warning shots
 - - disabling shots (rear tire)
 - - lethal shots
- **When the LN was asked why he didn't stop for the patrol, he said he never had to stop for a patrol before.**

Scenario 7: Analysis

- The vehicle represented a potential threat, but the unit did not have PID of a hostile act or demonstration of hostile intent. The unit used EOF measures to develop the situation and determine if the vehicle was a threat. The failure of the vehicle to respond to the EOF measures gave the unit a reasonable basis to view the vehicle as a threat.
- As an additional note, units must understand that warning shots are not authorized to simply move traffic. Soldiers may only use warning shots when deadly force is authorized.
- Soldiers must understand the perspective of the LN. One unit may allow LN traffic to travel along the side of patrols to prevent IEDs, while another unit will not allow the LNs to travel alongside their patrols. The innocent LN crosses boundaries to a unit that enforces LNs to stay at least 100 meters back from patrols and gets shot. The LN did not mean any harm, he just didn't know what CF wanted him/her to do.

SCENARIO 7: Different Standards For Standoff Distances

SUMMARY: 1X EOF

RESULTS: 1X LN KIA

ORDER OF EVENTS:

A unit was traveling south on RTE X.

A local national vehicle drove from the off ramp towards the convoy.

The vehicle moved directly towards the 3rd vehicle in the convoy.

Unit implemented the following EOF measures:

- horn
- horn & hand/arm signals & verbal
- all the above plus maneuver left
- all the above plus 3 warning shots
- disabling shots (rear tire)
- lethal shots

(b)(1)1.4 (a)

Added: When the LN was asked, why he didn't stop for the patrol, he said he never had to stop for a patrol before.



Scenario 8: LN Impeding CF Direction of Movement

- A unit was northbound along Route A when a white Toyota truck heading south along the same route sped across the median towards the third vehicle in their four-vehicle convoy. The white truck hit a telephone pole in the median, preventing it from hitting the convoy. The patrol turned around to investigate the truck. The truck fled east along Route B. The patrol pursued.
- As the patrol approached the truck, a dark blue car was approaching in the westbound lane of Route B. The car turned around in front of the patrol. The vehicle began to pace the convoy. The vehicle wouldn't permit the patrol to pass. The patrol's lead vehicle gave both verbal warning (over vehicle's speaker system) and visual warning (1x parachute flare in the direction of the car) in an attempt to get the vehicle to stop. The car did not stop and continued to pace the patrol. The patrol escalated to disabling shots. The gunner fired 5x 5.56 rounds at the vehicle. One round struck and killed the driver.

Scenario 8: Analysis

- The patrol used proper EOF measures to develop the situation. Because the vehicle continued to act in a threatening way (by impeding the patrol's movement), the patrol was correct in escalating force to disabling shots.
- However, a unit, when firing disabling shots, should attempt to disable the vehicle without striking the driver if possible under the circumstances. When a unit discharges weapons, the unit must assess injuries and damage and provide medical treatment if necessary.
- Although the driver was found to be unarmed, this was still an authorized progression through EOF measures. First, the unit did not know the driver was unarmed at the time. Second, even an unarmed person can commit a hostile act or demonstrate hostile intent. By pacing the patrol and impeding the patrol's movement, the driver could have been providing time for insurgents to activate IEDs in the area or to prepare an attack.

SCENARIO 8: LN Impeding CF Traffic Direction of Movement

INCIDENT: EOF

RESULTS: 1 X LN KIA

DTG: XX 0735 DEC XX

LOCATION: X, ZONE X

MISSION OF UNIT

T: CONDUCT COMBAT RECON PATROL

P: SECURE AOX IOT PREVENT SECTARIAN VIOLENCE

TIMELINE OF EVENTS

0735: UNIT WAS NORTHBOUND ALONG RTE A WHEN A WHITE TOYOTA TRUCK HEADING SOUTH ALONG RTE A SPED ACROSS THE MEDIAN JUST NORTH OF CP X TOWARDS THE THIRD VEHICLE IN THEIR FOUR VEHICLE CONVOY. THE WHITE TRUCK HIT A TELEPHONE POLE IN THE MEDIAN PREVENTING IT FROM HITTING THE CONVOY. THE PATROL TURNED AROUND TO INVESTIGATE THE TRUCK. THE TRUCK FLED EAST ALONG RTE B. THE PATROL PURSUED. THE TRUCK PULLED ONTO THE SHOULDER JUST AFTER THE BRIDGE X.

0745: AS THE PATROL APPROACHED THE TRUCK, A DARK BLUE CAR WAS APPROACHING IN THE WESTBOUND LANE OF RTE B. THE CAR SPED UP AND TURNED AROUND HEADING EAST ALONG RTE B. IT BEGAN TO PACE THE CONVOY. THE PATROL'S LEAD VEHICLE GAVE BOTH VERBAL WARNING (OVER PA SYSTEM) AND VISUAL WARNING (1X PARACHUTE FLARE IN THE DIRECTION OF THE CAR) IN AN ATTEMPT TO GET THE VEHICLE TO STOP. THE CAR DID NOT STOP. THE GUNNER THEN FIRED 5 X DISABLING SHOTS WITH HIS M4 AT THE VEHICLE. WHILE FIRING THE 5TH DISABLING SHOT THE VEHICLE CAME TO A STOP CAUSING THE AIM OF THE BULLET TO SHIFT. THE ROUND WENT THROUGH THE WINDSHIELD AND KILLED THE LN.

0755: X LEFT THE SITE TO GO TO THE LOCAL NP HQ TO GET THE NP TO HELP WITH THE VEHICLE AND THE BODY.

0919: X WAS HIT BY AN EFP ON THE WAY BACK AND NEVER RETURNED TO THE SCENE OF THE CAR.

0930: THE BUFFALO CLEARS THE SUSPECTED VBIED.

1144: X INFORMS TOC THAT NP HAVE PICKED UP THE BLUE CAR.

BN S-2 ASSESSMENT:

THE BLUE VEHICLE WAS SEARCHED BY THE BUFFALO SHORTLY AFTER THE INCIDENT AND IT WAS DETERMINED NOT TO BE A VBIED. IT IS A LIKELY THAT THE VEHICLE WAS EITHER PACING THE PATROL FOR A MORE ACCURATE EFP DETONATION OR SLOWING THE PATROL DOWN WHILE THEY CALLED AHEAD TO ENSURE AIF EFP EMPLACERS WERE CLEAR OF AO WHILE PATROL PASSED THROUGH.



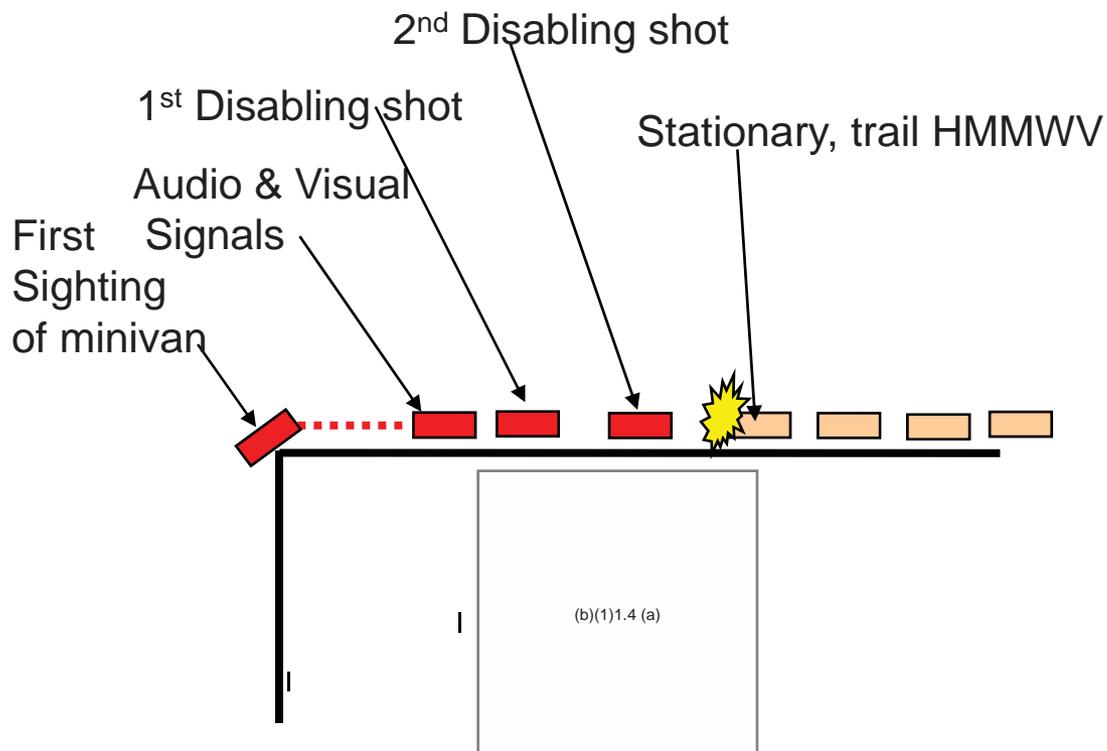
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Scenario 9: Quick, Sudden and Unexpected Turns

- A patrol was static outside of a house. The patrol had 4 M1114s lined up facing east. Their headlights were off, but the rear M1114 was under a street light and clearly visible. The rear (b)(1)1.4 spotted a minivan drive around the corner from the west about (b)(1)1.4(a) away, with headlights off. At (b)(1)1.4a away the gunner waved and y (b)(1)1.4 at the van to stop, but instead it accelerated toward them. The gunner fired a 3 round burst with the M240 into the grill of the car, and again it accelerated toward them. After this the gunner fired 30-35 rounds into the grill and windshield of the van. The van continued to roll toward them and smashed into the back of the rear M1114. The M1114 was undamaged. The patrol immediately moved away from the van and cordoned off the area. The driver was still in the vehicle and is non-responsive.

Scenario 9: Analysis

- The patrol used proper EOF measures.
- In situations where the LN or CF turn the corner. Patrol should not automatically suspect LN vehicle to be hostile if they just turned the corner. They should not expect them to pull all the way off the side of the road. A LN vehicle slowing down or stopping means they are no longer hostile. That did not happen in this situation though which allowed them to flow to lethal force.



SCENARIO 9: Quick, Sudden and Unexpected Turns

SUMMARY: 1X EOF

RESULTS: 1X LN KIA,
1X MINIVAN DAMAGED

ORDER OF EVENTS

Patrol was static outside of a house with 4 M1114s facing east.

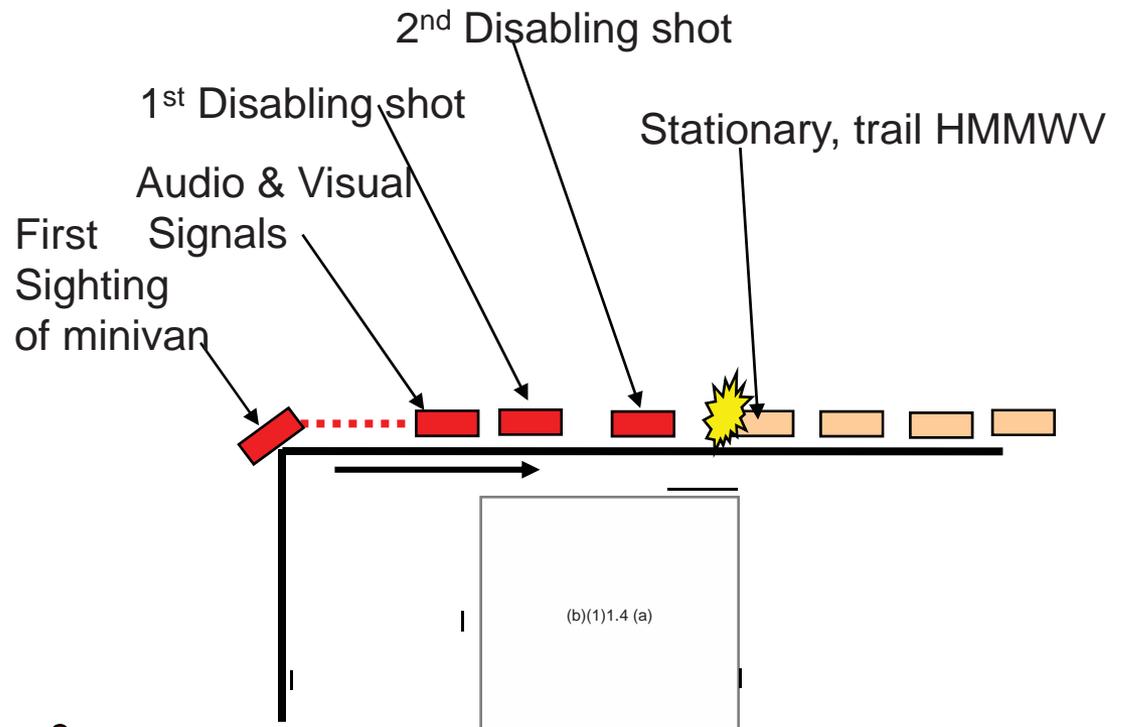
The rear M1114 spotted a minivan drive around the corner from the west about (b)(1)1.4 (a) away, with headlights off.

At (b)(1)1.4 (a) away the gunner waved and yelled at the van to stop, but instead it accelerated toward them.

At (b)(1)1.4 (a) away the gunner fired a 3 round burst with the M240 into the grill of the car, and again it accelerated toward them.

At (b)(1)1.4a away the gunner fired 30-35 rounds into the grill and windshield of the van.

The van continued to roll toward them and smashed into the back of the M1114.



Scenario 10: LN Too Far Away to Hear Verbal/Hand Signals

- A patrol was moving along route traveling eastbound. A green Chevy Suburban approached the rear of the convoy at a high rate of speed. The gunner yelled ((b)(1)1.4 (a)) and used hand and arm signals ((b)(1)1.4 (a)) in order to get the driver to stop at a safe distance. The SUV continued to approach the rear vehicle even though the M1114 was blocking the lane. At ((b)(1)1.4 (a)), the gunner showed his weapon and intent to use it. When the vehicle closed to within ((b)(1)1.4a), the gunner fired one 5.56MM round. The driver immediately stopped and backed away from the patrol, then jumped into the opposite lane and passed the patrol. No damages or injuries resulted from this EOF.

Scenario 10: Analysis

- The unit used proper EOF measures. The offending vehicle was determined to be non-hostile because of its response to EOF measures.
- However, the unit reported that the gunner yelled at the Suburban when it was (b)(1)1.4 (a) away. It is unlikely that the driver of the Suburban could hear a voice command or see hand and arm signals from that distance. Units should use the loudspeaker and other visual signals from the EOF kit.
- Units should ensure EOF kits are complete and functional (see following slides that list the contents of EOF kits).

SCENARIO 10: LN Too Far Away To Hear Verbal/Hand Signals

SUMMARY: The patrol was moving along RTE X traveling eastbound. A green Chevy Suburban approached at a high rate of speed, from a pack of vehicles (b)(1)1.4 (a) back. The gunner yelled (b)(1)1.4 (a) and used hand and arm signals (b)(1)1.4 (a) in order to get the LN to stop at a safe distance. The SUV continued through the rear vehicle even though the M1114 was blocking the lane. At (b)(1)1.4 (a) the gunner showed his weapon and intent to use it. When the vehicle closed to within (b)(1)1.4 (a) the gunner fired one 5.56MM round. The driver immediately stopped and backed away from the patrol, then jumped into the opposite lane and passed the patrol. No damages or injuries resulted from this EOF.

