



UNITED STATES CENTRAL COMMAND
OFFICE OF THE COMMANDER IN CHIEF
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

SEP 30 2003

CCJA

MEMORANDUM FOR

Commander, U.S. Central Command Air Forces, Shaw Air Force
Base, South Carolina 29152-5000

Commander, U.S. Army Forces Central Command, Fort
McPherson, Georgia 30330-5000

Commander, U.S. Naval Forces Central Command, FPO AE
09501-6008

Commander, U.S. Marine Forces Central Command, Camp H.M.
Smith, Hawaii 96861-5001

Commander, Special Operations Command Central, MacDill AFB,
Florida 33621-5101

SUBJECT: Investigation of Suspected Friendly Fire Incident in
an Armored Column of the 3rd Infantry Division (Mechanized) near
An Rashid, Iraq, Operation Iraqi Freedom, 3 April 2003

REF: DoD Instruction 6055.7, *Accident Investigation, Reporting,
and Record Keeping*

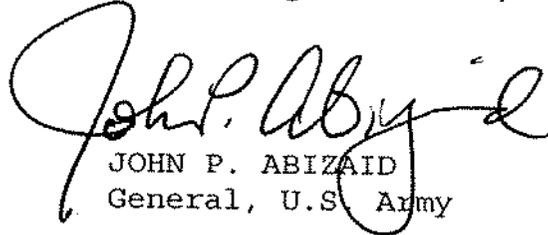
1. The Investigation Report was prepared in compliance with the
reference and is approved. The findings of fact, analysis,
conclusions, opinions as to the cause of the incident, and
contributing factors are approved. The Report is forwarded for
evaluation and action you deem appropriate to incorporate
relevant lessons learned. The recommendations are approved.

2. There is to be no public release concerning this matter
until the required next-of-kin notification has occurred.
USCENTCOM will then post an unclassified summary of the report
of investigation on the USCENTCOM Home Page. All requests
concerning the report made pursuant to the Freedom of
Information Act and/or Privacy Act should be forwarded to
USCENTCOM, attention FOIA Officer.

CCJA

SUBJECT: Investigation of Suspected Friendly Fire Incident in
an Armored Column of the 3rd Infantry Division (Mechanized) near
An Rashid, Iraq, Operation Iraqi Freedom, 3 April 2003

3. All other questions concerning this investigation should be
directed to (b)(6) , Staff Judge Advocate, USCENTCOM,
DSN (b)(6) .



JOHN P. ABIZAID
General, U.S. Army

Encl
as

Unclassified Executive Summary

On April 3, 2003, during Operation Iraqi Freedom, an armored column composed of elements of the 3rd Infantry Division (Mechanized) came into contact with enemy forces near An Rashid, Iraq. The armored column included two tanks and approximately fifteen other military vehicles. In the early afternoon between 1300 and 1400 (local), one of the vehicles spotted and destroyed an enemy tank in a palm grove approximately fifty meters ahead of them. The column halted to assess the situation. The Executive Officer saw what appeared to be an enemy encampment and ordered the column to monitor the area for dismounted enemy soldiers.

Capt Edward Korn (the decedent) and one of his non-commissioned officers (NCO) dismounted their vehicle and proceeded away from their vehicle. Approximately fifty meters from his vehicle Capt Korn and his NCO spotted a heavily camouflaged enemy tank. Capt Korn directed his NCO to return to their vehicle and get an anti-tank weapon. As directed, the NCO left Capt Korn.

At this point, a U.S. soldier in a separate vehicle spotted a uniformed figure (Capt Korn) moving in the palm grove near the burning enemy tank. The soldier believed the moving figure to be an enemy soldier and radioed the location. He and another soldier fired several rounds at the "enemy."

At the same time, the Executive Officer was notified by a tank commander that he had spotted the camouflaged enemy tank. The Executive Officer ordered the tank commander to engage the second enemy tank. The tank was engaged with 25mm High Explosive (HE) rounds.

When Capt Korn's NCO heard the weapons firing he rushed to the Executive Officer to let him know that Capt Korn was in the palm grove. The Executive Officer immediately ordered all personnel to cease firing.

The Executive Officer led a search party into the palm grove and found Capt Korn's body. His death was the result of friendly fire.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, V CORPS
UNIT 29355
APO AE 09014



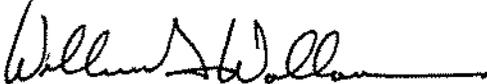
AETV-CG

30 May 2003

MEMORANDUM FOR Commander, CJTF-7

SUBJECT: AR 15-6 Investigation of the Friendly Fire Incident Involving CPT Korn

1. The subject AR 15-6 Investigation is forwarded for your review.
2. Concur with the report of the Investigating Officer.


