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REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-AL

2 May 2007

MEMORANDUM FOR Commander, Multi-National Corps – Iraq, Baghdad, Iraq,
APO AE 09342

SUBJECT: Legal Review of 15-6 Fratricide Investigation into the 2 February 2007
Engagement of Combat Outpost Grant (Deaths of PVT Matthew Zeimer, 1-3 ID, and
SPC Alan McPeek, 1-1 AD)

(b)(5)

4. The POC for this review and opinion is the undersigned at DSN (b)(3), (b)(6) or
VOIP (b)(6) or by e-mail at (b)(3), (b)(6) or
(b)(3), (b)(6).

FOR THE STAFF JUDGE ADVOCATE:

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

LTC, JA
Chief, Administrative and Civil Law



HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICA-JA-AL

1 May 2007

MEMORANDUM FOR Commander, MNC-I, Baghdad, Iraq APO AE 09342

SUBJECT: 15-6 Fratricide Investigation into the 2 February 2007 Engagement of Combat Outpost Grant

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1. (U) EXECUTIVE SUMMARY.

a. (U) On 2 February 2007, during fierce fighting in and around the Milaab District, City of Ar Ramadi in Al Anbar Province, two U.S. Soldiers were killed as a result of an intense explosion against Combat Outpost (COP) Grant's rooftop wall. PVT Matthew Zeimer assigned to 1-3 ID, and SPC Alan McPeek assigned to 1-1 AD, were, like other Soldiers and leaders in their respective units, in the final stages of the Relief in Place – Transition of Authority (RIP-TOA) between the two brigades. The challenges arising from that RIP-TOA, in addition to other factors associated with a very complicated operating environment, created conditions within which this fratricide event occurred.

b. (U) After reviewing and fully considering all the evidence collected during previous investigations into this explosion, and all evidence collected independently as part of this investigation, I find that the death of these two young Soldiers was caused by fratricide when an M1A1 tank fired a version of the 120mm U.S. M830A1 HEAT-MP-T round into the eastern wall of the U.S. occupied COP Grant.

c. (U) Consideration of Negligence and Proximate Cause. I concur with the finding of the initial investigating officer that this accident was not the result of negligence; however, I find

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that a series of decisions and actions by both the tank crews and their command, taken collectively, fell short of the high expectations we have of our Soldiers and their leaders. These actions directly created the conditions which caused this accident, including deficiencies in training, manning, mission preparation, target validation procedures, and tactical level friendly force marking that, if addressed and corrected, can limit fratricide such as this in the future.

d. (U) Event Summary.

1) (U) Around 0100 on 2 February, Grant and COP Eagles Nest came under attack nearly simultaneously. These two combat outposts sit directly opposite each other along a wide east-west corridor about 900 – 1000 meters apart. According to reporting, insurgents engaged both COPs from numerous locations, including the area directly between the two outposts (Tabs E & G). Eagles Nest had limited mobile assets on-site with which to effectively counter the insurgent gunmen, so after receiving numerous rocket-propelled grenades (RPGs), the Eagles Nest Commander called for a heavy Quick Reaction Force (QRF), consisting of a tank section (two tanks), to support his outpost. The QRF arrived at Eagles Nest at around 0125 and began engaging enemy positions to their immediate west (Tab F-4, 5, & 5.5).

2) (U) Simultaneously, Soldiers on COP Grant were engaging enemy forces from both their south, and to their immediate east (in the broad corridor between Grant and Eagles Nest but short of Eagles Nest). Some of the RIP/TOA Soldiers from 3-69 AR were on Grant for their first night, had not yet been briefed on the location of Eagles Nest, and were firing as far east as Easy Street. Less than a second before the explosion on the rooftop's wall, at least six Soldiers who were on the rooftop and oriented to the east, witnessed a bright flash to the east in the vicinity of COP Eagles Nest (Tab G- 2, 4, 9, 11, 13, & 15). Although these Soldiers on the roof are unsure what time the round hit, by extrapolating backwards from the time that COP Grant reported casualties (0144 hrs) and considering that it took Grant at least five minutes after the impact to get Soldiers to safety within the outpost, get accountability, and identify casualties, it is clear that the impact at COP Grant was between 0136 and 0139 hrs. (Encl J-2).

3) (U) During this same period of time (0136.58 hours), a Pioneer UAV video tracked a large round traveling at approximately 1340 meters/second on a flight path parallel to, and just north of, Farouk Way (Tab D). Extending a line through this flight path both to the east and west shows a point of origin consistent with the southern lane of Milaab Rd (vic. Eagles Nest) and a point of impact consistent with the eastern wall of COP Grant, just south of center. Within a minute of this observed round, the ground force commander at Eagles Nest, Dog 6, reported that Blue 1, a tank from the QRF supporting COP Eagles Nest, had fired a 120mm main gun round from vicinity Milaab and Easy (0138 hrs—Encl J-1). In actuality, the shot was fired by Blue 1's wingman, C33 (AKA Blue 3), but a main gun engagement by this tank section was undoubtedly fired and reported at that time.

4) (U) The sound, blast, and force of the impact on Grant were inconsistent with any AIF munitions that the Soldiers on Grant had experienced in their numerous combat tours in Iraq, and

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after looking at the devastation the next day, several Soldiers indicated that the only direct fire weapon system that they had seen which caused that type of rubble was an M1 tank round (Tab G-2 & 8).

5) (U) Although EOD personnel supporting TF 1-9 had initially believed that the impact could have been caused by a 73mm Recoilless Rifle, when the EOD team chief tested the fragmentation found at/near the scene of the explosion, including several pieces of a fin stabilizing tail section which he was able to piece together, he confirmed that the munition remnants were from a version of a U.S. 120 mm M830A1 HEAT round (TAB H). Despite the tank crews' belief that they had engaged a different target, no other tank engagements that morning could not have impacted COP Grant, let alone at the critical time of 0136 to 0139. The only reasonable conclusion is that Blue 3's main gun engagement hit COP Grant. While the crew believed that they were engaging insurgents to their southwest, they actually fired almost due west, either at insurgents on rooftops directly between them and Grant or at the Soldiers on Grant while mistakenly believing these Soldiers were insurgents firing towards them. Given the size difference between the thermal images less than 200 meters away and those over 900 meters away, they most likely were firing at insurgents on the rooftops between their position and COP Grant.

e. (U) Ultimate Factual Conclusions.

1) (U) As noted above, I find that PVT Matthew Zeimer and SPC Alan McPeek were killed by a U.S. tank round at Combat Outpost (COP) Grant. The fatal shot was fired by the Blue 3 tank of the two-tank QRF section, who thought they were engaging an enemy position. This purported enemy position appeared to the gunner of the tank taking the shot as the rooftop of a multi-story building within 200 meters of their position, and to the tank commander (TC) it appeared as the balcony or walkway/breezeway of a similar building. In actuality, the target they engaged was most likely one or two small one-story buildings within 200 meters of the tank to its west (buildings 168 & 169), with the firing from the COP Grant rooftop in the far distance (about 900 meters away) appearing to be an enemy engagement from the upper floor or roof of the two small buildings. From the tank's various possible firing points on Milaab Road, the sight picture of the suspected enemy position likely appeared as one structure.

a) (U) Insurgents had positioned themselves on rooftops between Eagles Nest and the tanks in the east and COP Grant in the west. Soldiers on the COP Grant rooftop were firing to the east at these insurgents, with some of the newly deployed 3-69 Armor Soldiers shooting almost as far east as Easy Street. As such, the incoming small arms fire (SAF) that the tanks observed through their thermal sights was most likely this machinegun fire from Grant.

b) (U) The enemy personnel observed on top of the target building by the tank crew through its night sight were most likely these insurgents who had placed themselves on rooftops between the tank and COP Grant, although they could also have been U.S. Soldiers on the

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rooftop of COP Grant. In either case, the gunner and TC erred in engaging a target to the west and not to the southwest.

2) (U) Evidence indicates that there was an initial miscommunication between the tank section and the ground force commander in acquiring and validating the desired target due to Blue 1's use of old graphics with an outdated building numbering system. Further, the evidence indicates a miscommunication between the lead tank, Blue 1, and his wingman Blue 3, which I find was never accurately resolved between the two tanks.