DATE/TIME GROUP: XX 0808 AUGXX

GRID: X

MISSION OF UNITS:

T: CONDUCT ROUTE CLEARANCE

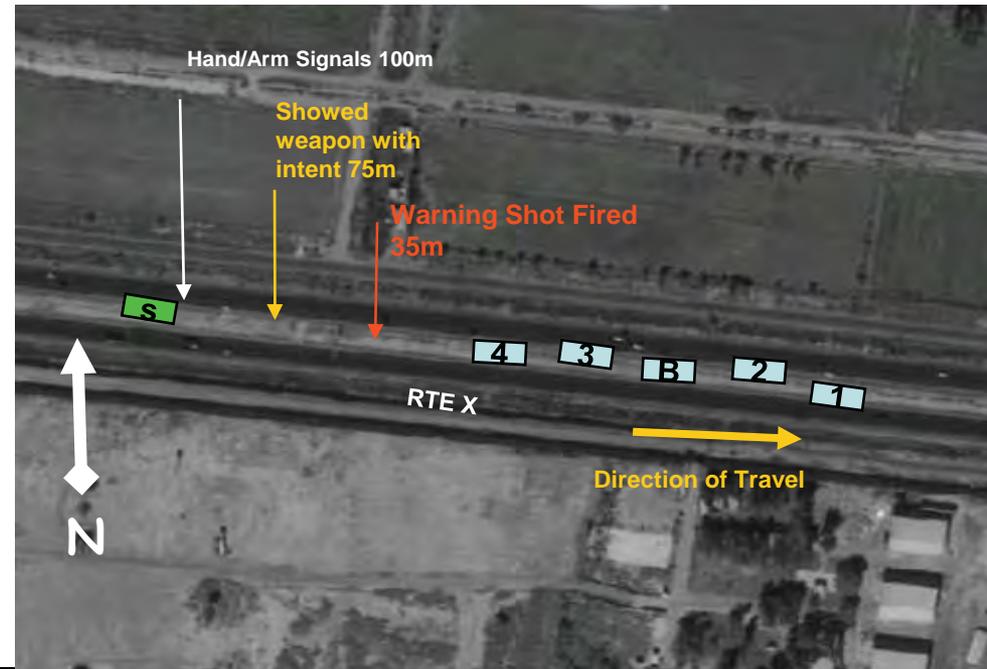
P: TO PERMIT FREEDOM OF MOVEMENT TO CF AND ISF ALONG MSR/ASR

EOF PROCEDURES:

HAND/ARM SIGNALS (b)(1)1.4 (a)

SHOW WEAPON & INTENT TO USE (b)(1)1.4 (a)

FIRE 1x 5.56 (b)(1)1.4 (a)



SUSTAIN

- Immediate action from Gunner
- Good situational awareness
- Correct escalation of force, with appropriate response

IMPROVE (W/ RECOMMENDATIONS)

- Unit does not have enough M203 Grenade Launchers; the patrol cannot outfit every gunner but looking into additional less than lethal capabilities like the FN 303 paintball gun.

QUESTIONS?

EOF Kits

PCIs must be completed prior to each mission IOT validate that the equipment is working properly. Failure to do so may result in a innocent LN being killed and creating additional resentment of CF.

MNC-I EOF CONVOY AND CP KITS

CONVOY EOF KIT		QUANTITY PER 3 CONVOY PROTECTION PLATFORMS		
QTY PER 3 CPP's	NOMENCLATURE	NSN OR COMMERCIAL	DESCRIPTION	IMAGE
2	<p>SIREN/SPEAKER SYSTEM, VEHICLE MOUNTED</p> <p>Cost: \$250 ea.</p>	<p>GALLS</p> <p>www.galls.com</p>	<p>Vehicle mounted, vehicle powered. Siren device has loud horn and other siren tones that alert the intended subject. Speaker device employs a hand mic and allows a verbal message to be broadcast from inside the vehicle.</p>	
1	<p>GREEN LASER, LARGE BEAM, CREW SERVED WEAPON MOUNTED</p> <p>Cost: \$2,800 ea.</p>	<p>B.E. MEYERS MINI GREEN</p> <p>www.bemeyers.com</p>	<p>Powerful, Long Range green laser with a large beam used to dazzle and visually warn the intended subject. Mounted on crew-served weapon. Remote wire allows operator to maintain weapon ready posture with firing hand on trigger. Includes weapon mount.</p>	
4	<p>GREEN LASER, INDIVIDUAL WEAPON MOUNTED</p> <p>Cost: \$80 ea.</p>	<p>Z-BOLT HAND HELD GREEN LASER POINTER (BTG-10);</p> <p>www.z-bolt.com</p> <p>BEAM OF LIGHT TECHNOLOGIES, INC.</p>	<p>Bright green laser used to dazzle and visually warn the intended subject. Mounted on individual weapon. Remote wire allows operator to maintain weapon ready posture with firing hand on trigger. Includes mount and remote wire.</p>	

QTY PER 3 CPP'S	NOMENCLATURE	NSN OR COMMERCIAL	DESCRIPTION	IMAGE
2	HIGH POWERED SPOTLIGHT, VEHICLE MOUNTED Cost: \$128 ea.	MAGNA-LITE HML-5M www.magnalite.com	High Power spotlight vehicle mounted, 24V system is vehicle powered, controlled by gunner, used to grab a subject's attention	
4	HIGH POWERED FLASHLIGHT, INDIVIDUAL WEAPON MOUNTED Cost: \$300 ea.	SUREFIRE SCOUT LIGHT www.surefire.com	Weapon mounted, high powered, durable flashlight with remote on/off switch. Used to grab a subject's attention.	
3	BOXES OF CHEMLITES	AVAILABLE THRU SUPPLY CHANNELS	Standard Operating Procedures	
2	WARNING SIGNS, VEHICLE MOUNTED	AVAILABLE THRU LOCAL CONTRACTORS	Used to maintain and help enforce standoff distances between a patrol and LN.	
12 (4 PER VEHICLE)	GTA EOF CARDS		GTA card will provide instruction on EOF ` and proper employment of the tools in the kit	

2	Non-lethal Rounds FN303 paintball gun, 40MM or shotgun rounds	www.fnhusa.com	Non-lethal capabilities IOT reduce LN casualties. Best practices first and last vehicle.	
6	TRAFFIC CONES WITH POWER FLARES Cost: \$50 per cone/flare	www.trafficsafetystore.com www.powerflare.com	Traffic Cones with Power Flares underneath to visibly block a lane/direct traffic	

TCP EOF KIT		TCP KIT AUGMENTS CONVOY KIT; 1 KIT PER TCP		
1	TRANSLATION DEVICE Cost: \$3,000 ea.	VOICE RESPONSE TRANSLATOR www.i-w-t.com	Hands-free, eyes-free device, allows operator to maintain SA. Translates pre-programmed English commands into Iraqi Arabic. Can be used dismantled with megaphone or in conjunction with the Siren/Speaker system.	
2	PORTABLE SPIKE STRIPS Cost: \$550 ea.	MAGNUM SPIKE TIRE DEFLATION DEVICE www.chiefsupply.com	Used in a TCP to stop a vehicle	
2	PORTABLE SPEED BUMPS Cost: \$ 425	6' EPDM RUBBER SPEED BUMP (PART # SBE6) www.trafficsafetystore.com	Slow Traffic with quick deployable speed bumps. No mounting hardware required	
2 SETS	TCP SANDWICH BOARD SIGNS	MNF-I PRODUCED	Used to warn traffic of an upcoming TCP at 300 meters, 200 meters, and 100 meters out from the TCP.	

MND- BAGHDAD (4ID)
CAMP AL-TAHREER (LIBERTY)
BAGHDAD, IRAQ
11 1000 C JUN 08

**TAB C (UNIFORM POSTURE AND ARMING STATUS) TO APPENDIX 1
(FPCON, RAM AND UNIFORM POSTURE) TO ANNEX M (FORCE
PROTECTION) TO MND-B SOP**

2. (U//~~FOUO~~) PURPOSE: ALL UNITS WILL REINFORCE THE CORRECT UNIFORM POSTURE AND WEAPON ARMING STANCE IAW THE GUIDANCE PROVIDED BELOW IOT PROTECT THE FORCE.

3. (U//~~FOUO~~) INDIVIDUAL FORCE PROTECTION POSTURE IS COMPRISED OF TWO ELEMENTS: THE UNIFORM POSTURE AND WEAPONS ARMING STANCE.

3.A (U//~~FOUO~~) IRAQ WIDE OFFICIAL UNIFORM POSTURE DEFINITIONS:

3.A.1 (U//~~FOUO~~) **U1:** ACU, DCU OR SERVICE EQUIVALENT OR OFFICIAL SERVICE PHYSICAL FITNESS UNIFORM IF DOING PT OR AFTER DUTY HOURS. HELMET (ACH) AND INDIVIDUAL BODY ARMOR (IBA) AVAILABLE WITHIN 10 MINUTES.

3. A.2. (U//~~FOUO~~) **U2:** ACU, DCU OR OFFICIAL SERVICE PHYSICAL FITNESS UNIFORM, HELMET (ACH), [MND-B-BALLISTIC EYEWEAR] AND IBA WORN OUT OF DOORS FOR A TEMPORARY STATED TIME FRAME OR FOR A SPECIFIC ACTIVITY. PERSONNEL MAY WEAR THE HELMET (ACH) AND INDIVIDUAL BODY ARMOR OVER THE OFFICIAL SERVICE PHYSICAL FITNESS UNIFORM ONLY WHEN GOING TO, PERFORMING, OR COMING FROM PHYSICAL TRAINING ACTIVITY ON THE FOB.

3. A.3. (U//~~FOUO~~) **U3:** ACU, DCU OR OFFICIAL SERVICE PHYSICAL FITNESS UNIFORM, HELMET (ACH), [MND-B BALLISTIC EYEWEAR] AND IBA WORN OUT OF DOORS UNTIL FURTHER NOTICE. PERSONNEL MAY WEAR THE HELMET (ACH) AND INDIVIDUAL BODY ARMOR OVER THE OFFICIAL SERVICE PHYSICAL FITNESS UNIFORM ONLY WHEN GOING TO, PERFORMING, OR COMING FROM PHYSICAL TRAINING ACTIVITY ON THE FOB.

3.A.4. (U//~~FOUO~~) **U4:** ACU, DCU, HELMET (ACH), IBA, BALLISTIC GOGGLES (IF AVAILABLE), AND COMBAT EARPLUGS WORN. PHYSICAL FITNESS UNIFORM IS NOT AUTHORIZED.

4. (U//~~FOUO~~) IRAQ WIDE OFFICIAL WEAPONS ARMING STATUS DEFINITIONS:

(b)(1)1.4 (a)

TAB C (UNIFORM POSTURE AND ARMING STANCE) TO APPENDIX 1
(FPCON, RAM AND UNIFORM POSTURE) TO ANNEX M (FORCE
PROTECTION) TO MND-B SOP

5. (U//~~FOUO~~) GUIDANCE FOR ALL COMMANDERS IS AS FOLLOWS:

5.A. (U//~~FOUO~~) COMMANDERS AT ALL LEVELS HAVE THE AUTHORITY TO CHANGE THE INDIVIDUAL FORCE PROTECTION POSTURE LEVEL IN THEIR AO, BUT THEY DO NOT HAVE THE AUTHORITY TO MAKE A CHANGE TO THE IRAQ WIDE DEFINITIONS.

5.B. (U//~~FOUO~~) ALL UNITS ATTACHED OR OPCON TO MND-B WILL ADD "WEAPON ON SAFE" TO RED ARMING STATUS.

5.C. (U//~~FOUO~~) THE NORMAL INDIVIDUAL FORCE PROTECTION POSTURE ON THE FOB IS U1, GREEN.

5.D. (U//~~FOUO~~) ANY TIME PERSONNEL ARE TRAVELING OUTSIDE THE FOB, THEY WILL BE IN A MINIMUM OF FORCE PROTECTION POSTURE U4. TURRET GUNNERS WILL BE AT WEAPON ARMING STANCE RED. DRIVER, TC AND PASSENGERS WILL BE AT A MINIMUM OF ARMING STANCE AMBER.

5.E. (U//~~FOUO~~) WHEN MILITARY UNITS MOVE TO AN ELEVATED FORCE PROTECTION POSTURE, CIVILIAN PERSONNEL WILL WEAR EQUIVALENT CIVILIAN PROTECTION.

6. (U//~~FOUO~~) COMMANDERS AT A MINIMUM WILL TAKE INTO CONSIDERATION THE FOLLOWING WHEN EVALUATING THE UNIFORM POSTURE:

6.A. (U//~~FOUO~~) INTELLIGENCE REPORTS

6.B. (U//~~FOUO~~) SIGNIFICANT RELIGIOUS DATES AND HOLIDAYS

6.C. (U//~~FOUO~~) SIGNIFICANT EVENTS

6.D. (U//~~FOUO~~) RECENT ENEMY TRENDS AND ATTACKS

6.E. (U//~~FOUO~~) FORCE PROTECTION VULNERABILITIES

6.F. (U//~~FOUO~~) WEATHER

6.G. (U//~~FOUO~~) INTELLIGENCE SURVEILLANCE RECONNAISSANCE (ISR) ASSET AVAILABILITY

7. (U//~~FOUO~~) BELOW IS A VISUAL OF THE UNIFORM POSTURE DEFINITIONS AND ARMING STANCE.

TAB C (UNIFORM POSTURE AND ARMING STANCE) TO APPENDIX 1
(FPCON, RAM AND UNIFORM POSTURE) TO ANNEX M (FORCE
PROTECTION) TO MND-B SOP

**MND BAGHDAD FORCE PROTECTION
ARMING AND UNIFORM GUIDE**

WEAPONS ARMING STATUS DEFINITIONS

(b)(1)1.4 (a)

(b)(1)1.4 (a)

Pages 322 through 370 redacted for the following reasons:

(b)(1) 1.4(a)
(b)(1) 1.4(a), (b)(2), (b)(3), (b)(6)
1.4(a)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION
FORT HOOD, TEXAS 76544-5000

AFYB-CG

10 November 2007

MEMORANDUM FOR: 4th Infantry Division

SUBJECT: How We Fight

1. I believe it necessary to operationalize the MNF-I Commander's Counterinsurgency Guidance. Such doesn't imply this is not occurring. In fact, units are successfully executing MNF-I Commander guidance and battlefield progress continues each day. However, what I want to do is share with you how we will employ tactics and procedures to best implement the MNF-I Commander's guidance.

My View: General Petraeus provides clear guidance for counterinsurgency operations. We must be more successful in executing such guidance to set Transition related conditions.

Our Responsibility: Translate his words to "successful" actions (tactical) on the battlefield.

How to Accomplish: (1) Top-down and bottom-up IPB (we are not sharing information from the top-down nor bottom-up); (2) All patrols are Deliberate Attack combat operations (70% or better enemy intelligence prior to LD); (3) Uncompromising application of IronHorse Big-8 (for all operations); and (4) Increased emphasis on dismounted tactics. Bottom Line: We must build on the success of those before us and provide clear definitive guidance to our platoon leaders and company commanders by translating MNFI operational framework into clear tactical tasks. This provides the opportunity to seize and maintain the initiative by isolating the enemy and forcing him to fight on our terms. Furthermore, this increases the overt presence of ISF supported by our Soldiers presence among the Iraqi people (therefore increasing the perception of security and confidence in their government), and provides the means to significantly reduce our casualties.

2. **Top-down and bottom-up IPB.** In this fight, intelligence must drive our operations. In fact, a large percentage of our maneuver will be conducted primarily to generate information we can translate into actionable intelligence. We must conduct detailed intelligence preparation of the battlespace. Commanders are responsible for the IPB process and cannot delegate this essential component of planning to their S2 or XO. Use our doctrine, both conventional IPB manuals and our new counterinsurgency doctrine. IPB cannot stop at LD, it must be a running product (i.e. "running estimate") we continually refine and adjust based on the fluid nature of our operating environment.