WILLIAM S. WALLACE
Lieutenant General, USA
Commanding

DEPARTMENT OF THE ARMY
3d Infantry Division (Mechanized)
Baghdad International Airport
Iraq 09303

AFZP-CG

22 May 2003

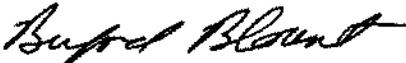
MEMORANDUM THRU Commander, V Corps, Baghdad, Iraq

MEMORANDUM FOR Commander, US Central Command, 7115 South Boundary Boulevard,
MacDill AF Base, Florida 33621-5101

SUBJECT: Results of AR 15-6 Investigation – Death of CPT Edward Korn

1. On 3 April, 2003, TF 4-64 AR came into contact with enemy forces. During the fighting, CPT Korn and SSG (b)(6) dismounted their M577 without notifying anyone in the command. At CPT Korn's request, SSG (b)(6) left to get an AT-4 from their M577. While he was gone, CPT Korn continued walking and was mistaken as an enemy dismounted soldier. He was killed by a 25 mm high explosive (HE) round from a friendly Bradley M2.
2. An investigation into this matter (see enclosed file) indicated that this death was the result of friendly fire. The IO found that CPT Korn failed to notify the TF that he was maneuvering on foot away from the TF convoy. He found that CPT Korn failed to coordinate his movement and subsequently moved into the column's zone of direct fire responsibility. He found that the unit operated in accordance with their standard procedures and could not have precluded this incident.
3. IAW DOD Instruction 6055.7 and AR 385-40, I forward this matter for initiation of an investigation into the incident.

Encl


BUFORD C. BLOUNT
Major General, USA
Commanding

(b)(2)(low)

MEMORANDUM FOR Commander, 3d Infantry Division (Mechanized)

SUBJECT: Summary of AR 15-6 Investigation – CPT Edward Korn

1. The Army Regulation (AR) 15-6 informal investigation concerning the death of CPT Edward Korn on 3 April 2003 was found to be legally sufficient 15 April 2003.

a. Facts: On 3 April, 2003, TF 4-64 AR came into contact with enemy forces in the vicinity of MB431651. During the fighting, CPT Korn and SSG (b)(6) dismounted their M577 without notifying anyone in the command. Approximately 50 meters from their vehicle, they spotted an enemy tank (#2) heavily camouflaged with palm leaves. This tank was approximately 30 meters from another enemy tank (#1) that had been destroyed earlier. CPT Korn told SSG (b)(6) to go and get an AT-4 from their M577.

SSG (b)(6) left to get the weapon. Simultaneously, SPC (b)(6), who was in another M577, saw a figure in uniform moving in the palm grove near an enemy tank. He radioed the location of this soldier, who he thought was an enemy soldier, to the rest of the TF and then fired one round from his M-16. The figure dropped to the ground and started to high-crawl. SPC (b)(6) fired a few more rounds and then SSG (b)(6) fired his M249 at the same figure. When SPC (b)(6) heard SSG (b)(6) firing, he ran to the convoy and told them that CPT Korn was in the area. Simultaneously, CPT (b)(6) commanding HQ33, a Bradley M2, was monitoring the shots and saw the enemy tank (#2) that CPT Korn had seen earlier. The Bn XO told HQ33 to engage the tank. The COAX would not fire, so they used 25 mm high explosive (HE) rounds instead. There were several explosions. SSG (b)(6) arrived at HQ33 and told them that CPT Korn was still in the woods. The Bn XO immediately ordered a cease-fire. A search party located CPT Korn's body by the enemy tank (#2). CPT Korn died of wounds inflicted by 25 mm HE rounds.

b. Findings and Recommendations: The Investigating Officer (IO) found that CPT Edward Korn was killed by friendly fire because he failed to notify the TF that he was maneuvering on foot away from the TF convoy. He found that CPT Korn made himself a separate maneuver element moving parallel to a stopped convoy without coordinating his movement and subsequently moved into the column's zone of direct fire responsibility. He found that the unit operated in accordance with their standard procedures when in contact and, without being notified by the soldier of his intent for movement, could not have precluded this incident. The IO recommended that all units within 2 BCT continue to stress unit procedures associated with physical security while traveling in hostile territory and that all units within 2 BCT emphasize to new soldiers standard procedures for combat operations.

AFZP-JA

SUBJECT: Summary of AR 15-6 Investigation – CPT Edward Korn

2. Other Considerations: The AR 15-6 makes clear that CPT Korn was the person most responsible for his own death. Plus, he was cut in half by the 25 mm round. These facts may cause the family pain. This incident must be forwarded to CENTCOM for review and appointment of an investigation IAW Department of Defense Instruction (DoDI) 6055.7. Although the IO finds that CPT Korn's conduct contributed to his own death, there is nothing included in this investigation that will cause undue pain or suffering to CPT Korn's family, nor anything that will cause any embarrassment to this command or the US Army. Recommend that the AR 15-6 investigation not be forwarded to his family without submission of a FOIA request.