3) (U) The Blue 3 tank commander, thinking he had observed marking machinegun fire from Blue 1 mark the desired target, confirmed with Blue 1 that they had positively identified the enemy position and would take the shot. Blue 3 took the shot and either overshot the incorrectly identified target (AIF on the rooftops to his west vice southwest) or targeted and hit COP Grant believing that the fire from Grant was AIF engaging them.

f. (U) This finding is contradicted by statements from the tank crews (TCs and gunners) as well as the recollections of both the brigade battle captain and the battalion (TF 1-9) S-3 who recall observing the tank firing over its left fender to its southwest. I fully considered this evidence but find that these witnesses were limited in their ability to accurately perceive or recall the night's events during this critical 3-4 minute window at 0136 in the morning. I find that the forensic evidence, the observations of the Soldiers on COP Grant, and the statements of the Soldier in OP South and those of the two tank drivers who witnessed the engagement, are far more persuasive than this other evidence.

g. (U) To the maximum extent possible, this report outlines the activities and circumstances surrounding that morning's engagement and provides investigative findings and recommendations.

2. (U) INVESTIGATIVE ACTIONS.

Army senior leaders responded to the fatal events of February 2nd by immediately appointing investigations into the circumstances surrounding the attack on COP Grant – to date, there have been four Investigating Officers (IO) assigned to this case for varying reasons. Tab L-4 outlines the timelines and respective officers assigned to this case.¹

a. (U) The chronology of this investigative team is detailed at Tab A, Enclosure 2. However, an overview of investigative methodology is necessary here to assist in placing the remainder of the report in context.

¹ I draw on evidence collected from prior investigations, namely that of MAJ (b)(3), (b)(6) XO 3-69 Armor Battalion, 1-3 ID. Understanding these prior investigative activities is necessary given that my charter included an instruction to draw upon this investigation and to distinguish my findings from these initial findings when necessary.

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b. (U) As an initial matter, all evidence collected as part of the initial investigation, the report of MAJ (b)(3), (b)(6) (Tab I), and the UAV footage (C-2). At the same time, I was provided a statement 1 AD commander (and attached documents)(Tab K), which called into question the initial findings. I determined that physical inspection of both Eagles Nest and Grant was necessary to gain an understanding of these events, and arranged to interview Soldiers from TF 1-9 and 3-69 who were involved in the fighting that night and who had observed the engagement. Additionally, as the 16th Engineer Battalion Soldiers and the tank crews had re-deployed to Germany, I arranged to conduct a follow-on trip to Germany to interview those Soldiers and their leadership. In order to focus the UAV coverage to critical times and events, I had my administrative support install a MovieMaker program which allowed me to view the video frame by frame. This permitted a more detailed analysis of flight trajectory and round velocity, and assisted me in identifying tank locations and activity at various times.

3. (U) BACKGROUND INFORMATION.

a. (U) At the time of the attack, Area of Operations (AO) Topeka, which includes the city of Ramadi, was under the command of 1st Brigade, 1st Armored Division (1-1AD). Their replacement unit, 1st Brigade, 3rd Infantry Division (1-3ID) had not yet assumed responsibility for the AO but were transitioning with 1-1 AD units at the battalion, company, and platoon levels. On 2 February 2007, COP Grant was under the control of C Company, TF 1-37 Armor (but was largely manned by Soldiers from the 16th Engineer Battalion), and COP Eagles Nest was under the control of D Company, TF 1-9 Infantry. Both Battalion Task Forces were very experienced and knew their respective areas of responsibility well. Soldiers from B/3-69 Armor (1-3ID) arrived at COP Grant that night and were conducting their transition with C Company, TF 1-37 Armor. B Company was set to assume responsibility for COP Grant in a few days, and the transition between the two units had just begun.

b. (U) COP Grant consists of buildings 39 and 40 in Ramadi's Patrol Sector P-5 (Tab D-1 & 2).² These two buildings are located on the north side of Farouk Way which is the main street that runs east-west, intersecting to the east with Easy Street. At the intersection of Easy Street and COP Eagles Nest, the road continues to run east, but its name changes from Farouk Way to Al Milaab Road. COP Eagles Nest sits north of the intersection of Easy Street and Al Milaab Road. The two outposts are both made up of a series of connected buildings and OPs, and from east to west are only separated by approximately 900-1000 meters (Tab B & C).

c. (U) Eagles Nest was established after major clearing operations in Ramadi's Milaab District in the mid to late summer (late July – August 2006). After Eagles Nest was established by TF 1-506 Infantry (TF 1-9's predecessor in sector), TF 1-37 AR established COP Grant (late

² To better understand this report, I recommend referencing operational graphics from TAB D-1 (pages 7-8) or the imagery provided at D-2.

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August – early September 2006). On 2 February 2007, the 16th Engineer Battalion Soldiers had been assigned to Grant since September 2006, a period of roughly five months.

d. (U) On 2 February 2007 a Pioneer Unmanned Aerial Vehicle (UAV) observed some of that morning's engagements in and around both Grant and Eagles Nest (Tab C-2). During the battle, the UAV did not focus exclusively on either outpost, but rather, moved between the two and the surrounding areas where fighting was occurring. TF 1-9 was also observing the Eagles Nest portion of the battle through a separate Shadow UAV. Per standard operating procedures, however, that footage was overwritten shortly after the engagement (without any intent at subterfuge or concealment) and could not be recovered as part of any investigation in this case.

4. (U) SUMMARY OF EVENTS.

a. (U) On 2 February, beginning at 0055 hrs (Enclosure J-2), COP Grant was engaged by Anti-Iraqi Forces (AIF) with small arms fires and rocket propelled grenades from numerous locations. Combat Outpost Grant declared troops in contact (TIC) at 0100 (Enclosure J-4). Reports of the attack list small arms fire from the southeast (Patrol Sector P-5), small arms fire and Rocket Propelled Grenades from the south at buildings 12 & 35 (Patrol Sector P-8), as well as RPG attacks from due east, from East Baseline and building 128 (L-5), and from an area referred to as the 'Grassy knoll'. This is a particularly critical area as it sits directly between the two COPs (*see generally* statements in Tab G, J-2, and D-1 (7)).

b. (U) Almost simultaneously, at 0059 hrs COP Eagles Nest was also attacked with small arms, rocket propelled grenades, and mortars, prompting TF 1-9 to report a troops in contact (TIC) situation to the 1-1 AD Brigade Tactical Operations Center (TOC) at 0105 hrs (Enclosure J-3). These attacks, like those against COP Grant, also came from multiple directions. The enemy reportedly fired RPGs and machineguns from the west (building 170 in Patrol Sector L-6), RPGs and machinegun fire from the southwest (building 35 in Patrol Sector P-10), additional enemy machinegun fire from building 91 (L-6), and mortars from Sector L-4 (vicinity building 6) (Tab J-1 & 3, and E-2 & 3).

c. (U) At 0115, the TF 1-9 QRF was launched to support the fighting at COP Eagles Nest (Tab J-1 & 3). The Heavy QRF was made up of two M1A1 tanks from the 3rd Platoon, C Company, 2-37 Armor. That day, the Soldiers were on their second consecutive 12 hour QRF shift (running from 2000 hrs the 1st of February, through 0800 the 2nd of February 2007). They had been on shift from 0800-2000 on the First, but got rolled into the second shift since the platoon's other section had to pick up an escort mission for their replacement unit. These QRF Soldiers were their rooms linked via ICOM to the Company and Battalion TOCs. The platoon leader, 1LT (3), (b) was monitoring the radios and heard the report that Eagles Nest had taken fire from up to 10 RPGs from the AIF. Sensing that the level of enemy activity occurring at COP Eagles Nest was significant, he alerted his two tank crews for action. His tank would not start, but he got it slaved off the Blue 3 tank (jump-started) by the time the official call came for the QRF to support COP Eagles Nest.