We have an enormous capability through all the intelligence disciplines ("ints") to collect information and intelligence. The challenge we face is sorting through this mass of data to find (analyze and fuse) the actionable intelligence. More importantly, once we find it we must get it to the appropriate level commander so it enables operations. Well thought out PIR that supports commander decision making is the first key to accomplishing this task. In addition to good PIR, we need proactive officers and NCOs at all levels who both push and pull intelligence. Too often, we have intelligence at Division or BCT level that would be incredibly valuable at CO/PLT level, but never gets there. Similarly, key data points generated by patrol debriefs and unit level engagements fail to make it to BCT/DIV level where such information may answer a PIR. We must enforce a disciplined information management system that leverages our technology, but more important, fight for intelligence up and down

the levels of command. A critical element of this system is ensuring intelligence gaps are properly identified up and down the chain of command.

Your Action: Units must resource S2 sections, down to Company level... They are critical to the mission. They must be your best Soldiers who can analyze and think through problems. S2s must be aggressive, detailed, and predictive. They must understand all the tools available, and know how to access and use those tools. Lives depend on it. Pre-deployment training must ensure S2 sections are trained and ready to accomplish their mission. If commanders need more resources in this effort, now is the time to identify those such... personally to me. We will stop at nothing to ensure they are prepared. Remember: All missions are deliberate attacks that require a 70% or better enemy intelligence "fix." All roads lead up/down through the company S2 in order to achieve the 70% Deliberate Attack condition.

3. All patrols are Deliberate Attack combat operations. MND-B will not conduct combat operations without detailed preparation that includes a thorough understanding (70% - 90%) of the enemy, terrain and civil considerations that define the area in which we will fight. We must develop and maintain a deliberate attack mentality in regards to all operations. Our doctrine on this topic is clear:

"Deliberate attacks are highly synchronized operations characterized by detailed planning and preparation.... Commanders take the time necessary to position forces and develop sufficient intelligence to strike the enemy with bold maneuver and accurate, annihilating fires..... Commanders maintain pressure on the enemy while they plan and prepare.... Deliberate attacks require extensive planning and coordination.... Commanders and staffs refine plans based on rehearsals and intelligence from reconnaissance and surveillance.... Commanders direct reconnaissance and surveillance missions to collect information about the enemy and AO. The intelligence system analyzes this information to find weaknesses in enemy capabilities, dispositions, or plans. Friendly forces exploit enemy weaknesses before and during the attack. Effective information management (IM) routes data collected by reconnaissance and surveillance assets to the right place for analysis. IM also facilitates rapid dissemination of intelligence products to forces that need them." FM 3.0

Commanders must ensure every operation is properly enabled via IPB (must include Terrain, Enemy, and Civil Considerations analysis). IPB must be conducted at the lowest levels, include historical information, current reporting and more importantly, predictive analysis, and templated enemy locations. As prescribed in the Ironhorse Big 8, every operation requires an Operations Order, which includes (by doctrine) a detailed intelligence paragraph / annex that is based on detailed IPB, supported by an enemy Situational Template (SITTEMP). If our combat patrols do not understand what has occurred in the past in their operational environment, current reporting, and do not have an Enemy COA and SITTEMP, they have not met the threshold of thorough understanding (70% - 90%) of the enemy, terrain and civil considerations.

A tactical road march to a designated grid coordinate to establish a TCP creates complacency in a platoon, given that alone as the mission statement. Conversely, a mission to conduct a deliberate attack along a given axis to clear an OBJ and transition to a TCP in order to block movement of VBIEDs requires a detailed planning effort and creates an offensive, proactive mindset in the force. Terms such as "presence patrol", "meet and greet" and "SWET assessment" are not operations or tactical tasks. Reconnaissance patrols will be conducted only when units are provided specific NAIs (physical areas, people, etc.) and information requirements to be answered. Analysis that results in IED "hotspots" or "red

zones" is useful, but only when those areas are viewed as enemy engagement areas, the enemy templated and the patrol develops a scheme of maneuver to defeat the threat. Movement techniques must be based on expectation of enemy contact and units must maneuver against the enemy. The mentality and level of detail associated with the examples above is what I expect to see in all of our operations. Remember: Deliberate Attack; not "presence patrols," "meet and greet," etc.

4. Uncompromising application of IronHorse Big-8. The IronHorse Big 8 is the MND-B standard for preparation and execution of combat operations. Uncompromising application of this methodology, to include ruthless enforcement of standards by leaders at all levels will translate to successful operations, and prevent friendly casualties. No "vote" here... Non-negotiable standard that will be as routine as waking up each morning. The following is "what right looks like," and will be codified in standardized checklists, and included in the 4ID leaders book.

a. OPORD: A five paragraph Order that has been developed through analysis of the higher HQ order; clearly restates the essential tasks (task and purpose); addresses accomplishment of each specified task from the higher HQ order; assigns a task and purpose to each subordinate element. Includes detailed intelligence paragraph / annex that is based on detailed IPB. IPB meets Deliberate Attack standard of at least 70% understanding of the operational environment, including as a minimum, Terrain, Enemy and Civil Considerations. Includes both historical information (past enemy attack trends) and a Situational Template of predicted enemy courses of action. Includes planned actions at known and suspected danger areas/zones to include designating formations and movement techniques. Fire support plan identifies adequate control measures to focus, shift, mass, and distribute the combined effects of lethal and non-lethal weapon systems and specific methods to control fires and engage population with IO and PAO themes. OPORD is briefed to the element using maximum amount of visual aids as possible (maps, imagery, sandtable, etc.)

b. Graphics: Graphics support task and purpose, scheme of fires, scheme of maneuver, throughout the AO's depth. Disseminated to all vehicle commanders; dismounted team and squad leaders, and attached/OPCON elements (digital and analog). Graphics support branch plans and sequels. Includes 70% or better understanding of the operational environment, including as a minimum, Terrain, Enemy and Civil Considerations and refined SITTEMP that depicts known and suspected enemy locations and courses of action and historical and predictive IED, Sniper, and other threat locations and actions. Graphics are consolidated and disseminated. Includes CSS graphics.

c. PCC/PCI: Know the difference between PCC and PCI... Prep-to-fire checks and individual/crew weapons test fires conducted; load plans inspected and made safe; before operations maintenance checks performed; complies with unit commander's prescribed list from WO/OPORD/SOP. Commo check on command, subordinate, fire support, and CSS nets. Uniform IAW OPORD; graphics checked and subordinate unit briefbacks conducted. All Soldiers understand ROE and EOF. Progress of preparations tracked and reported to higher HQ. First line NCO supervisor inspects all designated items (PCC); Commander inspects or has designated inspection team SMEs check prescribed areas(PCI); deficiencies re-inspected (PCC).

d. Rehearsals: Led by the Commander or Platoon Leader. Reinforces the commander and subordinate unit task and purpose, scheme of maneuver, scheme of fires, scheme of support; integrates the actions of the subordinate elements throughout conduct of the operation; identifies enemy's most likely and most dangerous COAs, composition, disposition, and strength; visually depicts graphics, terrain, enemy, and friendly forces during rehearsal; defines and includes a "walk through" the 70% or better understanding of the operational environment, to include terrain, enemy and civil considerations – Rehearsal of friendly actions is based on this 70% or better enemy estimate; uses appropriate type and technique given available time and resources. Discusses higher HQ intent, scheme of maneuver, fires and CSS; branch plans and contingencies without wargaming. Addresses actions on contact, movement techniques and formations in terms of planned routes, battle drills, crew drills, EOF and CASEVAC. Incorporates attached/OPCON units into rehearsal. Subordinate elements conduct generic, mission oriented battle drill rehearsals prior to/separate from rehearsal; and conduct CSS and/or fire support rehearsals.

e. Security: Security plan designated, addressing the enemy courses of action based on the 70% or better understanding of the operational environment, to include terrain, enemy and civil considerations; security maintained throughout planning and preparation phases; conducts active/passive security patrols; enforces REDCON levels. Sectors of fire and responsibilities designated for movement. Adjacent unit coordination for security plans and patrol routes conducted. QRF designated and ready. Unit moves or alters plan if compromised by enemy reconnaissance.

f. R&S: Commander has assigned NAIs to answer PIRs. Specified NAIs from the higher HQ R&S plan have been assigned and are covered. Units develop own NAIs in addition to ones that are assigned. NAIs are based on DST and fire (lethal and/or non-lethal) support plan. Identifies key leaders and/or population to be engaged. Integrates other collection assets available (UAV, HUMINT, SIGINT, Non-Standard Collection, etc.) Includes communications methods to both transmit and receive results of R&S. R&S plan includes NAIs to confirm or deny Enemy SITTEMP. SITTEMP continually refined with information from R&S.

g. Time Management: Subordinates provided 2/3 of available time from end of OPORD and backbriefs. Warning orders issued in a timely manner to alert subordinates of future operations and facilitate parallel planning. Subordinate units conduct generic rehearsals, PCC/PCI, and logistic resupply based on type of mission prior to receiving an operation order. Tasks are prioritized based on available time to maximize the preparation.

h. Composite Risk Management: Unit conducts formal risk assessment IAW unit SOP to ID and assess hazards, develop control measures, disseminates control measures, implements control measures, and supervises. Risk assessment is continuously refined and regularly updated by FM or voice; risk levels and status of mitigating actions tracked in unit CP. Includes types of risk – Tactical and Accidental. Conducts an internal risk review after mission execution.

5. **Be there: With ISF, gain asymmetric advantage among the people.** I believe combined operations with ISF—among the people in the most threatened communities—set the conditions to accomplish our mission. Everything changes when we work face-to-face, person

to person, with our Iraqi comrades—the army, police, ISV, and civic leaders. We must be among them—mostly dismounted—in the streets, markets, communities. Success begins when together we combine American with Iraqi strengths. By working together among the people we deny the enemy and criminals their natural asymmetric advantages in urban insurgency. The following METT-C analysis steps you through my thinking on how we can gain overwhelming advantage in tough physical and human terrain.

a. Mission: Our essential task- Secure Baghdad, and our overarching purpose – Protect the People, cannot consistently be accomplished without face-to-face, on the ground, combined operations. Relying too heavily on mounted patrols actually works against us. In that mode we don't really secure anything, and often the very people we seek to protect often feel threatened by armored formations. Training and developing the ISF, our second most important task, demands we work with their police and army formations where they are strongest: dismounted, among the people.

b. Enemy: Our enemies fight on their feet (not discounting the VBIED threat). Death squads that terrorize Baghdad's residents too often move unconstrained through urban terrain. To defeat them and protect the people, CF and ISF together must go where they go, stay there, and deny sanctuary. While our counter IED campaign correctly orients on networks, it is the dismounted enemy who emplaces and triggers these weapons most frequently. Ironically, these weapons are designed to kill mounted Soldiers. Strip our enemies of this asymmetrical advantage by denying him what he best targets. Mix our operations--mounted and dismounted—emphasizing dismounted. Effectively blending these two modes will make EFPs (narrow cone of fire) and Large Buried/Underbelly IEDs (confined to roads) far more costly in terms of time, effort and risk and ineffective. Even as the enemy adapts to our dismounted tactics (which he will) our work with ISF will penetrate the cultural barriers and enable effective connection and trust with the people. The enemy's risk during IED construction and emplacement in these communities will increase as we synchronize our civil affairs efforts, rewards programs, and the government's reconstruction and civic action programs. Such operations among the people mitigate risks of anti-personnel devices. Dismounted, our observation and dispersion--even in urban settings--reduces the enemy's ability to engage us successfully. Walking the streets with the ISF and local citizens gains us other advantages. Indirect fire will be more difficult, and snipers will lose security they desperately require. HUMINT—the single most valuable form of intelligence for securing the population—will increase in quantity and quality. The proper mix of mounted with dismounted is key. Gaining a decisive advantage on the key terrain—the human population—is our goal. Success in this area robs the enemy of his greatest enabler.

c. Terrain: Urban terrain is complex and multidimensional. The people magnify the terrain issues exponentially. Our combined operations must cover all aspects to accomplish our mission. Over-reliance on single modes of maneuver--especially mounted armored patrols--ensures we cannot dominate the urban terrain where and how we need to. Working alongside ISF and among the citizens enables us to identify at-risk and threatened communities, re-orient our intelligence collection plans, and effectively refine and synchronize kinetic and non-kinetic efforts with the Iraqis. Dismounted operations enable us to best cover the multidimensional terrain. Range is limited and the tempo is slower, but effectiveness is increased. Mounted operations do give us unique advantages, and we will not surrender those. Mounted, we move to

critical areas quickly, seize initiative and gain surprise. But the current enemy is best configured to counter these advantages. Mounted operations require reliable IPB, risk mitigation, and detailed mission planning. Combination of mounted and dismounted operations, with the Iraqi army and police, enables us to dominate the terrain at the time and place of our choosing. In the end, operations among the people on their terrain—neighborhoods, villages, communities—will prove decisive.

d. Troops Available: We achieve asymmetrical advantage by pairing the ISF's and our dissimilar strengths. Together, with a heavy emphasis on dismounted operations among the people, we will achieve advantages we haven't yet witnessed. The US brings unique intelligence capabilities, tactical CA, IO and PSYOP, Command and control, and agility. The ISF brings potential for increased legitimacy and cultural intelligence—especially as we work with the entire ISF team: army, police, and security volunteers. We simply cannot duplicate the manpower and cultural strengths they bring, nor can they duplicate ours. To maximize troops available, we must work together. On the ground, we actually reduce risk by dismounting. A dismounted platoon gains the advantage of 30 sets of eyes and ears working in all directions. They easily engage with the local citizens while also wielding firepower to counter almost any enemy contact. Mounted formations trade these advantages for speed and mobility, but the enemy leverages the Americans' preference for unilateral and vehicular action. We maximize available troops by combining operations with the ISF, especially among the people.

e. Time Available: Slowing the tempo works to our advantage when we match that of our partners and the people we secure. The primary reason units move mounted is the requirement to cover large areas of battlespace with limited forces. With the exception of DUSTWUN, troops in contact requiring immediate assistance or the execution of actions on contact, there is no scenario requiring increased risk in order to move fast. Compensate for the longer times required by dismounted movement by conducting extended patrols of 72-96 hours while still maintaining a deliberate attack mentality. JSSs, COPs, and PBs are each a "way" not an "end". These relatively secure areas are platforms that enable us to work with our ISF partners and extend our reach as well as the time we can spend patrolling among the people (72 hours or more). Such presence actually maintains a higher operational tempo that matches ISF strengths, is acceptable to the people, and denies our enemy advantages they rely on. QRF designation and planning are essential to JSS and dismounted operations. Finally, our planning must include detailed time, terrain (physical and human), and threat analysis for proper movement techniques through known and suspected danger areas. We must not simply default to mounted operations; dismounted operations bring time advantages all their own.

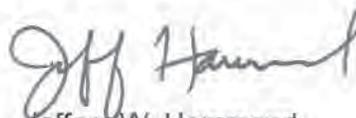
f. Civilian Considerations: Success for us and the ISF boils down to effectively engaging local leaders and ordinary citizens. Iraq is an honor based society. As such, treating people of Iraq with honor is about "face to face" and "hand to hand" contact. The ongoing struggle will be won among the people—there is no substitute for being there, in the communities, with our ISF partners. Operating mounted, even stopping along the way, will not provide opportunities to truly engage leaders and people in neighborhoods, understand their concerns, or measure atmospherics. Our enablers, IO in particular, only gain traction when civilians see our messages matching our actions. Enemy propaganda cannot counter close, personal presence over time. To

be first with the truth, we have to "be there". Then, through personal engagements with key leaders and the citizens in our areas, the Iraqis will see us and—increasingly—the ISF, as reliable, trustworthy, and protectors of honor. Remember: for the ISF to succeed with a "beat cop" approach we must model it with them.