(b)(6)

COL, SJA
Staff Judge Advocate

The recommendations of the SJA are Approved _____ Disapproved _____
Other. _____


BUFORD C. BLOUNT
MG, US Army
Commanding

AFZP-JA

15 Apr 03

MEMORANDUM FROM Office of the Staff Judge Advocate, DREAR, 3d Infantry Division (Mech), DSA Dogwood, Iraq, APO AE 09303

MEMORANDUM FOR Commander, 4/64 AR, 3d Infantry Division (Mech), Baghdad, Iraq, APO AE 09303

SUBJECT: Legal Review Informal AR 15-6 Investigation – Death of Captain Edward Korn

(b)(2)(low), (b)(5)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE, 3D INFANTRY DIVISION (MECHANIZED)
OBJECTIVE SAINTS, IRAQ
APO AE 09303

AFZP-VB-C

04 April 2003

MEMORANDUM FOR LTC (b)(6)(b)(3) , HHC, 2 BCT, 3d ID (M), APO AE 09303

SUBJECT: Appointment of 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer IAW AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding the death of CPT Edward J. Korn, HHC, 4-64 AR BN on 3 APR 03. Initial facts indicate that CPT Korn's death may have been a fratricide, so your investigation should be in accordance with AR 385-40.
2. In your investigation, all statements from all unit personnel and any additional witnesses will be sworn and included with your report. You will make written findings determining the facts and circumstances relating to the incident and will also make written recommendations concerning any matter within the scope of this investigation.
3. You will submit your findings and recommendations to the undersigned not later than five (5) days from the date of this appointment. You will also coordinate with CPT (b)(6)(b)(3) Brigade Legal Advisor, to receive an AR 15-6 briefing before beginning your investigation.
4. POC for this action is CPT (b)(6)(b)(3) , Brigade Legal Advisor, at DNTV 584-2013.

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

COL, AR
Commanding

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by COL (b)(6)(b)(3), 1 Cdr, 2 BCT
MG Buford Blount, Commander, 3d INFANTRY DIVISION (MECHANIZED)
 (Appointing authority)

on 04 APR 2003 (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 OBJECTIVE SAINTS, IRAQ at 0600Z
 on 04 APR 2003 (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.)
 LTC (b)(6)(b)(3) - INVESTIGATING OFFICER
 CPT (b)(6)(b)(3) - LEGAL ADVISOR

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

The (investigating officer) (board) finished gathering/hearing evidence at 1000Z on 04 APR 03
 and completed findings and recommendations at 0600Z on 05 APR 03

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 (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	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 (if substituted for real or documentary evidence) 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 (para 3-6b, AR 15-6)?	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 (para 3-16d, AR 15-6)?			X
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
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 (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
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 (para 5-9, AR 15-6)?			
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES:			
1 Explain all negative answers on an attached sheet.			
2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			

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

The *(investigating officer) (board)*, having carefully considered the evidence, finds:
SEE ATTACHED MEMORANDUM (EXHIBIT _)

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

In view of the above findings, the *(investigating officer) (board)* recommends:
SEE ATTACHED MEMORANDUM (EXHIBIT _)

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

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

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

(Recorder)

(Investigating ~~Officer~~) (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