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d. (U) Bringing their tanks to Ready Condition 1 (REDCON 1), the tank section traveled from Camp Corregidor to Eagles Nest, about a two kilometer move. Blue 3 initially led the movement as they traveled west on Michigan, south along the Canal Road, and then turned west on Al Milaab road. They arrived at 0125, stopping just south of COP Eagles Nest, and far to the east of Easy street (at least 100 meters). The Eagles Nest complex was to their right and right front, OP South to their left front, and the east-west corridor to Grant was to their immediate front. Instructed to remain in place until after the GMLRS³ strike on Building 170 had occurred (Tab J-1), Blue 3 pulled into the north lane of Milaab and Blue 1 pulled up beside him (to the south), still to the east of the traffic barriers (See Tab E-7 for tank positioning and movement). As early as 0130, the tanks reportedly engaged building 170, almost directly to their front, with suppressive coax fire (J-1 & E-3).

e. (U) At 0132 the GMLRS round was reported inbound by Manchu 6 (Commander TF 1-9)(J-3), and at 0133, it struck building 170,⁴ which was previously a water pump house that serviced the town. Although the pumps are not operational, the inside of the building contains a deep-water well where I believe that the round impacted subsurface due to the penetrating delay fuse. This minimized the effect of the precision munition and would have minimized any obscuration we would normally associate with such an engagement. Immediately after the strike, the Eagles Nest ground force commander (D Company, TF 1-9 IN (Dog 6)) gave the section permission to move forward to Easy Street. Blue 3 pulled into the south lane of Milaab in front of Blue 1 and pushed past the traffic barriers towards the intersection - changing their section movement to tank in column. Enemy contact began immediately as they moved into this position, but Blue 3 had difficulty engaging due to coax malfunctions. Due in part to the heavy enemy fire and the coax problems, Blue 1 requested the use of main gun into the northeast corner of P-10 as early as 0133 (immediately after he perceived that the GMLRS had missed), when neither tank had pulled up far enough to observe the majority of Sector P-10 (definitely not buildings 38 or 39).⁵ They remained in this position, with Blue 3 in the lead and Blue 1 in column behind him until as late as 0136.13. As Blue 3 continued to have coax problems, he stayed in the south lane of Milaab and Blue 1 skirted around him to the right, anticipating the main gun engagement into the NE of P-10 and moving to get a better angle for the shot. The final set had Blue 1 in the northern lane and Blue 3 in the southern lane in a staggered left formation – both tanks still positioned well east of Easy Street and south of COP Eagles Nest on Milaab (Tabs B, C-1, & E-7). At 0133, three minutes before the tanks had achieved this final set

³ Guided Multiple Launch Rocket System: A precision guided rocket artillery munition.

⁴ Because nobody witnessed the substantial lethal effects that they had expected, various witnesses and reporting indicated both that the round hit and that it had missed its intended target. OP West, however, had the best view of the target location and indicated that it hit but had an anti-climactic effect (E-3). The round strike was verified by this investigative team on 10 April (See E-7 photo) but there was no sign of blast damage within the building.

⁵ The experienced C/2-37 Armor leaders all indicated during our interviews that timely main gun engagements generally resulted in a quick conclusion to these types of battles.

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position, the C/2-37 Log reported that Blue 3 is “engaging building 170 with main guns.”⁶ Within five minutes (0138), Dog 6 reported that Blue 1 engaged building 137 with main gun. This report of “Blue 1’s” shot appears to capture Blue 1’s report to Dog 6 rather than a Blue 1 engagement. Both crews agree that Blue 3 took this QRF’s only shot that night.

f. (U) Although reporting and recall vary widely, it appears that the initial machine gun engagements were against enemy dismounts located both to the west, northwest, and southwest. 1LT (b)(3), (b)(7) first report was of suspected enemy firing from the schoolyard in Patrol Sector L-6, with occasional sightings of enemy fire from the south and southwest, vicinity Patrol Sector P-10 (F-1 to 5.5). The Blue 1 gunner, SGT (b)(3), (b)(6) reports numerous rooftop engagements to the west and northwest (from Baseline to the west and into the northwest (Sector L-6)). While the initial small arms engagements occurred with the crews still positioned to the east of the traffic barriers, both crews report coax machine gun stoppages which required them to cover each other while the other tank worked on correcting the stoppage (requiring the tank main gun to be max elevated and both the gunner and TC to come off of their sight picture during the process). After they had pulled west of the traffic barriers and approached the Easy Street intersection, the coax malfunctions continued, with Blue 3 even backing up in order to remove the exposed tank from enemy fire (F-3 & F-2).⁷

g. (U) As they continued to take heavy small arm engagements while returning fire with intermittently functioning coaxial machine guns, 1LT (b)(3), (b)(7) assessed that the small arms response was not sufficiently suppressing the enemy positions. He states that at this point he requested to use main gun to fire into the northeast corner of Patrol Sector P-10. Although he believes that he made the main gun request during this period (F-5 & 5C), the Log entries indicate that he made the request immediately following the GMLRS strike – before he actually had observed a specific target location, knowing that it would take a few minutes to get field grazer approval from the TF 1-9 TOC.⁸ In our interview SSG (b)(3), (b)(6) agreed that 1LT (b)(3), (b)(7) had requested the main gun before he could observe the target (). While the tank could not have identified the target buildings at the time Blue 1 made the request for main gun, they had observed fire coming generally from P-10 when they were as far back as the east side of the traffic barriers (most likely from building 35).

1) (U) There was great confusion about what the requested target was from the time that Blue 1 initially requested permission from Dog 6 until the present. The C/2-37 Log reported that Blue 1 was requesting main gun on building 137 and that Blue 3 was engaging building 170 (not

⁶ This appears to be the C/2-37 TOC capturing the radio traffic that Blue 3 is preparing to engage building 170 with main gun.

⁷ SPC (b)(3), (b)(7) believes that they backed up twice, and the driver, SPC (b)(3), (b)(6) indicated that they backed up once.

⁸ The lack of an actual identified target at the time the request is made and validated undoubtedly contributed to the confusion over the proper target during target nomination, validation, and engagement.

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137) with main gun. At 0135, the TF 1-9 Log reported that Dog 6 requested main gun on building 161 in P-10 (Tab J-1 & 3).

2) (U) The following is indicative of the confusion surrounding this target. Blue 1 indicated that he wanted to engage AIF in P-10 in his initial request to fire a main gun engagement. When Dog 6 asked him which building, Blue 1 responded that it was enemy in Patrol Sector P-10, building 137. As building 137 is several rows back in P-10 and cannot be seen from Milaab, Dog 6 was confused by this request and asked him if he was referring to building 170 (presumably 170 in L-6 not P-10, as this was the building that they had just engaged with GMLRS and M240B). Blue 1, however, knew that he wanted to engage in the NE corner of P-10,⁹ and indicated to Dog 6 that he wasn't sure about the number since he was using an old map.¹⁰ As Dog 6 had both maps in his CP, he verified that this was building 38 on the new map. Blue 1 reported that he would mark the building with coax to confirm. However, Dog 6 does not recall the marking tracer fire, believing that he validated the target based primarily upon Blue 1's description that it was in the NE corner of P-10 (i.e. building 38) and that this location provided a clear surface danger zone (SDZ) away from Grant and his OPs. Although LT(3), (b) reports that the Dog Platoon Sergeant had confirmed the marking fire (F-5C), it is unclear whether any OP ever validated his fire (E-2).¹¹ Nevertheless, knowing that the SDZ to 38 in P-10 was clear of friendly forces, including COP Grant, Dog 6 authorized the main gun engagement of that target as soon as he had received TF 1-9 approval (at/near 0135 (J-3)).

3) (U) Further complicating this target identification, validation, and approval process was the fact that around this same time, LT(3), (b) had to change out his M240B barrel (coax) which was stored in the loader's area. Changing the barrel required him to get out of the TC's station and physically move into the loader's seat to change the barrel – possibly losing situational awareness of the battle around him.

h. (U) Additionally, as both tanks rolled that morning without loaders, both TCs had to leave their TC position in order to move over to the loader's positions once they received approval for the main gun engagement, open the hydraulic ammunition storage compartment,

⁹ This would have been an area with a legitimate AIF target. Both the TF 1-9 Log and OP West, LT(3), (b) indicated that Eagles Nest had taken fire from NE P-10 (although from a building a few houses to the west of 38 (building 35) (J-3)).

¹⁰ Building 137 reflects the previous TF (1-506) numbering system (an outdated map), and according to the new TF 1-9 graphics was subsequently changed to building 38 (the building on the NE corner of P-10 on the corner of Farouk and Easy). Although the maps had been changed by TF 1-9 as early as November 2006, TF 1-9 had not provided all supporting units with the new maps nor collected all the old ones. As the operations in Sufia and Julaybah had required C/2-37 to generate a number of additional overlays, they were out of ink for their graphics printer and could not produce the new maps. Further complicating this issue was the fact that Blue 3 had no operational graphics, having packed his up for the incoming unit RIP/TOA.

¹¹ Dog 6 would have had to rely on one of the OPs, notably OP West or South, to confirm the coax marking fire since the OPs are the only visuals that his command center has with the ongoing battle outside Eagles Nest.