This analysis in no way dictates any form of tactical movement. I fully understand each tactical scenario is unique, requiring commanders at all levels to make decisions. I also acknowledge that dismounted, mechanized, vehicular and air movement techniques each have disadvantages and advantages. That said, I believe the best way we can deny the enemy his advantages and bring ours and the ISF's to bear requires increased emphasis on combined operations among the people—most often in the form of dismounted patrolling—for extended periods of time, in the neighborhoods and areas decisive to our fight.

6. Conclusion. We owe it to our Soldiers to build on the success and sacrifice of those who have served before us. We have received clear guidance from our higher headquarters. By accomplishing the four major tasks addressed above, we will give our Soldiers the best chance to succeed, and they will exceed our expectations. Commanders at all levels will implement and enforce the guidance and directives in this letter.

IRON HORSE = VICTORY



Jeffery W. Hammond
MG, USA
Commanding General



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FRAGO 003 TO OPORD 08-01 (PATRIOT GAMEPLAN)

(U) THIS FRAGO HAS BEEN APPROVED FOR RELEASE BY MAJ (b)(3)(b)(6), 4/10 CHOPS

(U) REFERENCES: APPLICABLE REFERENCES ARE LISTED IN EACH SUBHEADING

(U) TIME ZONE USED THROUGHOUT THE FRAGO, UNLESS OTHERWISE SPECIFIED:
CHARLIE (LOCAL)

(U) SUBJECT:

- 1. PATRIOT SYNCHRONIZATION
- 2. 4/10 MASTER CALENDAR (OUTLOOK)
- 3. WEAPONS CONTROL STATUS
- 4. MOVEMENT OF DETAINEES WITHIN PATRIOT OE

(b)(1)1.4a

2. (U) **MISSION. NO CHANGE.**

3. (U) **EXECUTION CHANGE.**

3.A. (U) **COMMANDER'S INTENT. NO CHANGE.**

3.B. (U) **CONCEPT OF THE OPERATION. NO CHANGE.**

3.C. (S//REL) (b)(1)1.4a

3.C.1. PATRIOT SYNCHRONIZATION

3.C.1.A. (S//REL) (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

Pages 379 through 381 redacted for the following reasons:

(b)(1)1.4a, (b)(3), (b)(6), (b)(2)

FRAGO 003 TO OPOD 08-01 (PATRIOT GAMEPLAN)

~~(S//REL)~~

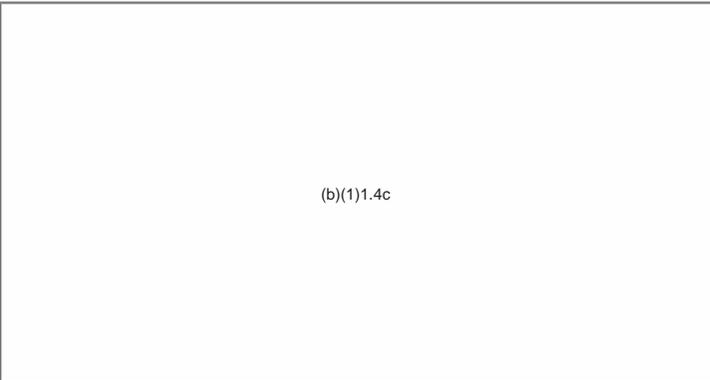
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3.C.4.D. COORDINATING INSTRUCTIONS

3.C.4.D.1. (U) ALL DETAINEES MUST HAVE AN APPROVED DETAINEE TRANSFER REQUEST (DTR) PRIOR TO MOVEMENT.

3.C.4.D.2. (U) ENSURE THAT DETAINEE TRANSFERS ARE DOCUMENTED ON A DD FORM 2708.

3.C.4.D.3. (U) UPON COMPLETION OF DETAINEE TRANSFERS, NOTIFY 4BCT PMO DETAINEE OPERATIONS AT VOIP (b)(2), (b)(6)

3.C.4.D.4. (U) PO (b)(3), (b)(6) CT PMO, AT VOIP: (b)(2), (b)(6)
OR SIPR EMAIL: (b)(3)(b)(6), (b)(2)

4. (U) **SERVICE SUPPORT. NO CHANGE.**

5. (U) **COMMAND AND SIGNAL. NO CHANGE.**

ACKNOWLEDGE:

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

COL

L:

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

S3

APPENDICES:
APPENDIX1 – PATRIOT SYNCH

Pages 383 through 384 redacted for the following reasons:

(b)(1)1.4a



LOAC AND ROE TRAINING





AGENDA

- **Law of Armed Conflict (LOAC)**
- **Rules of Engagement (ROE)**
- **ROE Scenarios**



Why Do We Obey LOAC?

- **US Armed Forces are disciplined and follow the Rule of Law**
- **Violations/failure to report are punishable under the UCMJ**
- **Violations and their publicity fuel the insurgency**
- **Violations reduce local, domestic, and international support**



4 FUNDAMENTAL LOAC PRINCIPLES

- **Military Necessity**
- **Discrimination**
- **Proportionality**
- **No Unnecessary Suffering**



1st FUNDAMENTAL PRINCIPLE

MILITARY NECESSITY

- Can only strike or capture targets that offer a definite military advantage due to their nature, location, purpose, or use
- Does not authorize acts otherwise prohibited by LOAC

DISCRIMINATION

WIZARD of ID





2nd FUNDAMENTAL PRINCIPLE

DISCRIMINATION

- Requires that ALL attacks be directed only at hostile forces and military objectives
- At ALL times, MUST distinguish between hostile forces and civilians
 - Civilians (both gender and all ages) become a hostile force if they commit a hostile act or display hostile intent...more to follow on hostile act/hostile intent



More on Principle of Discrimination

Positive Identification (PID)

- PID is a reasonable certainty that the individual or object of attack is a military objective in accordance with the ROE.
 - Not an absolute certainty; would a reasonable person under the same circumstances have made the same determination?
 - A judgment call based on all information available to the trigger puller; e.g. intelligence, known enemy TTPs, circumstances, time, location, behavior.
- PID is the key to every engagement – if you don't have PID, you CANNOT engage



3rd FUNDAMENTAL PRINCIPLE

PROPORTIONALITY



Collateral Damage (incidental loss of life and property)
VERSUS

Concrete and direct military advantage anticipated

- On scene commander (OSC) uses the balancing test as a basis to determine what response, if any, is appropriate to decisively counter the threat, after taking into consideration the collateral damage expected
- Cannot engage if the collateral damage will be excessive compared to the military advantage anticipated by striking the target



4th FUNDAMENTAL PRINCIPLE

UNNECESSARY SUFFERING

- Prohibits use of arms that are calculated to cause unnecessary suffering
- All US weapons are authorized if used properly
- Not authorized to use privately owned weapons, or to tamper with or alter issued weapons or ammunition
- If permitted to use deadly force, may use any proportional means available; not limited to a particular type of weapon for a particular type of target



OTHER LOAC FUNDAMENTALS

- **Treat Detainees Humanely**
- **Collect and Care for the Wounded**
- **Treat the Dead with Respect**
- **Treat Civilians Humanely**
- **Respect Private Property/Possessions**
- **Prevent and Report LOAC Violations**

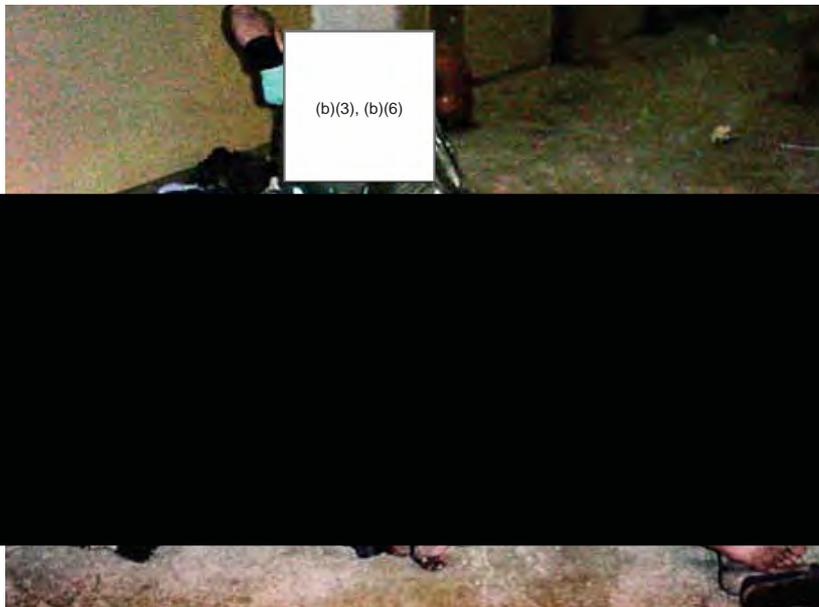


DETAINEES

- You **MUST** protect any detainees in your custody – with deadly force if necessary
- They must be treated humanely
- They must be given proper medical care, food, water, shelter, basic hygiene, clothing
- They must be promptly evacuated from the area; no PID missions



PROTECTIONS FOR ALL DETAINEES



Soldier is currently confined for conviction on multiple UCMJ violations.

Duty to protect and respect detainees

Detainee abuse will not be tolerated.



COLLECT AND CARE FOR WOUNDED

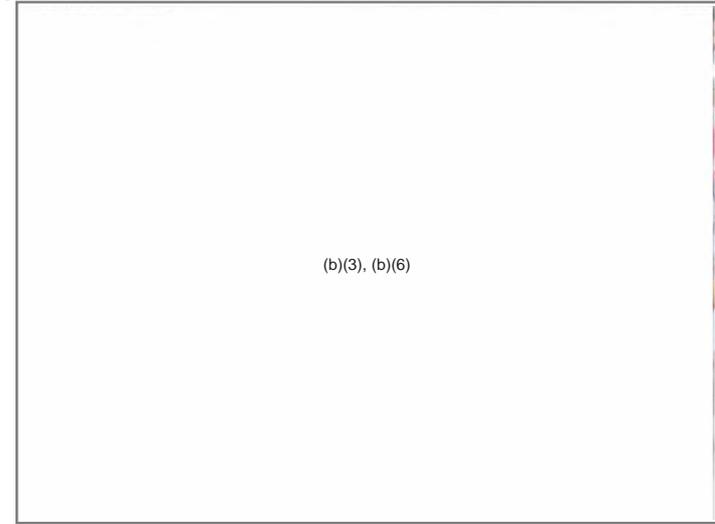
- Law requires you to care for enemy wounded
 - Once injured and no longer posing a threat, they become non-combatants
 - Treat enemy wounded as one of your own
 - Safeguard from further attack



TREATMENT OF CIVILIANS



- Treat ALL civilians and their property with respect and dignity
- Do not intentionally put civilians in danger
- May restrict freedom of movement for safety of US personnel or for safety of other civilians
- You may stop, detain, and search ci reasonable belief that the individuals (1) are or were engaged in criminal activity, (2) interfere with mission accomplishment, (3) are on a list of people wanted for questioning for criminal or security reasons, or (4) detention is necessary for imperative reasons of security.



DETENTION OF FEMALES/JUVENILES



- On Scene Commanders may detain persons, including females and juveniles, under certain specific circumstances.
- If you intend to detain a female or a juvenile, contact your chain of command for guidance.

PROTECT/RESPECT PROPERTY



- Do not target the following except in self-defense:
 - Cultural/historic buildings
 - Government buildings
 - Non Governmental Organization (NGO) property
 - Government detention facilities
 - Mosques, religious buildings
 - Hospitals and clinics
 - Schools, colleges, universities
 - Civilian refugee camps and concentrations
 - Facilities whose engagement results in pollution
 - Dams or dikes whose engagement results in flooding of civilian areas

- Pre-planned damage or destruction requires CENTCOM CDR approval



Thome Anderson / Corbis

PREVENT LOAC VIOLATIONS



- You and your Soldiers are responsible for knowing and following LOAC
- Everyone is responsible for clarifying unclear orders and refusing illegal orders
- “I was just following orders” is not a defense
- Reporting LOAC violations is mandatory and covering them up is a crime
- Leaders can be held responsible for acts of subordinates if they know or should know a LOAC violation is about to occur and they do nothing to stop it; also responsible if they learn of a violation and do nothing to report or investigate



RULES OF ENGAGEMENT





SELF-DEFENSE

- On scene commanders have the authority and obligation to use all necessary means available and to take all appropriate actions to defend their unit and other Coalition and Iraqi Security Forces from a hostile act or demonstration of hostile intent
 - Also permitted to defend all US persons, detainees in MNF custody, personnel participating in military operations with MNF and the Iraqi Government, and NGOs
- Obtain/Maintain PID and respond with force necessary to eliminate the threat



HOSTILE ACT

- You may engage an individual if you are reasonably certain (PID) they committed/are committing a hostile act
- **Hostile Act: an attack or other use of force against US Forces, CF, ISF, US citizens, Iraqi civilians, and other designated persons and property**
- It is also force used directly to preclude or impede the mission and/or duties of US Forces
- Proportional response requires that you only use deadly force if you are threatened with death or serious bodily injury
- Can engage someone who has committed a hostile act unless they surrender and no longer pose a threat or are out of the fight due to injury...you can engage someone running away after a hostile act or display of hostile intent



HOSTILE INTENT

- You may engage an individual or individuals if you are reasonably certain (PID) they are exhibiting hostile intent
- **Hostile Intent: the threat of imminent use of force against US Forces, CF, ISF, US citizens, Iraqi civilians, and other designated persons and property**
- The threat does not have to be immediate or instantaneous, but actions must make you reasonably certain that the individual intends to use force against designated persons or property
- IN CONTEXT: Tough situations, tough decisions



ESCALATION OF FORCE

If time and circumstances permit, use graduated response measures:

- (1) SHOUT and/or SIGNAL Warnings to Halt
 - (2) SHOW Weapon and Demonstrate Intent to Use It
 - (3) SHOVE or Detain (physically restrain, block access, or detain)
 - (4) SHOOT a Non-Lethal Round, if available
 - (5) SHOOT Warning Shot
 - (6) SHOOT Disabling Shots (vehicle threat only)
 - (7) SHOOT to eliminate the threat
- DO NOT GO THROUGH EACH STEP IF THE SITUATION DOES NOT SAFELY ALLOW IT!
 - Disabling shots are intended for vehicles. If someone commits a hostile act/hostile intent that threatens CF, ISF, or other protected persons with death or serious bodily injury, shoot to kill, not to disable
 - Non-lethal rounds are a type of ammunition, they do not mean attempt to only wound or maim. Unless firing warning shots or vehicle disabling shots, fire center mass to kill.

ROE SCENARIOS



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



SITUATION 1

Your patrol sees an unarmed individual digging during the day on the side of a road frequently traveled by your unit. The individual sees your patrol approaching and flees. Can you engage the individual?



ANSWER

No. Under the circumstances, the activity of digging a hole, by itself, cannot give the unit reasonable certainty that the man is demonstrating hostile intent. The unit can give chase and detain the man, but deadly force, including warning shots, is not authorized.

If the unit is able to see IED material, the unit would have PID of hostile intent and could engage.



SITUATION 2

At 0200, a patrolling MND-B unit sees two men digging on the side of a road frequently traveled by US forces. The unit knows that there have been multiple attacks on this stretch of road by buried IEDs within the last two weeks, and that the S2 has templated this particular area for possible IED attacks in the next 72 hours. The men see the patrol and flee. Can the patrol engage?



ANSWER

Yes. Based on the intelligence and the circumstances, the men are demonstrating hostile intent. A determination of hostile intent is based on all the available facts and evidence, and the threat does not necessarily have to be immediate or instantaneous. In addition, the men have not surrendered by running away. The patrol is permitted to use force, up to and including deadly force, to neutralize the threat.