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

~~MG BUFORD BLOUNT~~

COL

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

DA 1574, SECTION IV – FINDINGS

1. On 03 APR 2003 @ 1235Z, CPT Edward J. Korn, 258-55-8473, 4th Battalion, 64th Armor Regiment, 3d Infantry Division (Mech), was killed by friendly fire IVO MB 431651, Republic of Iraq. CPT Edward J. Korn was a victim of fratricide because he failed to notify the TF that he was maneuvering on foot away from the TF convoy, and because he did not retrograde to the TF convoy when he discovered an enemy tank. CPT Korn in effect made himself a separate maneuver element moving parallel to a stopped convoy without coordinating his movement and subsequently moving into the column's zone of direct fire responsibility. Finally, the unit operated IAW their standard procedures when in contact and, without being notified by the soldier of his intent for movement, could not have precluded this incident
2. At approximately 1200Z, the 4-64 AR TOC column (TF X-RAY) came to a halt IVO MB431651 when it came into contact with enemy forces. The TOC engaged and destroyed a T-55 Tank approximately 50 meters to the north side of the road. The tank was located in a palm grove. MAJ (b)(6)(b)(3), TF 4-64 XO, saw what appeared to be an enemy encampment. He saw a campfire, a sleeping bag and an cooking pot still smoking. He ordered his TF to monitor the area for dismounted enemy soldiers. TF 4-64 AR procedures dictate that no soldiers may leave the convoy area without the permission of SGM (b)(6)(b)(3). SGM (b)(6)(b)(3) is responsible for convoy force protection.
3. Approximately 20 minutes later CPT Korn dismounted his M577 (HQ 20). The only other soldier in CPT Korn's M577 was SSG (b)(6)(b)(3). CPT Korn told SSG (b)(6)(b)(3) that he was going to check out a building along the north side of the road. SGM (b)(6)(b)(3) was not informed. SSG (b)(6)(b)(3) got out of the M577 and covered CPT Korn's movement. Neither informed MAJ (b)(6)(b)(3) or the SGM of their departure from the convoy. The building was approximately 15 meters north, northwest from their location on the road.
4. A few minutes later CPT Korn returned to his M577. He told SSG (b)(6)(b)(3) that he wanted to check out an area next to a water tank off a dirt road approximately 25 meters northwest of their location on the road. SSG (b)(6)(b)(3) told CPT Korn that he would go with him to provide security. SSG (b)(6)(b)(3) heard CPT Korn say that he was going to check out the dirt road and come right back. SSG (b)(6)(b)(3) was located in the M577 directly behind HQ 20. Again, none of the three soldiers informed MAJ (b)(6)(b)(3) or the SGM of their departure from the convoy. CPT Korn was armed with a M9 pistol. He was wearing his Kevlar, a green flak vest, brown t-shirt and JSLIST trousers. When CPT Korn and SSG (b)(6)(b)(3) moved toward the water tank, they realized that they could not get over a stream located between their position on the dirt road and the water tank. CPT Korn directed that they continue following the dirt road toward the north. They moved about 50 meters up the road when CPT Korn said to SSG (b)(6)(b)(3), "Hey, there's a tank over there." This tank was located approximately 30 meters behind the first tank that had been engaged and destroyed earlier. It was approximately 30 meters from CPT Korn and SSG (b)(6)(b)(3) on the dirt road. The tank was a T-72 and was heavily camouflaged with palm leaves. CPT Korn then told SSG (b)(6)(b)(3) to "go get

an AT-4." SSG (b)(6)(b)(3) retrograded south, down the dirt road back toward the main road. When he was approximately at the end of the dirt road he heard the sound of shots firing from the convoy.

5. At the same time SSG (b)(6)(b)(3) was retrograding from the dirt road, SPC (b)(6)(b)(3) saw a dismount moving in the palm grove to the north of the road where they were parked. SPC (b)(6)(b)(3) was the driver in HQ 30. The person was moving behind and to the left (northwest) of the first tank that had been engaged and was currently burning. SPC (b)(6)(b)(3) believed that this person was an enemy dismount. He radioed to the rest of the TF "there are crunchies in the wood line." He then came out of the hatch and sighted the dismount with his M-16. He could see the dismount from the chest down to the knees. The figure was standing. He fired one round from his M-16 and the dismount dropped to the ground. At that time MAJ (b)(6)(b)(3) saw the figure and said to SPC (b)(6)(b)(3) "Hey, I think you dropped him." They both saw the figure continue to move in what seemed to be a high-crawl. SPC (b)(6)(b)(3) fired approximately 6-8 more rounds at the dismount. At that time SSG (b)(6)(b)(3) also saw a figure moving in the palm grove. The figure was crawling. He then aimed and fired his M249 at the dismount. After 6-8 rounds, the M249 jammed.

6. SSG (b)(6)(b)(3) saw SSG (b)(6)(b)(3) firing and began running toward the front of the TF X-RAY convoy to inform them that CPT Korn was still out in the woods. At the same time, CPT (b)(6)(b)(3) (Commander HQ 33, a Bradley M2) was monitoring the shots fired by SPC (b)(6)(b)(3). CPT (b)(6)(b)(3) recognized a second enemy tank behind the first one that had been destroyed, close to the area SPC (b)(6)(b)(3) was firing at. HQ 33's gunner, SGT (b)(6)(b)(3) confirmed it was a tank and said, "it has an external gas tank." MAJ (b)(6)(b)(3) also noticed the tank and directed HQ33 to engage the tank. CPT Hume gave the order to fire on the tank with the 7.62 COAX in case there were other crewmembers around. The COAX would not fire so he gave the order to fire with high-explosive (HE) rounds. SGT (b)(6)(b)(3) engaged the tank with 25mm HE rounds. There were several explosions as the rounds impacted the tank. At the same time SSG (b)(6)(b)(3) arrived at the HQ 33 vehicle and knocked on it to get CPT (b)(6)(b)(3) attention. When MAJ (b)(6)(b)(3) came out of the M577 (directly behind HQ33) SSG (b)(6)(b)(3) told him that CPT Korn was still out in the woods. MAJ (b)(6)(b)(3) immediately ordered a cease-fire. All firing ceased at that time. A search party was put together to look for CPT Korn. He was found dead near the second tank. His body was in 2 sections, torso and legs, approximately 10 feet apart. The wounds were apparently caused by being hit by 25mm rounds. Upon discovery MAJ (b)(6)(b)(3) immediately notified LTC (b)(6)(b)(3), 4-64 Battalion Commander.