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load the 120 mm round into the breach, and then manually arm the main gun. Thus, even if 1LT (3), (b) had moved back into the TC station after changing the 240B barrel, once he got approval to arm the main gun, he had to jump back into the loader's seat. Although not an accepted practice in peacetime, nor during live fire gunnery tables, this three man crew approach was an accepted standard as indicated by the Platoon leader, and both Company and Battalion Commanders (F-5 to 9).

i. (U) Both tank commanders loaded a 120mm main gun round, and Blue 1 reported that he had validated the target selection, building 137 in Patrol Sector P-10. While Blue 3 states that he understood the building that was to be engaged, he also states he was switching between his platoon internal radio net and that of Dog 6, he had no graphics, and he had moved into the loader's seat to both fix the coax malfunction then to load the main gun. His ability to observe the targeted building was degraded (F-5.5). Despite indications by the TCs to the contrary, both the UAV and the Blue 3 driver indicate that SSG (b)(3), (b)(6) had not pulled up into the intersection where he could have observed the targeted building. This preliminary coax marking (C-2 & F-2).

j. As he prepared to fire the main gun round, 1LT (3), (b) (Blue 1) received a call from SSG (b)(3), (b)(6) reporting that Blue 3 was also ready to fire. Blue 1 agreed and then removed the main gun round from his breach and returned to his TC seat (F-5). Lieutenant (3), (b) states that he then marked the target several more times for Blue 3, which seemed to take several times firing the identifying tracer coax, before Blue 3 acknowledged that he was tracking on the target. I find that Blue 3 was not observing the actual marking fire.¹² After an additional pause, Blue 1 asked Blue 3 why he hadn't fired and Blue 3 responded that he was getting back in his TC seat and getting his cages up, but that he was ready. After a few seconds, Blue 3 fired (F-5 & 5C).

1) (U) When Blue 3 fired, he was not as far forward as Blue 1 thought. It is doubtful that Blue 3 had ever been in front of Blue 1 in the final set as indicated by the TCs and gunners. If Blue 3 had been even with or to the front of Blue 1 initially, he was no longer to the front after backing up to fix his coax, and his gun was not on the target building located to their southwest in Patrol Sector P-10.

2) (U) In describing his tank location, which is east of Easy street, and his target acquisition, the Blue 3 gunner, SPC (3), (b), states that his tank pulled forward *closer to the intersection* where he positively identified personnel on the roof (Tab F-3), and that this was the target he ultimately engaged. This could not have been the target in the NE corner of P-10 as the tank is masked from observing that building until it clears a wall on the south side of Milaab and

¹² Although SSG (b)(3), (b)(6) indicates that he was able to identify marking fire, he was most likely watching fire from the various Eagle ROBs engaging AIF on rooftops to his immediate west between him and Grant or fire from these AIF towards Grant. In his earlier statement, he actually indicates that he was looking for "them", meaning Eagles Nest, to mark the target. SPC (3), (b) however, thought that his (3), (b)'s coax fire was the marking fire that was being validated.

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actually enters the intersection. While the gunner knows that there were various building numbers being discussed which were inconsistent, he was clear that he observed the target before pulling up to the intersection (“I had visual at all times”) and that this is the target he eventually engaged. (F-3 & 3B).

k. (U) At 0136.13 hrs, the UAV viewed both tanks still east of Ea [redacted] and not in the intersection oriented to the SW into the NE corner of P-10. After SSG (b)(3), (b)(6) loaded gun, he reported that he talked his gunner onto the target. In one of his [redacted] ts, SSG (b)(3), (b)(6) says that Dog 6 told him to fire the main gun at building 170, which is where the GMLR and is due west from the tank positions, but in another statement he says that “I picked my target and told my gunner where to fire” (F-5.5C).¹³ SPC (b)(3), (b)(6) states he never saw the OP (COP Grant) since he was locked on the target building from the start (F-3 (para 4d1)). Given that he was sitting in the southern lane of Milaab and oriented west, especially after he backed up to fix the misfeed, he could only have been locked on a target to the west from the start.

1) (U) As Blue 3 received approval to fire, the gunner, SPC (b)(3), (b)(6) prepared to fire his first ever main gun tank engagement. When he lased at what he believed to be the correct target, the tank laser indicated flashing zeros. Flashing zeros occur when the target is too close (inside (b)(2)High), too far (beyond (b)(2)High), the gunner lases over the top of the target, or if there is too much obscuration. The normal battle drill is either to index coax and re-lase or to recycle the laser and re-lase. SPC (b)(3), (b)(6) s early statement does not indicate that he does this, opting instead to simply manually index 0 meters (F-3B). In our interview, he stated that he did index coax, got a return range of 110 meters, but then opened his Computer Control Panel (CCP) and manually indexed 200 meters anyway (F-3). Although normal procedure would be for the crew to either fire, or for the TC press the battle sight range button and fire, the crew felt that indexing 200 meters was a necessary step prior to firing. SSG (b)(3), (b)(6) double checking that the CCP accepted the range, asked SPC (b)(3), (b)(6) to check once more before firing – which he did.

2) (U) Because of this manual input into the CCP (located just slightly above and to the right of the gunner’s position), the Blue 3 gunner had to re-acquire the target once again prior to engaging. SPC (b)(3), (b)(6) did this with the assistance of SSG (b)(3), (b)(6) and laid his sight onto what he described as a rooftop with 4 to 5 people on top of it who appeared to be coming out from behind a door (F-3). Although SSG (b)(3), (b)(6) describes the target differently in his statements (F-5.5), the crew conducted their final engagement ending with SPC (b)(3), (b)(6) squeezing the gunner’s firing trigger and sending the 120 mm round out of the gun tube.

1. (U) 1LT (b)(3), (b)(6) states that he saw the projectile fire into the building to the southwest. If his tank was positioned to the right rear of Blue 3 as he indicated, he would not have been able to see this based on the significant muzzle flash. He would have also been unable to view this

¹³ In a later statement, SSG (b)(3), (b)(6) states that after the marking fire, “when I put my gunner on the target, he saw guys on the roof/patio 2 men.” Note that he didn’t say that “we saw guys on the roof,” indicating that he was still in the loader’s seat and not oriented on the target through his TC sights (F-5.5D).

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impact well if his tank was positioned both forward (west) and to the north of Blue 3 li shown on the UAV (such an observation would be almost impossible (C-1 & 2)). SSG (b)(3), (b)(6) also states that the round hit the building to their direct southwest approximately 75 me southwest, and the TF 1-9 S-3 and the 1-1 AD battle captain observing a Shadow UAV feed that night, also believe that they observed such an engagement (E-4 & 5).

1) (U) The two drivers, however, contradict this observation. The driver of the firing tank, Blue 3, reports that the tank was still positioned on Milaab, east of the intersection with its hull still oriented west and the gun tube over the front of the tank (i.e., oriented west (F-2)). The Blue 1 driver, from his forward and offset to the right position, actually saw the round cross his drivers night sight traveling in what he believes is a northwesterly direction. Clearly the round didn't travel northwest, but if the round had been fired to the southwest as reported, this driver would not have observed it through his sight at all. Having listened to internal tank comms describing the engagement direction of fire to the southwest, SPC (b)(3), (b)(6) says in his sworn statement that after he saw the round in his sight, he exclaimed, "what the f_____ is he shooting at?!" (F-1 & 1A)

2) (U) OP South (Part of the Eagles Nest complex) is located south of Milaab on the Easy Street intersection and is directly across the street and 20-30 meters from the building SSG (b)(3), (b)(6) stated he was engaging (Bldg. 38 or 39). The one U.S. Soldier in this OP (joined by two Iraqi Army Soldiers) reports he neither saw the tank round impact the building, nor felt the destructive effects of what would have been a 120mm round exploding less than 25 meters away from him. He further reports that he felt and heard the tank firing from behind him and to his right – his four O'Clock position – while he was oriented to the west.¹⁴ This would indicate that the tank fired from Milaab, short of the Easy Street intersection (E-1).

m. (U) 1LT (b)(3), (b)(6) followed the tank engagement with a series of heavy coax engagements on what he reports as troops on top of a building that sits directly between COP Eagles Nest and Grant (F-5 & 5C). Within minutes of this coax engagement, Grant reports having taken casualties and the Battalion Commander for TF 1-9 Infantry announces cease fire due to fire reportedly spilling over into TF 1-37 Armor's Sector where COP Grant is located.

5. (U) PIONEER UAV ANALYSIS (2 FEB 07 0133-0145 HRS).

(U) In order to conduct additional detailed analysis of the morning's engagement against COP Grant, I matched the Pioneer UAV video with the C/2-37 Log, which accounted for all major actions relating to the Heavy QRF. This cross-walk between the Log and the UAV provides a more accurate picture of tank locations and times with respect to reported actions. Although the Pioneer is not focused on Eagles Nest for much of the engagement, it observes a high velocity round traveling east to west along Farouk Way for approximately 255-260 meters, shows the

¹⁴ He also states that there were no AIF firing from the buildings to his immediate front.