SITUATION 3

Your convoy takes RPG fire from an ambush position along a rural route. You see two men run into a large palm grove, and you lose sight of them. You continue to search the area, and later see two men come out of a different area of the palm grove. They look like the same two men that fired the RPG, but you are unsure. Can you engage them?



ANSWER

No. You must obtain and maintain PID prior to engaging. In this scenario, you lost PID and cannot be sure if the two individuals are the same ones you PID'ed earlier. You cannot use deadly force, but you could detain them.



SITUATION 4

Your unit is conducting a cordon and search of a home where a Designated Terrorist Organization member is reportedly located. Your unit is responsible for establishing the outer cordon of the perimeter. After setting into your position, you observe several unarmed individuals fleeing from the target building. May you engage these individuals?

Can snipers engage the individuals?



ANSWER

No. No one can engage these individuals, however the unit can stop and question the individuals. The fleeing people have not committed a hostile act or hostile intent by running away from the target building. You cannot PID them by their possible association with the target. Therefore, even if the target is a member of a Designated Terrorist Organization, you cannot make the same association for individuals fleeing from the target location. There is no such thing as PID by association. As for the snipers, there is no separate ROE for snipers. They are required to have PID of hostile act or hostile intent prior to engaging, just like all other Soldiers.



SITUATION 5

You are the gunner for the last vehicle in a four-vehicle convoy that has just passed an on-ramp. After you pass the on-ramp, you notice a white Opel sedan speeding down the on-ramp headed in your direction. The car is 200m away and continues to drive at a high rate of speed towards your convoy. You don't notice anything suspicious, but you are concerned about VBIEDs.

What should you do?



ANSWER

Use Escalation of Force to develop the situation utilizing all EOF equipment available. The approaching vehicle has not yet committed a hostile act or displayed hostile intent.

Shout/signal with audible and visual signals (paddles, loudspeaker, siren, green laser).

Show your weapon and demonstrate intent to use it.

Fire a non-lethal round (if available) at the vehicle.

If the vehicle still continues towards your convoy and you are reasonably certain that it poses a threat, you are permitted to fire a warning shot. Attempt to use a small caliber weapon with tracer rounds, and fire in a safe direction.

If the vehicle continues, attempt to disable the vehicle with a heavy caliber weapon by shooting the engine block or tires.

If you are still unsuccessful, fire well aimed shots to kill the driver.



MORE ESCALATION OF FORCE

Entrance into a particular “bubble” (e.g. 100m) is not the trigger for use of lethal force. The trigger is always PID of hostile act/hostile intent, which occurs in convoy situations when the vehicle ignores initial EOF measures and continues to pose a threat.

Historical data indicates that the SVBIED threat to US Soldiers is extremely low; they normally target civilians.

Almost all Iraqis killed during vehicle EOFs have had no evidence of AIF activity.

SVBIEDs are almost always driven by a single driver.

Always maintain audible and visual signals; maintain standoff equipment such as wire, cones, and spike strips; use tracers for warning shots; array weapon systems at halts to be able to disable threats on main avenues of approach; rehearse fire control measures and EOF actions

SITUATION 6



You are manning an entry control point (ECP) to your FOB. A civilian vehicle is speeding towards your location, swerving around the serpentine concrete barriers. What do you do?

ANSWER



This is a display of hostile intent: deadly force is authorized. This scenario is different than the other EOF scenarios, because the ECP is a static location and a more likely target for a SVBIED. The only reasonable explanation for this driver's behavior is that he has hostile intent. This is compounded by the fact that you would have warning signs and other security measures before he got to the serpentine.



SITUATION 7

You are traveling by convoy and the traffic is very congested around your vehicles. You try to motion the civilian vehicles away, but there is too much traffic. Can you fire a warning shot to clear the traffic?



ANSWER

No. You are permitted to use warning shots only in situations where deadly force would be authorized.

A warning shot is part of EOF, is considered lethal force, and should only be used before shooting to disable/kill.

Warning shots are not authorized to prevent looting, to protect non-designated property, or to clear traffic congestion.

SITUATION 8



You are patrolling a muhallah in your AO. As your vehicle rounds a street corner, you begin to take sporadic fire from a group of four individuals a block or two away. Your patrol returns fire and pursues the perpetrators. After moving up the street, you see the individuals dash into a nearby Mosque.

What can you do?

ANSWER



Cordon the Mosque and notify higher. You are not allowed to enter a Mosque without chain of command approval.

You are permitted to return fire at AIF forces using a Mosque. Weigh the threat against collateral damage.

Use the least amount of force necessary to neutralize the threat. Minimize damage to the Mosque.

SITUATION 9



While on a night patrol of an MSR, you see a van pull over to the side of the road after curfew. Several men exit the van and go around behind it. The driver remains inside. You cannot see what they are doing.

What can you do?

ANSWER



You could either observe for hostile act/hostile intent, shout for them to stop to develop the situation, or approach cautiously and detain.

There is not enough information to engage the men. You do not have PID of a hostile act or hostile intent, even though it is after curfew.

You could engage at the first sign of hostile act or hostile intent.

The IPs could detain the men and impound the vehicle for the curfew violation.

SITUATION 10



You are on a counter-IED sniper mission at night in a templated IED risk area. You observe a car stop in the median of MSR Tampa. Two men get out with black bags and go to either side of the road. They unzip the bags and take some items out while kneeling on the ground. A third man gets out of the car and appears to be serving as an observer for oncoming traffic.

Can you engage?

ANSWER



Yes, you can engage. This is enough information to form a reasonable certainty that these men have hostile intent.

SITUATION 11



You see an Iraqi in civilian clothes walking down the street carrying an AK-47. Can you engage him?

ANSWER



No, but you can detain the civilian.

Although current MNC-I weapons policy does not allow carrying weapons in public, merely carrying an AK-47 is not enough to establish PID of hostile act or hostile intent.

The best course of action would be to detain him and turn him over to the IPs. If he shows hostile act/intent with the weapon, then he could be engaged.

SITUATION 12



You are on patrol and come under attack from small arms fire directly in front of you. You take cover and as you prepare to return fire, you notice 3 Iraqi Police standing with AK-47s near the point of origin of the small arms fire.

What should your response be?

ANSWER



If you are unsure of the source of the fire, then you do not have PID and cannot engage. Consider that the IPs may be responding to the incident.

However, if you are reasonably certain that they are the source of the threat, then you have PID of hostile act and can engage.

You have the right to take measures in self-defense in response to a hostile act or demonstrated hostile intent, even if the threat is wearing an IP uniform.

SITUATION 13



You are assigned nighttime guard duty on the outside of your FOB. At 0200 you notice an individual in civilian clothing climbing over the wall to gain entry to the base.

What can you do?

ANSWER



You may engage the individual with necessary force, up to and including deadly force, in order to protect the restricted military area.

The act of infiltrating the base is enough to give evidence that this person has hostile intent. Your duty requires you to prevent the entry of unauthorized persons onto the base.

SITUATION 14



You are in the lead HMMWV escorting a four-vehicle convoy along HWY 1. There is a flash behind you followed by a loud explosion as one of the HMMWVs in the convoy disappears in a cloud of dust and smoke.

You see two males 200m away from you running away from the scene of the explosion. You also see an orange sedan back out of a driveway 150m south of your position and speed away.

Three males in a roadside stand 100m up the road run into a nearby house. You start taking small arms fire from a different house 150m west of your position.

What do you do?

ANSWER



You should respond to the hostile fire coming from the house with proportional force. You have PID of hostile act from the home.

You should not engage the car or people running away from the attack if you do not have PID of hostile act or hostile intent. You may stop and question these people.

Questions???



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

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



~~SECRET//REL TO USA, IRQ, MCFI//20180511~~
~~DISPLAY ONLY TO IRQ~~

39th Infantry Brigade Combat Team
Victory Base Defense Command
Victory Base Complex
Baghdad, Iraq
111700MAY08

FRAGO 33 (Daily FRAGO) 39th IBCT OPOD 08-08 (OPERATION BOWIE GUARDIAN)

(U) This FRAGO has been approved for release by TF Bowie S3, MAJ (b)(3), (b)(6)

References:

Time Zone Used Throughout the Order: Delta (Local)

Task Organization: No Change.

1. ~~(S//REL)~~ SITUATION. (b)(1)1.4a

(b)(1)1.4a

2. ~~(S//REL)~~ (b)(1)1.4a

3. (U) EXECUTION.

(U) Commander's Intent: No Change.

3.A. ~~(S//REL)~~ (b)(1)1.4a

3.B. ~~(S//REL)~~ (b)(1)1.4a

(b)(1)1.4a

~~SECRET//REL TO USA, MCFI//~~
~~DISPLAY ONLY TO IRQ~~

Page 440 redacted for the following reason:

(b)(1)1.4a



(b)(1)1.4a

- 4. (U) SERVICE AND SUPPORT. No Change.
 - 4.A. Concept of Support
 - 4.B. Material and Services
 - 4.C. Medical Evacuation and hospitalization.
 - 4.D. Personnel.
 - 4.E. Civil Military.
- 5. (U) COMMAND AND SIGNAL. No Change.
 - 5.A. Command. No Change.
 - 5.B. Signal. No Change.

ACKNOWLEDGE:

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

L:

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

S3



FRAGO 33 (Daily FRAGO) to 39th IBCT OPORD 08-06 (OPERATION BOWIE GUARDIAN)

ANNEXES:

Attachments:

- Attachment 1 (BOLO)
- Attachment 2 (BOLO - ARABIC)
- Attachment 3 (THREAT STREAM TRACKER-ARABIC)
- Attachment 4 (Steady State Ops and Training Program)

Pages 443 through 483 redacted for the following reasons:

(b)(1)1.4a

(b)(1)1.4a, (b)(2), (b)(3), (b)(6)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION
FORT HOOD, TEXAS 76544-5000

AFYB-CG

10 November 2007

MEMORANDUM FOR: 4th Infantry Division

SUBJECT: How We Fight

1. I believe it necessary to operationalize the MNF-I Commander's Counterinsurgency Guidance. Such doesn't imply this is not occurring. In fact, units are successfully executing MNF-I Commander guidance and battlefield progress continues each day. However, what I want to do is share with you how we will employ tactics and procedures to best implement the MNF-I Commander's guidance.

My View: General Petraeus provides clear guidance for counterinsurgency operations. We must be more successful in executing such guidance to set Transition related conditions.

Our Responsibility: Translate his words to "successful" actions (tactical) on the battlefield.

How to Accomplish: (1) Top-down and bottom-up IPB (we are not sharing information from the top-down nor bottom-up); (2) All patrols are Deliberate Attack combat operations (70% or better enemy intelligence prior to LD); (3) Uncompromising application of IronHorse Big-8 (for all operations); and (4) Increased emphasis on dismounted tactics. Bottom Line: We must build on the success of those before us and provide clear definitive guidance to our platoon leaders and company commanders by translating MNFI operational framework into clear tactical tasks. This provides the opportunity to seize and maintain the initiative by isolating the enemy and forcing him to fight on our terms. Furthermore, this increases the overt presence of ISF supported by our Soldiers presence among the Iraqi people (therefore increasing the perception of security and confidence in their government), and provides the means to significantly reduce our casualties.

2. **Top-down and bottom-up IPB.** In this fight, intelligence must drive our operations. In fact, a large percentage of our maneuver will be conducted primarily to generate information we can translate into actionable intelligence. We must conduct detailed intelligence preparation of the battlespace. Commanders are responsible for the IPB process and cannot delegate this essential component of planning to their S2 or XO. Use our doctrine, both conventional IPB manuals and our new counterinsurgency doctrine. IPB cannot stop at LD, it must be a running product (i.e. "running estimate") we continually refine and adjust based on the fluid nature of our operating environment.

We have an enormous capability through all the intelligence disciplines ("ints") to collect information and intelligence. The challenge we face is sorting through this mass of data to find (analyze and fuse) the actionable intelligence. More importantly, once we find it we must get it to the appropriate level commander so it enables operations. Well thought out PIR that supports commander decision making is the first key to accomplishing this task. In addition to good PIR, we need proactive officers and NCOs at all levels who both push and pull intelligence. Too often, we have intelligence at Division or BCT level that would be incredibly valuable at CO/PLT level, but never gets there. Similarly, key data points generated by patrol debriefs and unit level engagements fail to make it to BCT/DIV level where such information may answer a PIR. We must enforce a disciplined information management system that leverages our technology, but more important, fight for intelligence up and down

the levels of command. A critical element of this system is ensuring intelligence gaps are properly identified up and down the chain of command.

Your Action: Units must resource S2 sections, down to Company level... They are critical to the mission. They must be your best Soldiers who can analyze and think through problems. S2s must be aggressive, detailed, and predictive. They must understand all the tools available, and know how to access and use those tools. Lives depend on it. Pre-deployment training must ensure S2 sections are trained and ready to accomplish their mission. If commanders need more resources in this effort, now is the time to identify those such... personally to me. We will stop at nothing to ensure they are prepared. Remember: All missions are deliberate attacks that require a 70% or better enemy intelligence "fix." All roads lead up/down through the company S2 in order to achieve the 70% Deliberate Attack condition.

3. All patrols are Deliberate Attack combat operations. MND-B will not conduct combat operations without detailed preparation that includes a thorough understanding (70% - 90%) of the enemy, terrain and civil considerations that define the area in which we will fight. We must develop and maintain a deliberate attack mentality in regards to all operations. Our doctrine on this topic is clear:

"Deliberate attacks are highly synchronized operations characterized by detailed planning and preparation.... Commanders take the time necessary to position forces and develop sufficient intelligence to strike the enemy with bold maneuver and accurate, annihilating fires..... Commanders maintain pressure on the enemy while they plan and prepare.... Deliberate attacks require extensive planning and coordination.... Commanders and staffs refine plans based on rehearsals and intelligence from reconnaissance and surveillance.... Commanders direct reconnaissance and surveillance missions to collect information about the enemy and AO. The intelligence system analyzes this information to find weaknesses in enemy capabilities, dispositions, or plans. Friendly forces exploit enemy weaknesses before and during the attack. Effective information management (IM) routes data collected by reconnaissance and surveillance assets to the right place for analysis. IM also facilitates rapid dissemination of intelligence products to forces that need them." FM 3.0

Commanders must ensure every operation is properly enabled via IPB (must include Terrain, Enemy, and Civil Considerations analysis). IPB must be conducted at the lowest levels, include historical information, current reporting and more importantly, predictive analysis, and templated enemy locations. As prescribed in the Ironhorse Big 8, every operation requires an Operations Order, which includes (by doctrine) a detailed intelligence paragraph / annex that is based on detailed IPB, supported by an enemy Situational Template (SITTEMP). If our combat patrols do not understand what has occurred in the past in their operational environment, current reporting, and do not have an Enemy COA and SITTEMP, they have not met the threshold of thorough understanding (70% - 90%) of the enemy, terrain and civil considerations.

A tactical road march to a designated grid coordinate to establish a TCP creates complacency in a platoon, given that alone as the mission statement. Conversely, a mission to conduct a deliberate attack along a given axis to clear an OBJ and transition to a TCP in order to block movement of VBIEDs requires a detailed planning effort and creates an offensive, proactive mindset in the force. Terms such as "presence patrol", "meet and greet" and "SWET assessment" are not operations or tactical tasks. Reconnaissance patrols will be conducted only when units are provided specific NAIs (physical areas, people, etc.) and information requirements to be answered. Analysis that results in IED "hotspots" or "red

zones" is useful, but only when those areas are viewed as enemy engagement areas, the enemy templated and the patrol develops a scheme of maneuver to defeat the threat. Movement techniques must be based on expectation of enemy contact and units must maneuver against the enemy. The mentality and level of detail associated with the examples above is what I expect to see in all of our operations. Remember: Deliberate Attack; not "presence patrols," "meet and greet," etc.