Recomendations

1. That all units within 2 BCT continue to stress unit procedures associated physical security while traveling in hostile territory to include zones of responsibility and areas where soldiers may freely maneuver.
2. That all units within 2 BCT continue to emphasize to new soldiers standard procedures for combat operations to include those items in paragraph 1.

(b)(2)(low)



DEPARTMENT OF THE ARMY
HEADQUARTERS, V CORPS
UNIT 29355
APO AE 09014



REPLY TO
ATTENTION OF

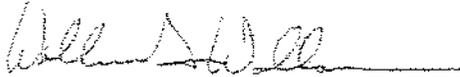
AETV-CG

30 May 2003

MEMORANDUM FOR Commander, CJTF-7

SUBJECT: AR 15-6 Investigation of the Friendly Fire Incident Involving CPT Korn

1. The subject AR 15-6 Investigation is forwarded for your review.
2. Concur with the report of the Investigating Officer.


WILLIAM S. WALLACE
Lieutenant General, USA
Commanding

10 May 2003

MEMORANDUM FOR Commander, 3d Infantry Division (Mechanized)

SUBJECT: Summary of AR 15-6 Investigation - CPT Edward Korn

1. The Army Regulation (AR) 15-6 informal investigation concerning the death of CPT Edward Korn on 3 April 2003 was found to be legally sufficient 15 April 2003.

a. Facts: On 3 April, 2003, TF 4-04 AR came into contact with enemy forces in the vicinity of MB431651. During the fighting, CPT Korn and SSG (b)(6)(b)(3) dismounted their M577 without notifying anyone in the command. Approximately 50 meters from their vehicle, they spotted an enemy tank (#2) heavily camouflaged with palm leaves. This tank was approximately 30 meters from another enemy tank (#1) that had been destroyed earlier. CPT Korn told SSG (b)(6)(b)(3) to go and get an AT-4 from their M577.

SSG (b)(6)(b)(3) left to get the weapon. Simultaneously, SPC (b)(6)(b)(3) who was in another M577, saw a figure in uniform moving in the palm grove near an enemy tank. He radioed the location of this soldier, who he thought was an enemy soldier, to the rest of the TF and then fired one round from his M-16. The figure dropped to the ground and started to high-crawl. SPC (b)(6)(b)(3) fired a few more rounds and then SSG (b)(6)(b)(3) fired his M249 at the same figure. When SPC (b)(6)(b)(3) heard SSG (b)(6)(b)(3) he ran to the convoy and told them that CPT Korn was in the area. Simultaneously, CPT (b)(6)(b)(3) commanding HQ33, a Bradley M2, was monitoring the shots and saw the enemy tank (#2) that CPT Korn had seen earlier. The Bn XO told HQ33 to engage the tank. The COAX would not fire, so they used 25 mm high explosive (HE) rounds instead. There were several explosions. SSG (b)(6)(b)(3) arrived at HQ33 and told them that CPT Korn was still in the woods. The Bn XO immediately ordered a cease-fire. A search party located CPT Korn's body by the enemy tank (#2). CPT Korn died of wounds inflicted by 25 mm HE rounds.

b. Findings and Recommendations: The Investigating Officer (IO) found that CPT Edward Korn was killed by friendly fire because he failed to notify the TF that he was maneuvering on foot away from the TF convoy. He found that CPT Korn made himself a separate maneuver element moving parallel to a stopped convoy without coordinating his movement and subsequently moved into the column's zone of direct fire responsibility. He found that the unit operated in accordance with their standard procedures when in contact and, without being notified by the soldier of his intent for movement, could not have precluded this incident. The IO recommended that all units within 2 BCT continue to stress unit procedures associated with physical security while traveling in hostile territory and that all units within 2 BCT emphasize to new soldiers standard procedures for combat operations.