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tank machine gun engagement that followed the main gun engagement, and shows the final set of the two tanks immediately after the cease fire is called. The slides are found at Tab B & C-1.

Slide 1: Taken at 0136:13 hrs on 2 February. This accounts for the tank locations and time after they reportedly arrive and take up firing positions south of COP Eagles Nest following the GMLRS strike. At 0136:13, the two tanks are observed still in column formation with Blue 3 in the lead. At this point in the battle they have already requested one main gun round (0133) even though neither tank is in a position to have observed the targeted location. At roughly this same time, they receive permission to fire (J-3), and within two minutes they have fired one main gun round (0137-0138).

Slide 2: Taken at 0136:47 hrs. The second still shot confirms that the intersection of Milaab and Easy streets is still empty, indicating that the QRF has not pulled forward and still cannot possibly identify or fire into the northeast corner of P-10. Three minutes have passed since Blue 1 requested approval to fire the main gun. The C/2-37 AR TOC is tracking that Blue 3 will conduct the engagement – reporting at 0133 that “Blue 3 engaging Bldg 170 with Main Gun from intersection of Easy & Milaab.” This is followed by the report from the ground force commander, Dog 6 at 0138, that “Blue 1 engaged building 137 with main guns” (J-1).

Slide 3 - Slide 6: These four slides are all still shots taken of what appears to be a large projectile, traveling from east to west, parallel to and just to the north of Farouk Way. All four are taken within the same split second 0136:58 providing insight into the speed of the projectile. Follow-up analysis showed that the round came from where the two tanks were positioned, was in direct line to strike COP Grant, and traveled at approximately 1342 meters/second (see paragraph 6 a & b, below).

Slide 7: This is a slide with an imbedded forty second video taken from 0142.07 hrs thru 0142.47 hrs, which further validates that the C/2-37 AR Log and the UAV clock are consistently reporting and capturing the same events. The Pioneer UAV is clearly observing a series of machine gun engagements firing from east to west, with the rounds initially disappearing off the UAV viewing area west of Goat Street towards COP Grant. The point of impact is unobserved, but the UAV ultimately traced the point of origin back to the QRF where Blue 1 is observed still in his position to the front right of the section and is engaging with either .50 Cal. or coax. Close observation of the engagement appears to show two separate and parallel engagements coming from the tanks at 0142.30, with the northern firer shooting larger ammunition (.50 Cal.) and the southern firer (Blue 3) firing coax. This is entirely consistent with 1LT(3), (b) report of firing at enemy on the rooftops (F-5 & 5-C). Blue 1 indicates that by this time he had gone black on coax (run out), and he was firing .50 Cal. while Blue 3 was either talking him onto the targets or firing coax to mark for him (F-5C). At this same time, the Log indicates that Blue 3 is “engaging enemy on rooftops with coax” (0142).

Slide 8: The final slide is taken at 0145:01 (three minutes after the previous machine gun engagement) and shows the two tanks still in a staggered left formation with Blue 1 in the lead

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(west) and Blue 3 in trail and to the south. This shot is taken after Dog 6 tells the QRF to hold fire but before the tanks reposition into the traffic circle for their follow-on security set. The C/2-37 Log indicates receiving the following reports from the QRF: At 0145 “Blue 1 & Blue 3 report 2 enemy KIA,” followed by an updated report at 0147 indicating “Blue 1 and Blue 3 destroyed six enemy KIA.” The final log entry referencing this event is from the Battalion Commander of TF 1-9 IN who calls for a cease fire due to fire spilling over into TF 1-37 Armor’s sector (J-1).

6. (U) TRAJECTORY ANALYSIS. (Tab D)

This paragraph details additional analysis of the trajectory observed by the Pioneer UAV at 0136.58 hours in order to determine whether that observed round could have impacted on COP Grant. It also addresses trajectory speed and flight path in order to ascertain that the round was a 120mm tank munition, and that its flight characteristics, given the reported manual inputs into the CCP, could in fact hit the target at such an elevation. Review this section with the graphics at D-1 and E-7.

a. Flight analysis using trajectory observed by the UAV as the baseline.

1) The WHITE projectiles are depicted on the slide at the various locations that they were captured by still shots of the video feed. The GREEN line connects these points and represents the trajectory as it was observed by the Pioneer UAV. Using the video and then “catching the round” as it travels across the screen at various points allowed the trajectory to be analyzed by plotting where the projectile was in relationship to the ground as it traveled from east to west.¹⁵

2) The dashed LIGHT BLUE line simply connects the GREEN observed target line by using a straight edge to extend the line in both an easterly and westerly direction. This dashed LIGHT BLUE line extends all the way to COP Grant in the west (impacting Grant on its eastern side, just south of Center) the south lane of Milaab to the east (just east of the intersection). Despite 1LT(3), (b)(assertion that it is physically impossible for a round to travel from Milaab to Grant (F-5C), this shows a straight and clear gun target line.

3) Enclosure C-1 shows the two tank locations as observed by the Pioneer UAV at both 0136 and 0142. Tab E-7 depicts where the tanks reportedly were as the round was fired and where they likely actually were.

4) Superimposing the two known tank locations and the impact point on COP Grant indicates that the four still frame pictures of the round observed traveling on a line just to the north of Farouk Way (between Farouk and Baseline), likely came from the southern tank

¹⁵ Although the precise north-south alignment cannot be determined with 100% accuracy due to questions of round elevation and UAV angle, assuming that the round was not fired from a high elevation such as CAS, the observed north-south points should be within a few meters of the actual trajectory.

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location, and if a round were fired from that location and on that trajectory, it would have impacted COP Grant. If anything other than the tank in the southern lane of Milaab had fired the projectile viewed by the UAV, it would have had to fire the round from a rooftop less than 300 meters to the immediate front of the tanks.¹⁶

b. Trajectory Speed analysis: We assessed the UAV's streaming video of the round in flight by breaking down the video frame by frame with MovieMaker software at the critical time that the round first appears on the video frame. This method allowed us to determine the time of flight of the munition as it crossed the area observed by the UAV with reasonable certainty. The program breaks the frames down into .07 second increments. When the round first enters the viewing area, it appears roughly 1/4 of the way across the screen, indicating that it took less than .07 seconds for it to travel from the time we would have first seen the nose of the round entering the frame until it reaches that first set position (estimate .05 seconds given the distances it travels in the subsequent two frames). The tail of the round is seen leaving the screen two frames or .014 seconds later. Thus, the total time that the round is within the observed area is roughly .19 seconds.

1) Using the Falcon View Overlay in conjunction with the UAV screen shots, the area in which the round was observed is between 255-260 meters. Dividing the observed distance by time it took to cover that distance (255/.019), we can say with reasonable certainty that the projectile speed is roughly 1342 meters/second. If an M1A1 fired a 120mm M830A1 type round (HEAT or OR) from the Milaab and Easy Street area, it would have traveled approximately 300-400 meters by the time it first appears on the UAV video depending on the exact firing location. According to the M830A1 firing table (D-4), a round at this distance should have a velocity between 1328 and 1348 meters/second.

2) Thus, the velocity of the projectile we see tracking towards COP Grant is entirely consistent with the velocity that we would expect a 120mm HEAT round to travel. Further, it is a speed inconsistent with virtually any other AIF munitions. As noted in Tab D-5, Soviet style recoilless rifle rounds travel at 400 M/Sec and up to 700 M/Sec with rocket assist. This velocity analysis thus provides insight as to the speed of the round, and eliminates virtually any other potential explanations found in AO Topeka.

c. Gun sight line analysis: When we conducted a site reconnaissance of Eagles Nest, I viewed Grant through all three tank sights, The Gunner's Primary Sight (GPS), the Thermal Imaging Sight (TIS), and the Gunners Auxillary Sight (GAS), in order to determine the sight

¹⁶ Nobody from the tanks witnessed such an engagement, and it is illogical to assume that if the insurgents were able to get such a heavy weapon system up on the roof, that they would take a 700 meter shot to the west at Grant rather than a 300 meter, or less, shot at Eagles Nest or the tanks to the east.

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picture from both the top of the tank where the sights are exposed, and the auxiliary sight which provides the gun tubes' true aiming point and gun clearance. From every position in the Southern lane of Milaab, there is a clear gun target line (GTL) to the rooftop wall of Grant (E-7). Statements from the previous investigation indicate that since the gun was manually indexed to 200 meters, the gun would have been masked from making this shot by a small wall to the west of the tank position and that the round would have grounded out prior to reaching Grant (E-4 & K). If the lay of the gun tube was level, this analysis would have been correct. However, if the gun tube is elevated above level (0 degrees), i.e. if the target is higher than the gun, this analysis would prove incorrect, and the round would "travel further regardless of the range input into the Fire Control System" (D-3).