4. Uncompromising application of IronHorse Big-8. The IronHorse Big 8 is the MND-B standard for preparation and execution of combat operations. Uncompromising application of this methodology, to include ruthless enforcement of standards by leaders at all levels will translate to successful operations, and prevent friendly casualties. No "vote" here... Non-negotiable standard that will be as routine as waking up each morning. The following is "what right looks like," and will be codified in standardized checklists, and included in the 4ID leaders book.

a. OPORD: A five paragraph Order that has been developed through analysis of the higher HQ order; clearly restates the essential tasks (task and purpose); addresses accomplishment of each specified task from the higher HQ order; assigns a task and purpose to each subordinate element. Includes detailed intelligence paragraph / annex that is based on detailed IPB. IPB meets Deliberate Attack standard of at least 70% understanding of the operational environment, including as a minimum, Terrain, Enemy and Civil Considerations. Includes both historical information (past enemy attack trends) and a Situational Template of predicted enemy courses of action. Includes planned actions at known and suspected danger areas/zones to include designating formations and movement techniques. Fire support plan identifies adequate control measures to focus, shift, mass, and distribute the combined effects of lethal and non-lethal weapon systems and specific methods to control fires and engage population with IO and PAO themes. OPORD is briefed to the element using maximum amount of visual aids as possible (maps, imagery, sandtable, etc.)

b. Graphics: Graphics support task and purpose, scheme of fires, scheme of maneuver, throughout the AO's depth. Disseminated to all vehicle commanders; dismounted team and squad leaders, and attached/OPCON elements (digital and analog). Graphics support branch plans and sequels. Includes 70% or better understanding of the operational environment, including as a minimum, Terrain, Enemy and Civil Considerations and refined SITTEMP that depicts known and suspected enemy locations and courses of action and historical and predictive IED, Sniper, and other threat locations and actions. Graphics are consolidated and disseminated. Includes CSS graphics.

c. PCC/PCI: Know the difference between PCC and PCI... Prep-to-fire checks and individual/crew weapons test fires conducted; load plans inspected and made safe; before operations maintenance checks performed; complies with unit commander's prescribed list from WO/OPORD/SOP. Commo check on command, subordinate, fire support, and CSS nets. Uniform IAW OPORD; graphics checked and subordinate unit briefbacks conducted. All Soldiers understand ROE and EOF. Progress of preparations tracked and reported to higher HQ. First line NCO supervisor inspects all designated items (PCC); Commander inspects or has designated inspection team SMEs check prescribed areas(PCI); deficiencies re-inspected (PCC).

d. Rehearsals: Led by the Commander or Platoon Leader. Reinforces the commander and subordinate unit task and purpose, scheme of maneuver, scheme of fires, scheme of support; integrates the actions of the subordinate elements throughout conduct of the operation; identifies enemy's most likely and most dangerous COAs, composition, disposition, and strength; visually depicts graphics, terrain, enemy, and friendly forces during rehearsal; defines and includes a "walk through" the 70% or better understanding of the operational environment, to include terrain, enemy and civil considerations – Rehearsal of friendly actions is based on this 70% or better enemy estimate; uses appropriate type and technique given available time and resources. Discusses higher HQ intent, scheme of maneuver, fires and CSS; branch plans and contingencies without wargaming. Addresses actions on contact, movement techniques and formations in terms of planned routes, battle drills, crew drills, EOF and CASEVAC. Incorporates attached/OPCON units into rehearsal. Subordinate elements conduct generic, mission oriented battle drill rehearsals prior to/separate from rehearsal; and conduct CSS and/or fire support rehearsals.

e. Security: Security plan designated, addressing the enemy courses of action based on the 70% or better understanding of the operational environment, to include terrain, enemy and civil considerations; security maintained throughout planning and preparation phases; conducts active/passive security patrols; enforces REDCON levels. Sectors of fire and responsibilities designated for movement. Adjacent unit coordination for security plans and patrol routes conducted. QRF designated and ready. Unit moves or alters plan if compromised by enemy reconnaissance.

f. R&S: Commander has assigned NAIs to answer PIRs. Specified NAIs from the higher HQ R&S plan have been assigned and are covered. Units develop own NAIs in addition to ones that are assigned. NAIs are based on DST and fire (lethal and/or non-lethal) support plan. Identifies key leaders and/or population to be engaged. Integrates other collection assets available (UAV, HUMINT, SIGINT, Non-Standard Collection, etc.) Includes communications methods to both transmit and receive results of R&S. R&S plan includes NAIs to confirm or deny Enemy SITTEMP. SITTEMP continually refined with information from R&S.

g. Time Management: Subordinates provided 2/3 of available time from end of OPORD and backbriefs. Warning orders issued in a timely manner to alert subordinates of future operations and facilitate parallel planning. Subordinate units conduct generic rehearsals, PCC/PCI, and logistic resupply based on type of mission prior to receiving an operation order. Tasks are prioritized based on available time to maximize the preparation.

h. Composite Risk Management: Unit conducts formal risk assessment IAW unit SOP to ID and assess hazards, develop control measures, disseminates control measures, implements control measures, and supervises. Risk assessment is continuously refined and regularly updated by FM or voice; risk levels and status of mitigating actions tracked in unit CP. Includes types of risk – Tactical and Accidental. Conducts an internal risk review after mission execution.

5. **Be there: With ISF, gain asymmetric advantage among the people.** I believe combined operations with ISF—among the people in the most threatened communities—set the conditions to accomplish our mission. Everything changes when we work face-to-face, person

to person, with our Iraqi comrades—the army, police, ISV, and civic leaders. We must be among them—mostly dismounted—in the streets, markets, communities. Success begins when together we combine American with Iraqi strengths. By working together among the people we deny the enemy and criminals their natural asymmetric advantages in urban insurgency. The following METT-C analysis steps you through my thinking on how we can gain overwhelming advantage in tough physical and human terrain.

a. Mission: Our essential task- Secure Baghdad, and our overarching purpose – Protect the People, cannot consistently be accomplished without face-to-face, on the ground, combined operations. Relying too heavily on mounted patrols actually works against us. In that mode we don't really secure anything, and often the very people we seek to protect often feel threatened by armored formations. Training and developing the ISF, our second most important task, demands we work with their police and army formations where they are strongest: dismounted, among the people.

b. Enemy: Our enemies fight on their feet (not discounting the VBIED threat). Death squads that terrorize Baghdad's residents too often move unconstrained through urban terrain. To defeat them and protect the people, CF and ISF together must go where they go, stay there, and deny sanctuary. While our counter IED campaign correctly orients on networks, it is the dismounted enemy who emplaces and triggers these weapons most frequently. Ironically, these weapons are designed to kill mounted Soldiers. Strip our enemies of this asymmetrical advantage by denying him what he best targets. Mix our operations--mounted and dismounted—emphasizing dismounted. Effectively blending these two modes will make EFPs (narrow cone of fire) and Large Buried/Underbelly IEDs (confined to roads) far more costly in terms of time, effort and risk and ineffective. Even as the enemy adapts to our dismounted tactics (which he will) our work with ISF will penetrate the cultural barriers and enable effective connection and trust with the people. The enemy's risk during IED construction and emplacement in these communities will increase as we synchronize our civil affairs efforts, rewards programs, and the government's reconstruction and civic action programs. Such operations among the people mitigate risks of anti-personnel devices. Dismounted, our observation and dispersion--even in urban settings--reduces the enemy's ability to engage us successfully. Walking the streets with the ISF and local citizens gains us other advantages. Indirect fire will be more difficult, and snipers will lose security they desperately require. HUMINT—the single most valuable form of intelligence for securing the population—will increase in quantity and quality. The proper mix of mounted with dismounted is key. Gaining a decisive advantage on the key terrain—the human population—is our goal. Success in this area robs the enemy of his greatest enabler.

c. Terrain: Urban terrain is complex and multidimensional. The people magnify the terrain issues exponentially. Our combined operations must cover all aspects to accomplish our mission. Over-reliance on single modes of maneuver--especially mounted armored patrols--ensures we cannot dominate the urban terrain where and how we need to. Working alongside ISF and among the citizens enables us to identify at-risk and threatened communities, re-orient our intelligence collection plans, and effectively refine and synchronize kinetic and non-kinetic efforts with the Iraqis. Dismounted operations enable us to best cover the multidimensional terrain. Range is limited and the tempo is slower, but effectiveness is increased. Mounted operations do give us unique advantages, and we will not surrender those. Mounted, we move to

critical areas quickly, seize initiative and gain surprise. But the current enemy is best configured to counter these advantages. Mounted operations require reliable IPB, risk mitigation, and detailed mission planning. Combination of mounted and dismounted operations, with the Iraqi army and police, enables us to dominate the terrain at the time and place of our choosing. In the end, operations among the people on their terrain—neighborhoods, villages, communities—will prove decisive.

d. Troops Available: We achieve asymmetrical advantage by pairing the ISF's and our dissimilar strengths. Together, with a heavy emphasis on dismounted operations among the people, we will achieve advantages we haven't yet witnessed. The US brings unique intelligence capabilities, tactical CA, IO and PSYOP, Command and control, and agility. The ISF brings potential for increased legitimacy and cultural intelligence—especially as we work with the entire ISF team: army, police, and security volunteers. We simply cannot duplicate the manpower and cultural strengths they bring, nor can they duplicate ours. To maximize troops available, we must work together. On the ground, we actually reduce risk by dismounting. A dismounted platoon gains the advantage of 30 sets of eyes and ears working in all directions. They easily engage with the local citizens while also wielding firepower to counter almost any enemy contact. Mounted formations trade these advantages for speed and mobility, but the enemy leverages the Americans' preference for unilateral and vehicular action. We maximize available troops by combining operations with the ISF, especially among the people.

e. Time Available: Slowing the tempo works to our advantage when we match that of our partners and the people we secure. The primary reason units move mounted is the requirement to cover large areas of battlespace with limited forces. With the exception of DUSTWUN, troops in contact requiring immediate assistance or the execution of actions on contact, there is no scenario requiring increased risk in order to move fast. Compensate for the longer times required by dismounted movement by conducting extended patrols of 72-96 hours while still maintaining a deliberate attack mentality. JSSs, COPs, and PBs are each a "way" not an "end". These relatively secure areas are platforms that enable us to work with our ISF partners and extend our reach as well as the time we can spend patrolling among the people (72 hours or more). Such presence actually maintains a higher operational tempo that matches ISF strengths, is acceptable to the people, and denies our enemy advantages they rely on. QRF designation and planning are essential to JSS and dismounted operations. Finally, our planning must include detailed time, terrain (physical and human), and threat analysis for proper movement techniques through known and suspected danger areas. We must not simply default to mounted operations; dismounted operations bring time advantages all their own.

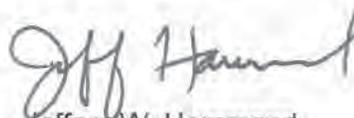
f. Civilian Considerations: Success for us and the ISF boils down to effectively engaging local leaders and ordinary citizens. Iraq is an honor based society. As such, treating people of Iraq with honor is about "face to face" and "hand to hand" contact. The ongoing struggle will be won among the people—there is no substitute for being there, in the communities, with our ISF partners. Operating mounted, even stopping along the way, will not provide opportunities to truly engage leaders and people in neighborhoods, understand their concerns, or measure atmospherics. Our enablers, IO in particular, only gain traction when civilians see our messages matching our actions. Enemy propaganda cannot counter close, personal presence over time. To

be first with the truth, we have to "be there". Then, through personal engagements with key leaders and the citizens in our areas, the Iraqis will see us and—increasingly—the ISF, as reliable, trustworthy, and protectors of honor. Remember: for the ISF to succeed with a "beat cop" approach we must model it with them.

This analysis in no way dictates any form of tactical movement. I fully understand each tactical scenario is unique, requiring commanders at all levels to make decisions. I also acknowledge that dismounted, mechanized, vehicular and air movement techniques each have disadvantages and advantages. That said, I believe the best way we can deny the enemy his advantages and bring ours and the ISF's to bear requires increased emphasis on combined operations among the people—most often in the form of dismounted patrolling—for extended periods of time, in the neighborhoods and areas decisive to our fight.

6. Conclusion. We owe it to our Soldiers to build on the success and sacrifice of those who have served before us. We have received clear guidance from our higher headquarters. By accomplishing the four major tasks addressed above, we will give our Soldiers the best chance to succeed, and they will exceed our expectations. Commanders at all levels will implement and enforce the guidance and directives in this letter.

IRON HORSE = VICTORY



Jeffery W. Hammond
MG, USA
Commanding General



COPY ___ OF ___ COPIES
HQ, 4BCT, 10 MTN
FOB LOYALTY, IRAQ
140800FEB08

FRAGO 003 TO OPORD 08-01 (PATRIOT GAMEPLAN)

(U) THIS FRAGO HAS BEEN APPROVED FOR RELEASE BY MAJ (b)(3)(b)(6) 4/10 CHOPS

(U) REFERENCES: APPLICABLE REFERENCES ARE LISTED IN EACH SUBHEADING

(U) TIME ZONE USED THROUGHOUT THE FRAGO, UNLESS OTHERWISE SPECIFIED:
CHARLIE (LOCAL)

(U) SUBJECT:

- 1. PATRIOT SYNCHRONIZATION
- 2. 4/10 MASTER CALENDAR (OUTLOOK)
- 3. WEAPONS CONTROL STATUS
- 4. MOVEMENT OF DETAINEES WITHIN PATRIOT OE

1. (~~S//REL~~) (b)(1)1.4a

TASK 1: REVIEW AND COMPLY WITH THE PATRIOT SYNCHRONIZATION MATRIX.

TASK 2: 4/10 MASTER CALENDARS REPLACE THE SHORT RANGE LEADER CALENDAR AND THE SHORT RANGE LEADER CALENDAR (HIGH PAYOFF) TO PROVIDE SITUATIONAL AWARENESS TO ALL UNITS FOR 4/10 BATTLE RHYTHM AND CALENDAR EVENTS

TASK 3: ENSURE DISSEMINATION TO THE LOWEST LEVEL OF PATRIOT WEAPONS CONTROL STATUS.

TASK 4: NLT 141800FEB08, TRANSPORT DESIGNATED DETAINEES TO LISTED LOCATION FOR TRANSFER OR RELEASE. **[EXECUTING VOCO - ESTABLISHING RECORD]**

2. (U) **MISSION. NO CHANGE.**

3. (U) **EXECUTION CHANGE.**

3.A. (U) **COMMANDER'S INTENT. NO CHANGE.**

3.B. (U) **CONCEPT OF THE OPERATION. NO CHANGE.**

3.C. (~~S//REL~~) (b)(1)1.4a

3.C.1. **PATRIOT SYNCHRONIZATION**

3.C.1.A. (~~S//REL~~) (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a (b)(1)1.4a

Pages 492 through 494 redacted for the following reasons:

(b)(1)1.4a, (b)(3), (b)(6), (b)(2)

FRAGO 003 TO OPORD 08-01 (PATRIOT GAMEPLAN)

~~(S//REL)~~

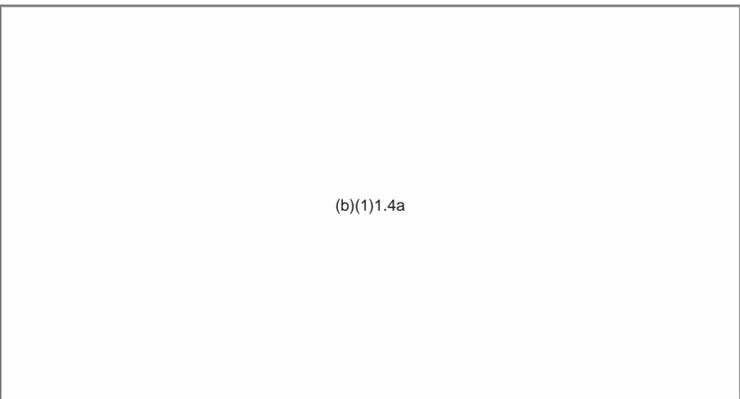
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3.C.4.D. COORDINATING INSTRUCTIONS

3.C.4.D.1. (U) ALL DETAINEES MUST HAVE AN APPROVED DETAINEE TRANSFER REQUEST (DTR) PRIOR TO MOVEMENT.