AFZP-JA

SUBJECT: Summary of AR 15-6 Investigation - CPT Edward Korn

2. Other Considerations: The AR 15-6 makes clear that CPT Korn was the person most responsible for his own death. Plus, he was cut in half by the 25 mm round. These facts may cause the family pain. This incident must be forwarded to CENTCOM for review and appointment of an investigation IAW Department of Defense Instruction (DoDI) 6055.7. Although the IO finds that CPT Korn's conduct contributed to his own death, there is nothing included in this investigation that will cause undue pain or suffering to CPT Korn's family, nor anything that will cause any embarrassment to this command or the US Army. Recommend that the AR 15-6 investigation not be forwarded to his family without submission of a FOIA request.

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

COL, SJA
Staff Judge Advocate

The recommendations of the SJA are _____ Approved _____ Disapproved
Other _____


BUFORD C. BLOUNT
MG, US Army
Commanding

(b)(2)(b)(5)

DEPARTMENT OF THE ARMY
3d Infantry Division (Mechanized)
Baghdad International Airport
Iraq 09303

AFZP-CG

22 May 2003

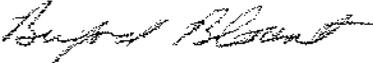
MEMORANDUM THRU Commander, V Corps, Baghdad, Iraq

MEMORANDUM FOR Commander, US Central Command, 7115 South Boundary Boulevard,
MacDill AF Base, Florida 33621-5101

SUBJECT Results of AR 15-6 Investigation - Death of CPT Edward Korn

1. On 3 April, 2003, TF 4-64 AR came into contact with enemy forces. During the fighting, CPT Korn and SSG (b)(6)(b)(3) dismounted their M577 without notifying anyone in the command. At CPT Korn's request, SSG (b)(6)(b)(3) left to get an AT-4 from their M577. While he was gone, CPT Korn continued walking and was mistaken as an enemy dismounted soldier. He was killed by a 25 mm high explosive (HE) round from a friendly Bradley M2.
 2. An investigation into this matter (see enclosed file) indicated that this death was the result of friendly fire. The IO found that CPT Korn failed to notify the TF that he was maneuvering on foot away from the TF convoy. He found that CPT Korn failed to coordinate his movement and subsequently moved into the column's zone of direct fire responsibility. He found that the unit operated in accordance with their standard procedures and could not have precluded this incident.
3. IAW DOD Instruction 6055.7 and AR 385-40, I forward this matter for initiation of an investigation into the incident.

Encl


BUFORD C. BLOUNT
Major General, USA
Commanding

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE, 3D INFANTRY DIVISION (MECHANIZED)
OBJECTIVE SAINTS, IRAQ
APO AE 09303

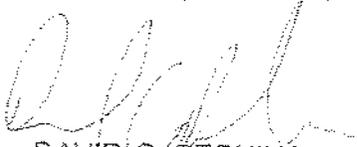
AFZP-VB-C

04 April 2003

MEMORANDUM FOR LTC (b)(6)(b)(3), HHC, 2 BCT, 3d ID (M), APO AE 09303

SUBJECT: Appointment of 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer IAW AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding the death of CPT Edward J. Korn, HHC, 4-64 AR BN on 3 APR 03. Initial facts indicate that CPT Korn's death may have been a fratricide, so your investigation should be in accordance with AR 385-40.
2. In your investigation, all statements from all unit personnel and any additional witnesses will be sworn and included with your report. You will make written findings determining the facts and circumstances relating to the incident and will also make written recommendations concerning any matter within the scope of this investigation.
3. You will submit your findings and recommendations to the undersigned not later than five (5) days from the date of this appointment. You will also coordinate with CPT (b)(6)(b)(3), Brigade Legal Advisor, to receive an AR 15-6 briefing before beginning your investigation.
4. POC for this action is CPT (b)(6)(b)(3), Brigade Legal Advisor, at DNTV 584-2013.


DAVID G. PERKINS
COL, AR
Commanding

15-6 Investigation (CPT Korn)
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AFZP-JA

15 Apr 03

MEMORANDUM FROM Office of the Staff Judge Advocate, DREAR, 3d Infantry Division
(Mech), DSA Dogwood, Iraq, APO AE 09303

MEMORANDUM FOR Commander, 4/64 AR, 3d Infantry Division (Mech), Baghdad, Iraq,
APO AE 09303

SUBJECT: Legal Review Informal AR 15-6 Investigation – Death of Captain Edward Korn

(b)(2)(low), (b)(5)

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by CDC (b)(6)(b)(3) Cdr, 2 BCT
MG Buford Mount, Commander, 3d INFANTRY DIVISION (MECHANIZED)
(Appointing authority)

on 04 APR 2003 (Date) *Attach inclosure 1: Letter of appointment or summary of oral appointment data. (See para 4-15, AR 15-6.)*

SECTION II - SESSIONS

The investigating board commenced at OBJECTIVE SAINTS, IRAQ (Place) on 04 APR 2003 (Date) at 0600Z (Time)

If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and when the start, 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.