1) According to the firing table, the round would travel 1000 meters in .77 seconds and only drop between 2 to 3 mils, making it highly probable that a round aimed at the top of Grant would hit a few feet below the top of the wall. This is consistent with the point of impact on Grant. Further, if the point of aim was elevated above the wall to the front of the tank, the round would clear the wall regardless of the 200 meters input into the CCP.

2) Although Blue 3's TC and gunner differ as to the exact site picture and target description, both indicate that it was an elevated site picture. The gunner believes that he is aiming at a rooftop full of enemy, and the TC believes that it is a second floor balcony or breezeway. In either case, the lay of the gun would have been elevated.

d. EOD Analysis: Enclosure H is the final EOD report of the materials collected in and around COP Grant's roof and then provided to EOD for analysis. According to SGTs (b)(3), (b)(6) and (b)(3), (b)(6) (Encl G-2, 2A, 3, 3A), the materials were collected by these 16th Engineer Soldiers from the roof of the COP and the area immediately below the blast hole the morning after the attack. The largest piece of the fin stabilized tail section was picked up on the ground below the impact area. As this piece was located between a tall concrete "T-wall" barrier (12 ft) and the COP, the chance that this piece somehow skipped into the compound is highly improbable. Further, the COP in general, and the roof in particular, were kept in a high state of police (G-2-4, 8, 10, 11, 17), and these fragments were not present at the COP prior to the fight of 2 February. There were no fragments from other munitions present on the roof that day. As noted by SGT (b)(3), (b)(6), a Soldier who had lived at COP Grant for roughly five months, the fragments the _____ up on 2 February came from the blast – they were on the east roof from the middle of the roof all the way to the back wall (see diagram in Encl G-2). The EOD team asked for and was provided a live 120mm round in order to conduct a comprehensive side by side analysis. The report concludes that "the round was positively identified as a U.S. M830A1 HEAT-MP-T projectile for use in a M1A1." The M830A1 body is identical to that of an M908 OR round (H-4 & 4A).

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7. (U) IMPACT ON COP GRANT.

This paragraph focuses on what occurred on COP GRANT just before, during, and after the projectile exploded into the eastern wall. In order to gather this information, twenty (20) Soldiers in Iraq and Germany provided sworn statements as to what they did or did not see that morning.

a. There were up to 30 men on the rooftop that morning when COP Grant was struck (G-2, 3 & 4). This is more than double the normal amount, but as the two units RIP-TOA was in progress, old and new Soldiers, sergeants and lieutenants were linked up with their counterparts handing off responsibility via a proven process referred to as “left seat, right seat.” This ensures that during all daily activities, the incoming Soldiers will be exposed to every detail of work related activity as viewed by the Soldiers that had been doing that job during their rotation.

b. The enemy contact that began on 1 February was just another routine event for the Soldiers who had been manning COP Grant since September. They would generally receive enemy contact every second or third night, sometimes significant enough to require the TF 1-37 tank or Bradley QRF to support the outpost.¹⁷ This night was no different. During the night’s second engagement, early on the morning of 2 February, these Soldiers once again geared up, many wearing PT clothes underneath their Kevlar and body armor,¹⁸ and responded to the enemy attacks against their COP. The sketch (G-2, page 2) is drawn by SGT (b)(3), (b)(6) with assistance from SGT (b)(3), (b)(6) and SGT (b)(3), (b)(6). These three young non-commissioned officers, assigned to the 2nd Platoon, A Company Engineer Battalion, were one of the two units that had been assigned to COP Grant the previous five months. The other platoon came from C Company, 1-37 Armor. SGT (b)(3), (b)(6) was right next to SPC McPeck when the low wall they were behind rocked with an explosion that tore through approximately 10-12 inches of steel reinforced concrete, killing SPC McPeck instantly (G-3).¹⁹ All the Soldiers we interviewed were blown back and knocked down by the explosion, with several reporting that they were knocked unconscious momentarily.

¹⁷ Both Bradley Fighting Vehicles and an M1A1 tank QRF were used that night to support the fight at Grant, engaging AIF from vic. 20th Street and shooting into L-5 (east) and possibly to the southeast (see statements G-8 to 18). This tank support was well coordinated with COP Grant leadership who provided advance warning to Grant’s Soldiers prior to the engagement. It occurred well before the explosion on Grant, and given the time and the tank’s location, could not have been the cause of the round which impacted Grant. At the time, the TF 1-9 sector extended to the west to Corona street, and the Blue 1/Blue 3 section were the only tank section operating within their sector which could have fired towards Grant.

¹⁸ As the Soldiers lived in the COP 24/7, they were sometimes out of ACUs when “off shift” but would throw on their protective gear and fight when they came under attack.

¹⁹ The blast was so powerful that

(b)(6)

(b)(6)

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c. Fearing the explosion may have been caused by a mortar, the initial response from the leaders was to get the men (minus those manning the towers) downstairs and account for all people and assess injuries. The accountability effort was conducted as quickly as the confusion and disorientation of leaders permitted, but appears to have taken at least five minutes from the time the round impacted. As neither SPC McPeek nor PVT Zeimer was present, unit leaders mandated that a search begin immediately; however, the security situation on the roof prevented all available Soldiers from searching there. Once back on the roof, SPC McPeek's body was quickly discovered toward the back/western wall of the COP's rooftop. PVT Zeimer however was not immediately found. Believing he might have been blown off the top of the roof, the men began searching around the ground floor of the building on the outside. After searching there for 5-10 minutes without success, his leaders once again directed a search of the rooftop for PVT Zeimer.

d. The impact into the wall of the COP had not only knocked down the OE 254 antenna, it also caused all of the camouflage netting and poles to be torn down and blown back into a corner (Tab G-21 photos). PVT Zeimer's body was found toward the back of the COP, rolled up within this netting, which had not been initially checked. According to eyewitnesses, the medic

d immediate aid and PVT Zeimer was put on a stretcher and carried down the stairs. 1LT (b)(3), (b)(6), standing inside the CP area of the outpost, saw PVT Zeimer and stated that (b)(6) (b)(6) it initially appeared that he was still breathing (G-1). Having prepared the 1SG's vehicle with a Bradley escort as the CASEVAC vehicles, the men hurried to get PVT Zeimer to the vehicle. The sandbag barricades outside the eastern door were too tight for the stretcher, however, so they went back thr inside of the COP with the stretcher in order to exit from the southern door. When 1LT (b)(3), (b)(6) observed PVT Zeimer coming back through the CP the second time, PVT Zeimer was no longer breathing, apparently having just died within those few moments.²⁰

e. That morning after daybreak, the men policed up the materials from that night's explosion scattered about the roof and directly below the round's impact onto the roof wall above (including the main tail stabilizing fin). These were turned in to the chain of command, and ultimately to EOD for assessment.

8. (U) FINDINGS.

(U) The findings in this investigation fall into two areas; uncontested facts and other contributing factors. Those points that are uncontested conclusively show that Blue 3 engaged COP Grant and provide a baseline of understanding from which to assess the actions that occurred on the morning of 2 February. Second, the contributing factors consist of contested facts or differing points and perspectives of those who participated in the battle that morning.

²⁰ According to the injuries listed in the autopsy report (Tab L-5A), it is clear tht PVT Zeimer's injuries would have been fatal regardless of how quickly he had been found, treated, and evacuated.

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They clearly indicate the misperceptions and confusion that contributed to the events that took place. Examining these two together provides insight into the complex environment within which this fratricide occurred.

(A) (U) UNCONTESTED FACTS.

1. (U) 0133 Hours: Blue 1 requested approval to fire one main gun round and received approval sometime prior to 0138. The exact building #/location is still contested, but these two crews clearly understood the process of gaining timely approval for firing a main gun round, and therefore selected a building for the engagement within Sector P-10 that was either the target at that time, or was likely to be at least within the same SDZ clearance location.

2. (U) 0138 Hours: C/2-37 AR Log reports that Dog 6 had reported the engagement (firing) of one main gun round. Multiple building #/locations cloud the target location (including 38, 39, 137, 161, and 170), but unquestionably a tank from the section fired a 120mm round. All members of the tank section agree that SPC (b)(3), (b)(6) and SSG (b)(3), (b)(6) in Blue 3 fired that round.