3.C.4.D.2. (U) ENSURE THAT DETAINEE TRANSFERS ARE DOCUMENTED ON A DD FORM 2708.

3.C.4.D.3. (U) UPON COMPLETION OF DETAINEE TRANSFERS, NOTIFY 4BCT PMO DETAINEE OPERATIONS AT VOIP (b)(2), (b)(6)

3.C.4.D.4. (U) POC FOR THIS ACTION IS SFC (b)(3), (b)(6) 4BCT PMO, AT VOIP: (b)(2), (b)(6)
OR SIPR EMAIL: (b)(2), (b)(3), (b)(6)

4. (U) **SERVICE SUPPORT. NO CHANGE.**

5. (U) **COMMAND AND SIGNAL. NO CHANGE.**

ACKNOWLEDGE:

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

COL

OFFICIAL:

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

S3

APPENDICES:

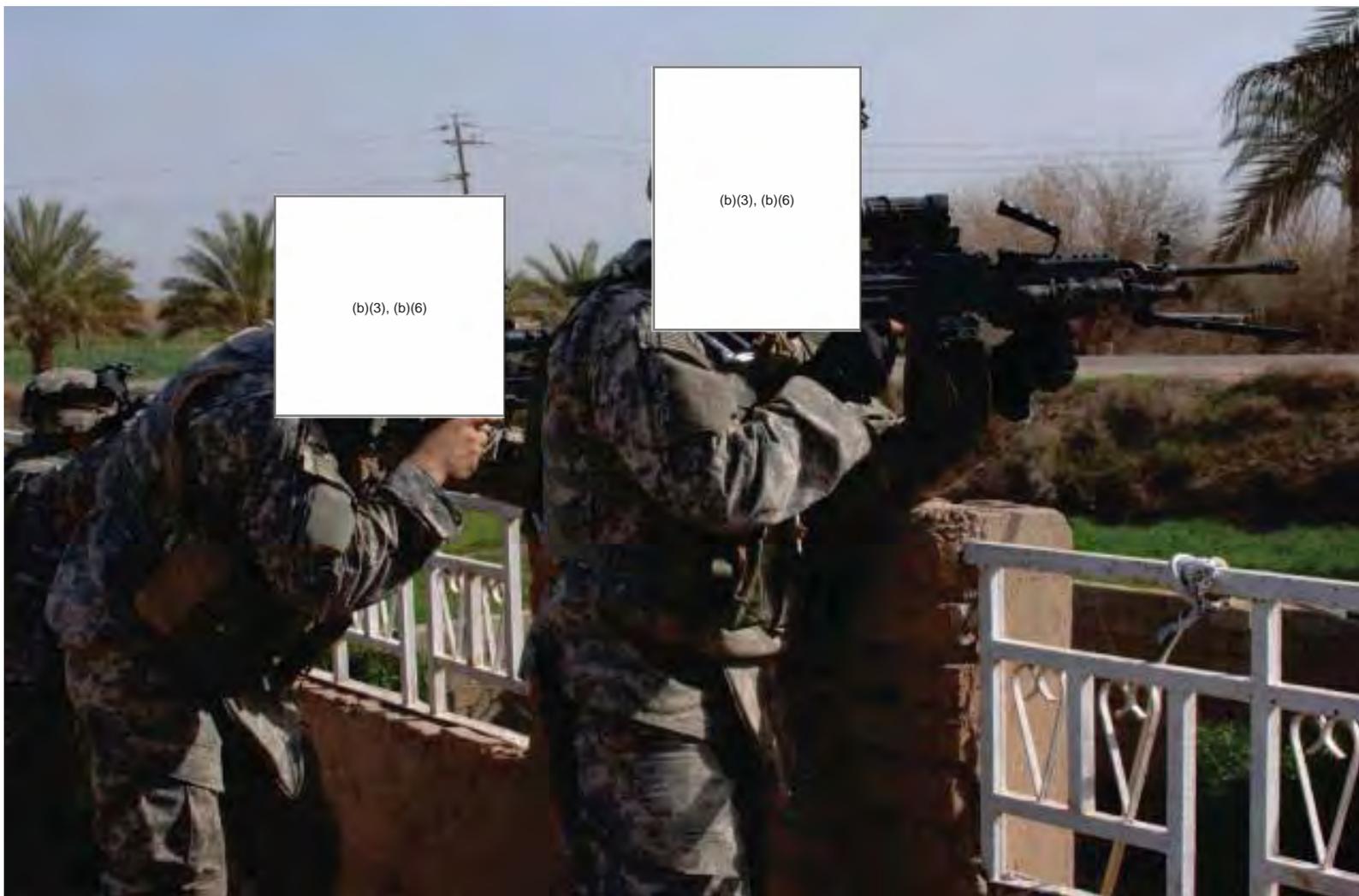
APPENDIX1 – PATRIOT SYNCH

Pages 496 through 497 redacted for the following reasons:

(b)(1)1.4a, (b)(3), (b)(6)



LOAC AND ROE TRAINING





AGENDA

- **Law of Armed Conflict (LOAC)**
- **Rules of Engagement (ROE)**
- **ROE Scenarios**



Why Do We Obey LOAC?

- **US Armed Forces are disciplined and follow the Rule of Law**
- **Violations/failure to report are punishable under the UCMJ**
- **Violations and their publicity fuel the insurgency**
- **Violations reduce local, domestic, and international support**



4 FUNDAMENTAL LOAC PRINCIPLES

- **Military Necessity**
- **Discrimination**
- **Proportionality**
- **No Unnecessary Suffering**



1st FUNDAMENTAL PRINCIPLE

MILITARY NECESSITY

- Can only strike or capture targets that offer a definite military advantage due to their nature, location, purpose, or use
- Does not authorize acts otherwise prohibited by LOAC

DISCRIMINATION

WIZARD of ID





2nd FUNDAMENTAL PRINCIPLE

DISCRIMINATION

- Requires that ALL attacks be directed only at hostile forces and military objectives
- At ALL times, MUST distinguish between hostile forces and civilians
 - Civilians (both gender and all ages) become a hostile force if they commit a hostile act or display hostile intent...more to follow on hostile act/hostile intent



More on Principle of Discrimination

Positive Identification (PID)

- PID is a reasonable certainty that the individual or object of attack is a military objective in accordance with the ROE.
 - Not an absolute certainty; would a reasonable person under the same circumstances have made the same determination?
 - A judgment call based on all information available to the trigger puller; e.g. intelligence, known enemy TTPs, circumstances, time, location, behavior.
- PID is the key to every engagement – if you don't have PID, you CANNOT engage



3rd FUNDAMENTAL PRINCIPLE

PROPORTIONALITY



Collateral Damage (incidental loss of life and property)
VERSUS

Concrete and direct military advantage anticipated

- On scene commander (OSC) uses the balancing test as a basis to determine what response, if any, is appropriate to decisively counter the threat, after taking into consideration the collateral damage expected
- Cannot engage if the collateral damage will be excessive compared to the military advantage anticipated by striking the target



4th FUNDAMENTAL PRINCIPLE

UNNECESSARY SUFFERING

- Prohibits use of arms that are calculated to cause unnecessary suffering
- All US weapons are authorized if used properly
- Not authorized to use privately owned weapons, or to tamper with or alter issued weapons or ammunition
- If permitted to use deadly force, may use any proportional means available; not limited to a particular type of weapon for a particular type of target



OTHER LOAC FUNDAMENTALS

- **Treat Detainees Humanely**
- **Collect and Care for the Wounded**
- **Treat the Dead with Respect**
- **Treat Civilians Humanely**
- **Respect Private Property/Possessions**
- **Prevent and Report LOAC Violations**



DETAINEES

- You **MUST** protect any detainees in your custody – with deadly force if necessary
- They must be treated humanely
- They must be given proper medical care, food, water, shelter, basic hygiene, clothing
- They must be promptly evacuated from the area; no PID missions



PROTECTIONS FOR ALL DETAINEES



Soldier is currently confined for conviction on multiple UCMJ violations.

Duty to protect and respect detainees

Detainee abuse will not be tolerated.



COLLECT AND CARE FOR WOUNDED

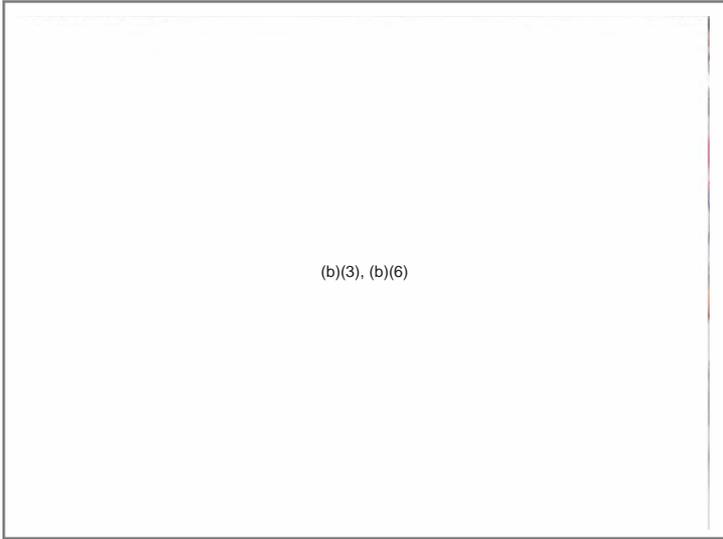
- Law requires you to care for enemy wounded
 - Once injured and no longer posing a threat, they become non-combatants
 - Treat enemy wounded as one of your own
 - Safeguard from further attack



TREATMENT OF CIVILIANS



- Treat ALL civilians and their property with dignity
- Do not intentionally put civilians in danger
- May restrict freedom of movement for safety of US personnel or for safety of other civilians
- You may stop, detain, and search civilians if you have reasonable belief that the individuals (1) are or were engaged in criminal activity, (2) interfere with mission accomplishment, (3) are on a list of people wanted for questioning for criminal or security reasons, or (4) detention is necessary for imperative reasons of security.



DETENTION OF FEMALES/JUVENILES



- On Scene Commanders may detain persons, including females and juveniles, under certain specific circumstances.
- If you intend to detain a female or a juvenile, contact your chain of command for guidance.

PROTECT/RESPECT PROPERTY



- Do not target the following except in self-defense:
 - Cultural/historic buildings
 - Government buildings
 - Non Governmental Organization (NGO) property
 - Government detention facilities
 - Mosques, religious buildings
 - Hospitals and clinics
 - Schools, colleges, universities
 - Civilian refugee camps and concentrations
 - Facilities whose engagement results in pollution
 - Dams or dikes whose engagement results in flooding of civilian areas

- Pre-planned damage or destruction requires CENTCOM CDR approval



Thome Anderson / Corbis

PREVENT LOAC VIOLATIONS



- You and your Soldiers are responsible for knowing and following LOAC
- Everyone is responsible for clarifying unclear orders and refusing illegal orders
- “I was just following orders” is not a defense
- Reporting LOAC violations is mandatory and covering them up is a crime
- Leaders can be held responsible for acts of subordinates if they know or should know a LOAC violation is about to occur and they do nothing to stop it; also responsible if they learn of a violation and do nothing to report or investigate



RULES OF ENGAGEMENT





SELF-DEFENSE

- On scene commanders have the authority and obligation to use all necessary means available and to take all appropriate actions to defend their unit and other Coalition and Iraqi Security Forces from a hostile act or demonstration of hostile intent
 - Also permitted to defend all US persons, detainees in MNF custody, personnel participating in military operations with MNF and the Iraqi Government, and NGOs
- Obtain/Maintain PID and respond with force necessary to eliminate the threat



HOSTILE ACT

- You may engage an individual if you are reasonably certain (PID) they committed/are committing a hostile act
- **Hostile Act: an attack or other use of force against US Forces, CF, ISF, US citizens, Iraqi civilians, and other designated persons and property**
- It is also force used directly to preclude or impede the mission and/or duties of US Forces
- Proportional response requires that you only use deadly force if you are threatened with death or serious bodily injury
- Can engage someone who has committed a hostile act unless they surrender and no longer pose a threat or are out of the fight due to injury...you can engage someone running away after a hostile act or display of hostile intent



HOSTILE INTENT

- You may engage an individual or individuals if you are reasonably certain (PID) they are exhibiting hostile intent
- **Hostile Intent: the threat of imminent use of force against US Forces, CF, ISF, US citizens, Iraqi civilians, and other designated persons and property**
- The threat does not have to be immediate or instantaneous, but actions must make you reasonably certain that the individual intends to use force against designated persons or property
- IN CONTEXT: Tough situations, tough decisions



ESCALATION OF FORCE

If time and circumstances permit, use graduated response measures:

- (1) SHOUT and/or SIGNAL Warnings to Halt
 - (2) SHOW Weapon and Demonstrate Intent to Use It
 - (3) SHOVE or Detain (physically restrain, block access, or detain)
 - (4) SHOOT a Non-Lethal Round, if available
 - (5) SHOOT Warning Shot
 - (6) SHOOT Disabling Shots (vehicle threat only)
 - (7) SHOOT to eliminate the threat
- DO NOT GO THROUGH EACH STEP IF THE SITUATION DOES NOT SAFELY ALLOW IT!
 - Disabling shots are intended for vehicles. If someone commits a hostile act/hostile intent that threatens CF, ISF, or other protected persons with death or serious bodily injury, shoot to kill, not to disable
 - Non-lethal rounds are a type of ammunition, they do not mean attempt to only wound or maim. Unless firing warning shots or vehicle disabling shots, fire center mass to kill.

ROE SCENARIOS





SITUATION 1

Your patrol sees an unarmed individual digging during the day on the side of a road frequently traveled by your unit. The individual sees your patrol approaching and flees. Can you engage the individual?



ANSWER

No. Under the circumstances, the activity of digging a hole, by itself, cannot give the unit reasonable certainty that the man is demonstrating hostile intent. The unit can give chase and detain the man, but deadly force, including warning shots, is not authorized.

If the unit is able to see IED material, the unit would have PID of hostile intent and could engage.



SITUATION 2

At 0200, a patrolling MND-B unit sees two men digging on the side of a road frequently traveled by US forces. The unit knows that there have been multiple attacks on this stretch of road by buried IEDs within the last two weeks, and that the S2 has templated this particular area for possible IED attacks in the next 72 hours. The men see the patrol and flee. Can the patrol engage?



ANSWER

Yes. Based on the intelligence and the circumstances, the men are demonstrating hostile intent. A determination of hostile intent is based on all the available facts and evidence, and the threat does not necessarily have to be immediate or instantaneous. In addition, the men have not surrendered by running away. The patrol is permitted to use force, up to and including deadly force, to neutralize the threat.



SITUATION 3

Your convoy takes RPG fire from an ambush position along a rural route. You see two men run into a large palm grove, and you lose sight of them. You continue to search the area, and later see two men come out of a different area of the palm grove. They look like the same two men that fired the RPG, but you are unsure. Can you engage them?