LTC (b)(6)(b)(3) - INVESTIGATING OFFICER
CPT (b)(6)(b)(3) - LEGAL ADVISOR

The investigating officer/boards finished gathering/hearing evidence at 0600Z (Time) on 04 APR 03 (Date) and completed findings and recommendations on 0600Z (Time) on 05 APR 03 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

2 Exhibits (para 3-16, AR 15-6)		YES	NO	IN
a	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
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 (if substituted for real or documentary evidences) 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 (para 3-6b, AR 15-6)?	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 or which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
h	Was a quorum present when the board voted on findings and recommendations (paras 3-1 and 3-2b, AR 15-6)?			X
3 COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
a	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 3-3b, AR 15-6)?			
b	Was a quorum present at every session of the board (para 3-2b, AR 15-6)?			
c	Was each absence of any member properly excused (para 3-2a, AR 15-6)?			
d	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
e	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 3-2c, AR 15-6)?			
4 COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
Notice to respondents (para 3-5, AR 15-6)				
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?			
Does each letter of notification indicate:				
1	the time, 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?			
6	Was the respondent provided a copy of all unclassified documents in the case file?			
7	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
If the respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):				
a	Was he properly notified (para 3-7, AR 15-6)?			
b	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 3-6c, AR 15-6)?			
Counsel (para 3-6d, AR 15-6)				
a	Was each respondent represented by counsel?			
Name and business address of counsel				
If a lawyer, check here				
a	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 3-6b, AR 15-6)?				
If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 3-7, AR 15-6)				
a	Was the challenge properly denied and by the appropriate officer?			
b	Did each member successfully challenged cease to participate in the proceedings?			
Was the respondent given an opportunity to (para 3-3a, AR 15-6)				
a	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
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 (para 3-9, AR 15-6)?			
If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in returning to the presence of witnesses (para 3-4b, AR 15-6)?				
And all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure in (para 3-11, AR 15-6)?				
FOOTNOTES: Explain all negative answers on an attached sheet. Use of the VA symbol constitutes a positive representation that the circumstances described in the inclosure did not occur in this investigation or board.				

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

The *investigating officer (board)*, having carefully considered the evidence, finds:
SEE ATTACHED MEMORANDUM (EXHIBIT)

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

In view of the above findings, the *investigating officer (board)* recommends:
SEE ATTACHED MEMORANDUM (EXHIBIT)

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

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

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

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in inclosure _____, the undersigned does 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) does 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) (reinstated). (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.)

5.
5.

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

MG BLUFORD BLOUNT

Col

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

DA 1574, SECTION IV - FINDINGS

1. On 03 APR 2003 @ 1235Z, CPT Edward J. Korn, 258-55-8473, 4th Battalion, 64th Armor Regiment, 3d Infantry Division (Mech), was killed by friendly fire IVO MB 431651, Republic of Iraq. CPT Edward J. Korn was a victim of fratricide because he failed to notify the TF that he was maneuvering on foot away from the TF convoy, and because he did not retrograde to the TF convoy when he discovered an enemy tank. CPT Korn in effect made himself a separate maneuver element moving parallel to a stopped convoy without coordinating his movement and subsequently moving into the column's zone of direct fire responsibility. Finally, the unit operated IAW their standard procedures when in contact and, without being notified by the soldier of his intent for movement, could not have precluded this incident
2. At approximately 1200Z, the 4-64 AR TOC column (TF X-RAY) came to a halt IVO MB431651 when it came into contact with enemy forces. The TOC engaged and destroyed a T-55 Tank approximately 50 meters to the north side of the road. The tank was located in a palm grove. MAJ (b)(6)(b)(3) TF 4-64 XO, saw what appeared to be an enemy encampment. He saw a campfire, a sleeping bag and an cooking pot still smoking. He ordered his TF to monitor the area for dismounted enemy soldiers. TF 4-64 AR procedures dictate that no soldiers may leave the convoy area without the permission of SGM(b)(6)(b)(3). SGM(b)(6)(b)(3) is responsible for convoy force protection.
3. Approximately 20 minutes later CPT (b)(6)(b)(3) dismounted his M577 (HQ 20). The only other soldier in CPT Korn's M577 was SSG (b)(6)(b)(3). CPT Korn told SSG (b)(6)(b)(3) that he was going to check out a building along the north side of the road. SGM(b)(6)(b)(3) was not informed. SSG (b)(6)(b)(3) got out of the M577 and covered CPT Korn's movement. Neither informed MAJ (b)(6)(b)(3) or the SGM of their departure from the convoy. The building was approximately 15 meters north, northwest from their location on the road.
4. A few minutes later CPT Korn returned to his M577. He told SSG (b)(6)(b)(3) that he wanted to check out an area next to a water tank off a dirt road approximately 25 meters northwest of their location on the road. SSG (b)(6)(b)(3) told CPT Korn that he would go with him to provide security. SSG (b)(6)(b)(3) heard CPT Korn say that he was going to check out the dirt road and come right back. SSG (b)(6)(b)(3) was located in the M577 directly behind HQ 20. Again, none of the three soldiers informed MAJ(b)(6)(b)(3) or the SGM of their departure from the convoy. CPT Korn was armed with a M9 pistol. He was wearing his Kevlar, a green flak vest, brown t-shirt and JSLIST trousers. When CPT (b)(6)(b)(3) and SSG (b)(6)(b)(3) moved toward the water tank, they realized that they could not get over a stream located between their position on the dirt road and the water tank. CPT Korn directed that they continue following the dirt road toward the north. They moved about 50 meters up the road when CPT Korn said to SSG (b)(6)(b)(3) , "Hey, there's a tank over there." This tank was located approximately 30 meters behind the first tank that had been engaged and destroyed earlier. It was approximately 30 meters from CPT Korn and SSG (b)(6)(b)(3) on the dirt road. The tank was a T-72 and was heavily camouflaged with palm leaves. CPT Korn then told SSG (b)(6)(b)(3) to "go get