3. (U) 0136.58 Hours: The Pioneer UAV identified a round traveling east to west along and just north of Farouk Way. Trajectory analysis shows that the round's westerly trajectory would impact the east side of COP Grant, and tracing it eastward shows a point of origin just east of the intersection of Al Milaab and Easy Street – the location of the QRF. Additional analysis also indicates that the UAV observed the round cover approximately 255 meters in .19 to .20 seconds, indicating a speed of approximately 1342 meters per second. This speed is consistent with the terminal velocity charts for a 120mm M830A1 round at the 300-400 meter range (D-4) and is inconsistent with any weapons known to be used by insurgents in Iraq.

4. (U) Between 0136 and 0140 hours, numerous Soldiers on top of COP Grant identified a large flash of light from the east (several indicating a location in the vicinity of Eagles Nest), followed instantly by the explosion of their COP's eastern rooftop. Some of the men interviewed even say it was unquestionably a tank, and those having seen tank engagements into walls on previous missions, liken the impact into the wall of their own COP to such engagements. This explosion caused a number of injuries among those on the roof, including ruptured eardrums, concussions, and burns; and it killed SPC McPeck and PVT Zeimer.

5. (U) On 8 February 2007, the metal fin stabilizing tail section and other fragments which had been collected on top of and below the impact crater of COP Grant on 2 February were positively identified as those of an M1A1 HEAT MP-T 120mm round. An M830A1 MP-T round has the same canister (body) construction, including stabilizing tailfin, as the M908 OR round purportedly fired by Blue 3, with the only difference in the rounds being that a second fuse in the M830A1 is replaced by a hardened cap on the tip of the OR round to promote penetration of hardened concrete (H-4 & 4A). Additionally, Soldiers who had occupied Grant for five months validated that prior to the fight, the rooftop was clear, clean, and free of any brass, ammo, or any fragments or remnants from engagements with the enemy prior to that night's

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fight, and that the only fragmentation that they found that following morning was collected and provided to their chain of command.

6. (U) At no time prior to 0138 does the UAV view the tanks, specifically Blue 3, positioned into the traffic circle of Milaab and Easy.

7. (U) From various positions east of Easy on Milaab Road's southern lane, a tank has a clear gun target line (GTL) to Grant.

8. (U) The QRF tanks traveled to an ongoing battle at Eagles Nest and Grant with three man crews (no loader), without current operational graphics, without battle-carrying a main gun round, and without FBCB2 (not equipped).

9. (U) The Blue 3 TC had not fired a main gun engagement during the current deployment, and the gunner had never fired a main gun round, not even in training. Neither the TC nor gunner had ever been called to support Eagles Nest when both Eagles Nest and Grant were simultaneously engaged. While Blue 1 and its crew were extremely [redacted] and had worked as a team for a substantial period of time, the combination of SSG (b)(3), (b)(6) and SPC (b)(3), (b)(6) was a new combination, having worked together only sporadically for the four weeks leading up to that night's fighting.

10. (U) These uncontested facts alone show conclusively that within the critical minutes from 0136 to 0138 on 2 February 2007: (1) only one tank can account for firing a 120mm HEAT round (Blue 3); (2) a 120mm tank round impacted Grant's eastern rooftop wall and killed SPC McPeek and PVT Zeimer; (3) a round traveling the same speed as a tank round traveled on a line from the location of Blue 3 towards Grant; and therefore, (4) the round fired by Blue 3 (C-33, C Company, 2-37 Armor Battalion) was the cause of this fratricide.

(B) (U) CONTESTED FACTS AND OTHER CONTRIBUTING FACTORS.

1. (U) SSG (b)(3), (b)(6). Undoubtedly an experienced tanker, and with two combat tours under his belt, he has also experienced an enormous amount of combat stress as a result of these two rotations. On his first tour as a gunner, his tank was hit directly on top of the turret, killing the loader and wounding him. This tour, he was wounded once by an IRL (rocket) penetrating his turret, literally peppering him with shrapnel. His tank also struck two Improvised Explosive Devices (IED's) during the last 14 months. Realizing he needed some time out of the TC's seat, [redacted] assigned to duties outside of normal tank operations. As a [redacted] he felt that with a little time and reflection, he could resume [redacted] in late August 2006, and from the time of his return to Ramadi in September until early January 2007, he was assigned as the Company Supply NCOIC (normal supply sergeant had been wounded and was on convalescent leave). While he had experience in and around Eagles Nest prior to going on leave, COP Grant was not built and occupied by U.S. forces until after he had gone on leave. He missed much of the heavy fighting

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of late 2006, but his chain of command felt that he was ready to resume his duties as TC in late December to early January. He had about four weeks of missions under his belt after his return – including QRF duty every fourth day, of which he was called out on missions on several occasions, including 2-3 nighttime QRFs. His normal gunner was SGT (b)(3), (b)(6) (who had been the Blue 3 TC while SSG A worked in the supply room), but he also took SPC (b)(3), (b)(6) as gunner on a number of missions. On the night of 2 February, SGT (b)(3), (b)(6) was sick as well as loader for 31. Prior to 2 February, SSG (b)(3), (b)(6) had not used SPC (b)(3), (b)(6) as his gunner during any nighttime engagements, and neither the gunner nor TC had survived Eagles Nest while Grant was simultaneously in contact. Other tank commanders in the platoon (the entire company for that matter) were extremely familiar with the area around Eagles Nest. His Platoon Sergeant, SFC (b)(3), (b)(6), and his platoon leader, 1LT (b)(3), (b)(6), both indicated that SSG (b)(3), (b)(6) was very familiar with Eagles Nest. While generally true, SSG (b)(3), (b)(6)'s experience in that particular area was far less than that of either his platoon sergeant or platoon leader, especially during nighttime combat, and these leaders did not necessarily understand/consider this difference in experience.

2. (U) Three man crews. The crew's decision to depart their Forward Operating Base that morning with a three man crew, although routinely accepted by their leadership, created unnecessarily complicated conditions that directly contributed to the engagement of COP Grant. Working through a series of coax malfunctions plus the eventual requirement to load the main gun, took both experienced tank commanders out of their position of influence – the TC's position – putting them on multiple occasions into the loaders position where their situational awareness was degraded. Their ability to view that night's fighting was virtually eliminated during this critical period as none of the night optics are available in the loader's position. During this critical three to five minute period prior to firing the main gun, moving around within the tank turret caused both crews to have an interrupted picture of that morning's situation on several occasions. These interruptions required them to reacquire their situational awareness as well as reacquire the correct targets each time they got back into the TC's position. This unnecessary crew capability reduction prevented both crews, but particularly Blue 3, from effectively and accurately selecting the correct target location and then validating it prior to firing. It similarly prevented Blue 1 from effectively and accurately assessing where Blue 3 was oriented.

3. (U) Graphics / city numbering system. Managing and numbering every building within the city of Ramadi is a challenging feat. This mapping system however, changed after the controlling Infantry Task Force changed from 1-506 Infantry to 1-9 Infantry. Although the Patrol Sector numbering remained the same, all the building numbers changed. This change, and the fact that neither crew had the updated maps,²¹ compounded the complications experienced that morning by all those involved. The building number struck by the GMLRS was not understood by the tank crews, and the target approved for main gun engagement continued to be a source of consternation before, during, and after the engagement. This confusion would have

²¹ 31 had an outdated map/overlay and 33 did not have any graphics, having "rolled them up for the incoming unit."

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easily been averted if all those involved in that morning's targeting process had a common operational picture by using the same map and graphics. While marking a target with coax can be an effective means of validating a target assuming a common operational picture, it should not be the primary, or sole method, especially in a case where there is tracer fire coming from multiple locations around the battlefield and the ground force commander cannot observe the fires nor the QRF location.

4. (U) Intensity of the enemy activity. On the early morning of 2 February, the enemy that attacked COP Eagles Nest was well coordinated, included multiple enemy weapon systems, and attacked, by all accounts, from the south, the west, and the north. On this particular day however, COP Grant was simultaneously engaged by multiple enemy weapon systems from the east, north and south. The combined attack was met with a combined response; however, this meant that both outposts fired toward each other with all their assigned weapons and weapon systems. This included M-4 or M-16 rifles, Squad Automatic Weapons (SAW), M-240B machine guns, M-203 grenades, and even coaxially mounted machine guns. Eventually the fighting required both a GMLRS strike and tank main gun support. Although accustomed to fighting in Ramadi, the two COP simultaneous engagements was not the norm, and by many Soldier's accounts, it was the fiercest fight they had experienced over a 14 month tour. That said, the cross-fire phenomenon that they experienced that night was not new to Ramadi combat outposts in general, or to these two outposts, in particular.²² The experience of the outpost Soldiers has been critical in limiting other fratricides from such cross-fire incidents, but on 2 February, many Soldiers manning the COP Grant roof were on their first night at the COP and did not have situational awareness that Eagles Nest was to their due east and to limit their fires to their near east (200M). As such, their fire to the east could easily have been perceived as incoming enemy fire from the OPs at Eagles Nest as well as the QRF tanks.