ANSWER

No. You must obtain and maintain PID prior to engaging. In this scenario, you lost PID and cannot be sure if the two individuals are the same ones you PID'ed earlier. You cannot use deadly force, but you could detain them.



SITUATION 4

Your unit is conducting a cordon and search of a home where a Designated Terrorist Organization member is reportedly located. Your unit is responsible for establishing the outer cordon of the perimeter. After setting into your position, you observe several unarmed individuals fleeing from the target building. May you engage these individuals?

Can snipers engage the individuals?



ANSWER

No. No one can engage these individuals, however the unit can stop and question the individuals. The fleeing people have not committed a hostile act or hostile intent by running away from the target building. You cannot PID them by their possible association with the target. Therefore, even if the target is a member of a Designated Terrorist Organization, you cannot make the same association for individuals fleeing from the target location. There is no such thing as PID by association. As for the snipers, there is no separate ROE for snipers. They are required to have PID of hostile act or hostile intent prior to engaging, just like all other Soldiers.



SITUATION 5

You are the gunner for the last vehicle in a four-vehicle convoy that has just passed an on-ramp. After you pass the on-ramp, you notice a white Opel sedan speeding down the on-ramp headed in your direction. The car is 200m away and continues to drive at a high rate of speed towards your convoy. You don't notice anything suspicious, but you are concerned about VBIEDs.

What should you do?



ANSWER

Use Escalation of Force to develop the situation utilizing all EOF equipment available. The approaching vehicle has not yet committed a hostile act or displayed hostile intent.

Shout/signal with audible and visual signals (paddles, loudspeaker, siren, green laser).

Show your weapon and demonstrate intent to use it.

Fire a non-lethal round (if available) at the vehicle.

If the vehicle still continues towards your convoy and you are reasonably certain that it poses a threat, you are permitted to fire a warning shot. Attempt to use a small caliber weapon with tracer rounds, and fire in a safe direction.

If the vehicle continues, attempt to disable the vehicle with a heavy caliber weapon by shooting the engine block or tires.

If you are still unsuccessful, fire well aimed shots to kill the driver.



MORE ESCALATION OF FORCE

Entrance into a particular “bubble” (e.g. 100m) is not the trigger for use of lethal force. The trigger is always PID of hostile act/hostile intent, which occurs in convoy situations when the vehicle ignores initial EOF measures and continues to pose a threat.

Historical data indicates that the SVBIED threat to US Soldiers is extremely low; they normally target civilians.

Almost all Iraqis killed during vehicle EOFs have had no evidence of AIF activity.

SVBIEDs are almost always driven by a single driver.

Always maintain audible and visual signals; maintain standoff equipment such as wire, cones, and spike strips; use tracers for warning shots; array weapon systems at halts to be able to disable threats on main avenues of approach; rehearse fire control measures and EOF actions

SITUATION 6



You are manning an entry control point (ECP) to your FOB. A civilian vehicle is speeding towards your location, swerving around the serpentine concrete barriers. What do you do?

ANSWER



This is a display of hostile intent: deadly force is authorized. This scenario is different than the other EOF scenarios, because the ECP is a static location and a more likely target for a SVBIED. The only reasonable explanation for this driver's behavior is that he has hostile intent. This is compounded by the fact that you would have warning signs and other security measures before he got to the serpentine.



SITUATION 7

You are traveling by convoy and the traffic is very congested around your vehicles. You try to motion the civilian vehicles away, but there is too much traffic. Can you fire a warning shot to clear the traffic?



ANSWER

No. You are permitted to use warning shots only in situations where deadly force would be authorized.

A warning shot is part of EOF, is considered lethal force, and should only be used before shooting to disable/kill.

Warning shots are not authorized to prevent looting, to protect non-designated property, or to clear traffic congestion.

SITUATION 8



You are patrolling a muhallah in your AO. As your vehicle rounds a street corner, you begin to take sporadic fire from a group of four individuals a block or two away. Your patrol returns fire and pursues the perpetrators. After moving up the street, you see the individuals dash into a nearby Mosque.

What can you do?

ANSWER



Cordon the Mosque and notify higher. You are not allowed to enter a Mosque without chain of command approval.

You are permitted to return fire at AIF forces using a Mosque. Weigh the threat against collateral damage.

Use the least amount of force necessary to neutralize the threat. Minimize damage to the Mosque.

SITUATION 9



While on a night patrol of an MSR, you see a van pull over to the side of the road after curfew. Several men exit the van and go around behind it. The driver remains inside. You cannot see what they are doing.

What can you do?

ANSWER



You could either observe for hostile act/hostile intent, shout for them to stop to develop the situation, or approach cautiously and detain.

There is not enough information to engage the men. You do not have PID of a hostile act or hostile intent, even though it is after curfew.

You could engage at the first sign of hostile act or hostile intent.

The IPs could detain the men and impound the vehicle for the curfew violation.

SITUATION 10



You are on a counter-IED sniper mission at night in a templated IED risk area. You observe a car stop in the median of MSR Tampa. Two men get out with black bags and go to either side of the road. They unzip the bags and take some items out while kneeling on the ground. A third man gets out of the car and appears to be serving as an observer for oncoming traffic.

Can you engage?

ANSWER



Yes, you can engage. This is enough information to form a reasonable certainty that these men have hostile intent.

SITUATION 11



You see an Iraqi in civilian clothes walking down the street carrying an AK-47. Can you engage him?

ANSWER



No, but you can detain the civilian.

Although current MNC-I weapons policy does not allow carrying weapons in public, merely carrying an AK-47 is not enough to establish PID of hostile act or hostile intent.

The best course of action would be to detain him and turn him over to the IPs. If he shows hostile act/intent with the weapon, then he could be engaged.

SITUATION 12



You are on patrol and come under attack from small arms fire directly in front of you. You take cover and as you prepare to return fire, you notice 3 Iraqi Police standing with AK-47s near the point of origin of the small arms fire.

What should your response be?

ANSWER



If you are unsure of the source of the fire, then you do not have PID and cannot engage. Consider that the IPs may be responding to the incident.

However, if you are reasonably certain that they are the source of the threat, then you have PID of hostile act and can engage.

You have the right to take measures in self-defense in response to a hostile act or demonstrated hostile intent, even if the threat is wearing an IP uniform.

SITUATION 13



You are assigned nighttime guard duty on the outside of your FOB. At 0200 you notice an individual in civilian clothing climbing over the wall to gain entry to the base.

What can you do?

ANSWER



You may engage the individual with necessary force, up to and including deadly force, in order to protect the restricted military area.

The act of infiltrating the base is enough to give evidence that this person has hostile intent. Your duty requires you to prevent the entry of unauthorized persons onto the base.

SITUATION 14



You are in the lead HMMWV escorting a four-vehicle convoy along HWY 1. There is a flash behind you followed by a loud explosion as one of the HMMWVs in the convoy disappears in a cloud of dust and smoke.

You see two males 200m away from you running away from the scene of the explosion. You also see an orange sedan back out of a driveway 150m south of your position and speed away.

Three males in a roadside stand 100m up the road run into a nearby house. You start taking small arms fire from a different house 150m west of your position.

What do you do?

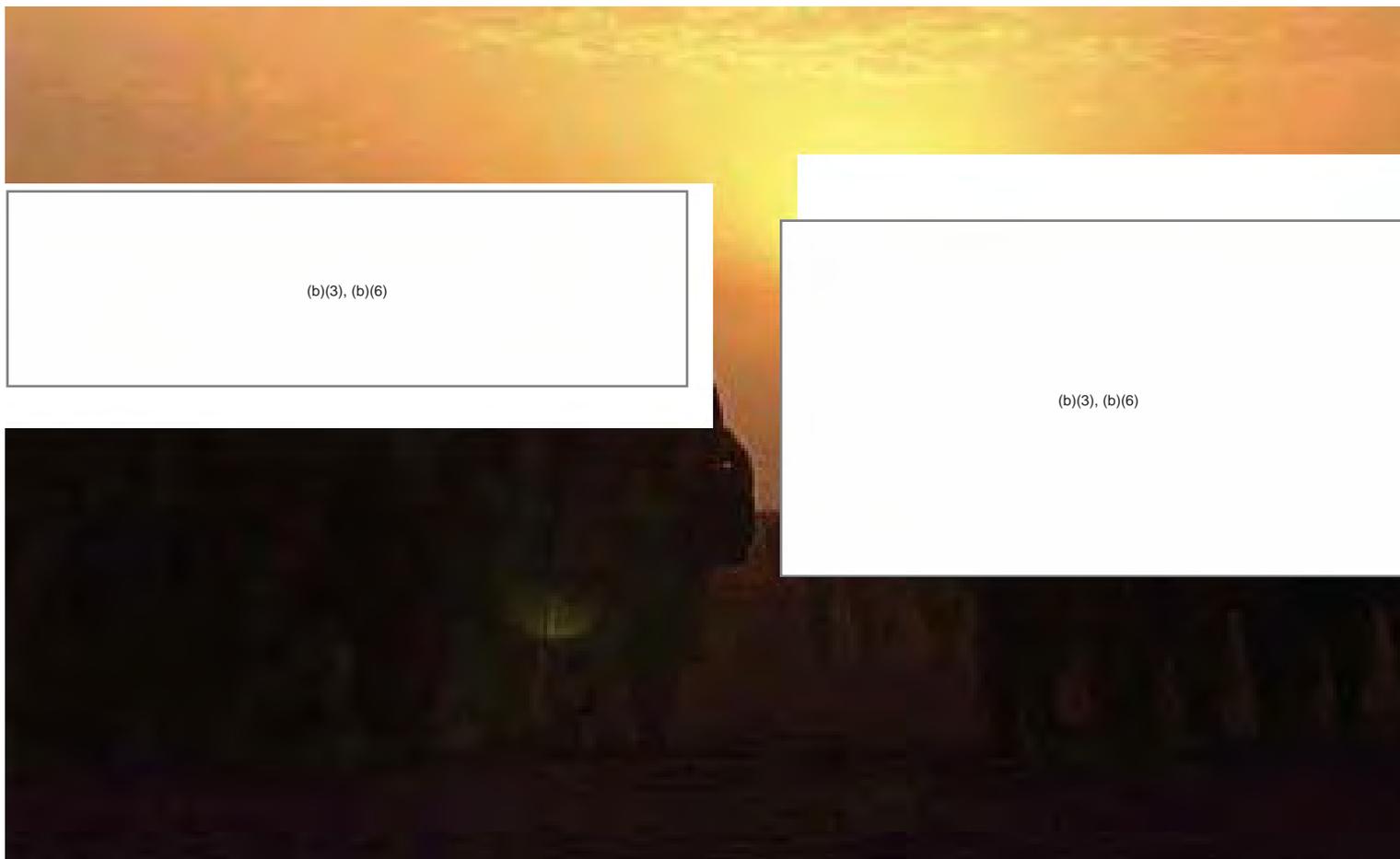
ANSWER



You should respond to the hostile fire coming from the house with proportional force. You have PID of hostile act from the home.

You should not engage the car or people running away from the attack if you do not have PID of hostile act or hostile intent. You may stop and question these people.

Questions???



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

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



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~~DISPLAY ONLY TO IRQ~~

39th Infantry Brigade Combat Team
Victory Base Defense Command
Victory Base Complex
Baghdad, Iraq
111700MAY08

FRAGO 33 (Daily FRAGO) 39th IBCT OPOD 08-08 (OPERATION BOWIE GUARDIAN)

(U) This FRAGO has been approved for release by TF Bowie S3, MAJ (b)(3)(b)(6)

References:

Time Zone Used Throughout the Order: Delta (Local)

Task Organization: No Change.

1. (~~S//REL~~) SITUATION. (b)(1)1.4a :

(b)(1)1.4a

3. (U) EXECUTION.

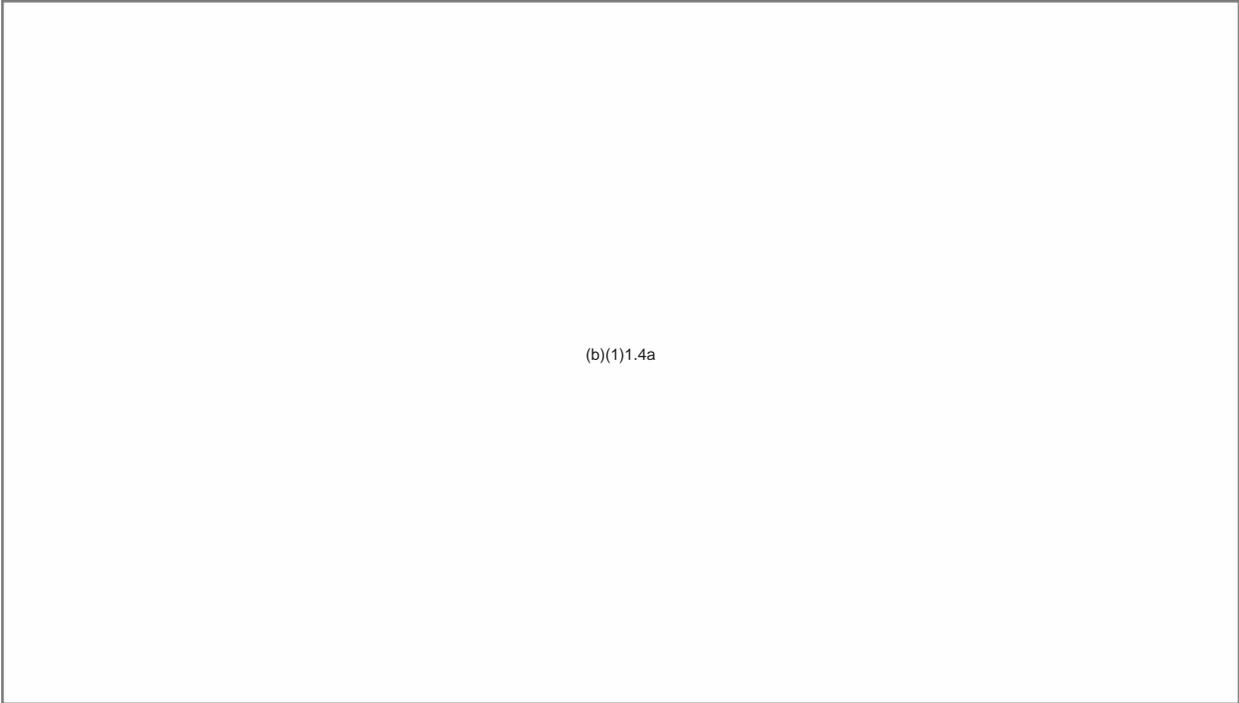
(U) Commander's Intent: No Change.

(b)(1)1.4a

~~SECRET//REL TO USA, MCFI//~~
~~DISPLAY ONLY TO IRQ~~

Page 553 redacted for the following reason:

(b)(1).4a



(b)(1)1.4a

- 4. (U) SERVICE AND SUPPORT. No Change.
 - 4.A. Concept of Support
 - 4.B. Material and Services
 - 4.C. Medical Evacuation and hospitalization.
 - 4.D. Personnel.
 - 4.E. Civil Military.
- 5. (U) COMMAND AND SIGNAL. No Change.
 - 5.A. Command. No Change.
 - 5.B. Signal. No Change.

ACKNOWLEDGE:

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

OFFICIAL:

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

S3



FRAGO 33 (Daily FRAGO) to 39th IBCT OPORD 08-06 (OPERATION BOWIE GUARDIAN)

ANNEXES:

Attachments:

- Attachment 1 (BOLO)
- Attachment 2 (BOLO - ARABIC)
- Attachment 3 (THREAT STREAM TRACKER-ARABIC)
- Attachment 4 (Steady State Ops and Training Program)

Page 556 redacted for the following reason:

(b)(1)1.4a