an AT-4." SSG (b)(6)(b)(3) retrograded south, down the dirt road back toward the main road. When he was approximately at the end of the dirt road he heard the sound of shots firing from the convoy.

5. At the same time SSG (b)(6)(b)(3) was retrograding from the dirt road, SPC (b)(6)(b)(3) saw a dismount moving in the palm grove to the north of the road where they were parked. SPC (b)(6)(b)(3) was the driver in HQ 30. The person was moving behind and to the left (northwest) of the first tank that had been engaged and was currently burning. SPC (b)(6)(b)(3) believed that this person was an enemy dismount. He radioed to the rest of the TF "there are crunchies in the wood line." He then came out of the hatch and sighted the dismount with his M-16. He could see the dismount from the chest down to the knees. The figure was standing. He fired one round from his M-16 and the dismount dropped to the ground. At that time MAJ (b)(6)(b)(3) saw the figure and said to SPC Durst "Hey, I think you dropped him." They both saw the figure continue to move in what seemed to be a high-crawl. SPC (b)(6)(b)(3) fired approximately 6-8 more rounds at the dismount. At that time SSG (b)(6)(b)(3) also saw a figure moving in the palm grove. The figure was crawling. He then aimed and fired his M249 at the dismount. After 6-8 rounds, the M249 jammed.

6. SSG (b)(6)(b)(3) saw SSG (b)(6)(b)(3) firing and began running toward the front of the TF X-RAY convoy to inform them that CPT Korn was still out in the woods. At the same time, CPT (b)(6)(b)(3) (Commander HQ 33, a Bradley M2) was monitoring the shots fired by SPC (b)(6)(b)(3). CPT (b)(6)(b)(3) recognized a second enemy tank behind the first one that had been destroyed, close to the area SPC (b)(6)(b)(3) was firing at. HQ 33's gunner, SGT (b)(6)(b)(3) confirmed it was a tank and said, "it has an external gas tank." MAJ (b)(6)(b)(3) also noticed the tank and directed HQ 33 to engage the tank. CPT (b)(6)(b)(3) gave the order to fire on the tank with the 7.62 COAX in case there were other crewmembers around. The COAX would not fire so he gave the order to fire with high-explosive (HE) rounds. SGT (b)(6)(b)(3) engaged the tank with 25mm HE rounds. There were several explosions as the rounds impacted the tank. At the same time SSG (b)(6)(b)(3) arrived at the HQ 33 vehicle and knocked on it to get CPT (b)(6)(b)(3) attention. When MAJ (b)(6)(b)(3) came out of the M577 (directly behind HQ 33) SSG (b)(6)(b)(3) told him that CPT Korn was still out in the woods. MAJ (b)(6)(b)(3) immediately ordered a cease-fire. All firing ceased at that time. A search party was put together to look for CPT Korn. He was found dead near the second tank. His body was in 2 sections, torso and legs, approximately 10 feet apart. The wounds were apparently caused by being hit by 25mm rounds. Upon discovery MAJ (b)(6)(b)(3) immediately notified LTC (b)(6)(b)(3) 4-64 Battalion Commander.

Recommendations

1. That all units within 2 BCT continue to stress unit procedures associated physical security while traveling in hostile territory to include zones of responsibility and areas where soldiers may freely maneuver.
2. That all units within 2 BCT continue to emphasize to new soldiers standard procedures for combat operations to include those items in paragraph 1.