5. (U) Pre-Combat Inspections. PCIs, particularly during RIP/TOA, could also have helped prevent many of that morning's complications. When the tanks were initially alerted, they could not deploy until the Platoon Leader's tank was slaved off – this could have been predicted and prevented. As stated previously, moving out on a combat mission with either no or outdated maps is also normally verified during PCIs and corrected. The multiple coax machine gun malfunctions and the requirement to replace an M-240 barrel could also have been mitigated by increased weapons maintenance and weapons cleaning. The crews had an area just north of Corregidor where they could test-fire their weapons on tank maintenance day (every fourth day

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generally), but the Blue 3 gunner indicated that he had only fired out there a few times (F-3). Similarly, they packed only about a third of their normal load of coax that night, forcing Blue 1 to go Black (all ammo expended) on coax and possibly impacting his assessment that they would need to fire main gun (F-5). In sum, most of the problems experienced by the crew could have been mitigated by thorough PCIs throughout the course of the day.

6. (U) Combat attrition and cross-training. Numerous members of C/2-37 AR could not perform their normal duties on a day to day basis due to leave, sickness, battle-injury, etc. In order to mitigate against these problems, unit leadership routinely moved Soldiers into other positions (i.e., loaders as gunners, gunners as TCs, etc.). While this is a necessary choice for the unit leadership, there are very few resources available to them to ensure that the Soldiers who are working one-level up have the necessary skills, knowledge, and experience to undertake these responsibilities in a challenging operational environment where the mere act of identifying friend from foe can be extremely difficult. Although SPC (b)(3), (b)(6) transfer to gunner had been approved by his section, platoon, and company leadership, his experience was fairly limited, and there was no standard objective method to ensure that he possessed the necessary skill. On the morning of 2 February, while he had been operating as the Blue 3 gunner for over four months and had some experience with coax engagements, this gunner had never fired a main gun round, not even in training.²³

7. (U) RIP/TOA. New units often lack the experience and situational awareness to be fully successful as soon as they arrive in sector, and unfortunately this was the case on COP Grant that night as new Soldiers fired to the east. Similarly, outgoing units tend to lose some mission focus as they concentrate on the TOA and prepare to return to home station. Reasons other than tactical necessity begin to enter the decision-making process, sometimes consciously and sometimes not.²⁴ In this case, I believe that Blue 1 deferred the shot to Blue 3 primarily because Blue 1 already had over 40 main gun engagements and this fight might be SSG (b)(6), (b)(3) and SPC (b)(3), (b)(6) last chance for such an engagement before redeployment. It is understood that Blue 1's desire was to bolster the experience and confidence of the Blue 3 team, but tactical necessity should have been the primary consideration in deciding whether to defer. This decision contributed to the confusion on 2 February.

²³ The opportunity to conduct main gun training existed at the graveyard site not far from Camp Corregidor, but the crews did not often take advantage of their maintenance days to conduct this sort of training. While the operational pace certainly made it difficult to conduct such structured training, unit leaders down to the tank and section level needed to make more of these opportunities to ensure that this TC and gunner were on the same sheet of music and that this gunner was comfortable acquiring and firing main gun targets.

²⁴ This includes accepting the use of old maps since the printers had run out of ink, rolling without a full battle load of coax ammunition because breaking open boxes would have made ammunition transfer/turn-in more difficult, leaving maps for the incoming crew before it was time to transfer mission responsibility to them, and operating without loaders, etc.

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8. (U) Crew Statements and Normalization. I do not believe that these tank crew members intentionally misled investigators about what happened that night. I do, however, find that their version of events is inaccurate, due in large part to each of the crew members filling in the gaps in their mental picture with what others have said about the event. Seven days after the event was the first time that any of the crewmembers were interviewed, and neither driver was interviewed until almost a month later, when the night's events had been routinely discussed among the crew. Group discussions, both with investigators and amongst themselves, led to a shared version of this engagement that was wrong. Investigators must be cognizant of these phenomena and ensure that Soldiers are questioned in a manner that reduces this type of distortion.²⁵

(C) (U) CONSIDERATION OF NEGLIGENCE AND PROXIMATE CAUSE.

1. (U) This accident was not caused by actionable negligence on the part of the tank crews or the command; however, as noted in the executive summary, I find that a series of actions by both the tank crews and their command further complicated the already confusing operating environment; including deficiencies in training, manning, mission preparation, target validation procedures, RIP-TOA in-briefs, and tactical level friendly force array and marking.

a. (U) The initial investigating officer also found that there was no negligence in the case but determined that the engagement was an accident caused by the combination of the darkness, the confusing nature of the battlefield and the possible obscuration caused by the GMLRS strike. He also found that this was an experienced tank crew who was familiar with the area and the friendly positions in sector who had inexplicably become disoriented.

b. (U) While I agree, in part, I disagree that the GMLRS strike was a contributing factor in any significant way. Based on the penetrating delay fused impact into building 170's deep well, there would have been no obscuration from the strike to contend with. The only obscuration which could have impacted the target acquisition was a burning building to the

²⁵ Intuitively, warriors create a mental picture which normalizes or justifies their action as proper and necessary when they are forced to use lethal force. This normalization, coupled with the use of outside facts and observations to create a complete mental picture of an event, leads to distortion, inconsistencies, and inadvertent deception (filling in the blanks for those facts that were not observed or cannot be recalled). When MAJ (b)(3), (b)(6) first began the investigation, he had SSG (b)(3), (b)(6) and LT (b)(3), (b)(6) go to the site and point out where the engagement and slew to the target building or to that site visit, which disclosed a tank round hole in Bldg. 39, the crew had reported that the targeted building was the corner building (137 or 38) and not 39. As 38 was undamaged, it is easy to see that there would be a natural tendency for this tanker to find the damage in 39 to validate his interpretation/recall of events. Once he saw this damage in 39, his mental picture was validated. SFC (b)(3), (b)(6) however, indicated during our interview that building 39 had been damaged to me. This hole was a convenient scapegoat. Additional damage to 39 is also supported by MAJ (b)(3), (b)(6) notes. Upon conducting a dismounted site visit as part of his investigation, he noted numerous holes in the building that appeared to have been caused by tank fire (L-4A & photos at E-7).

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northeast of Grant (vic. East Baseline and 20th Street), although it is unlikely that it was a significant factor given that it was to the north of the critical areas of P-10 and Farouk.

c. (U) Similarly, I disagree with his assessment that these were experienced crews who were familiar with the area of operations and friendly positions. While Blue 1 clearly was such a crew, Blue 3 undoubtedly was not. The gunner was inexperienced, the TC had had limited nighttime combat experience in/around that area, especially after the establishment of COP Grant at the far end of Farouk, and they had limited experience working together as a crew.

d. (U) I also disagree, in part, that the darkness was a major contributing factor. It was not a dark night (the full moon had risen earlier and the skies were clear (100% illumination) (TAB L-3)). Thus, the tank commanders could have identified various buildings in and around their tanks in order to obtain and maintain situational awareness had they been in the TC's station. The darkness did, however, require use of the night optics, which under 10x magnification, would make incoming small arms fire appear as if it were coming from buildings within a few hundred meters of the tank.

2. (U) The proximate cause of the incident was the Blue 3 Tank Commander's misperception as to either his tank or his weapon's orientation, or both. He failed to understand that his view was different from that of Blue 1, and he failed to appreciate that COP Grant would be engaged.²⁶ I find that the machinegun fire that Blue 3 observed, believing it to be target marking fire, was actually enemy fire engaging Grant or fire from an Eagles Nest OP at the rooftop AIF. Although Blue 3 was clearly mistaken as to the desired target, I do not find this error to be an act of negligence under the circumstances – this other machinegun fire could reasonably have been confused as marking fire from Blue 1. Blue 3's perceptions and acts, though incorrect, were not unreasonable. Similarly, Blue 1's poor decision to defer the shot to Blue 3 was not negligent. While the better decision would have been to take the shot himself, it was reasonable under the circumstances for Blue 1 to trust in the abilities of his wingman to engage the proper target, and Blue 1 had his own sector of fire to concentrate on. All parties were attempting to act prudently and genuinely attempting to correctly identify enemy positions and fire only at enemy targets. Therefore, although I find that corrective action is required for tank team and crews to learn from the errors made in this incident, I do not find the errors of the Blue 3 Tank Commander or others to be actionable or criminal under the Uniform Code of Military Justice (UCMJ).

²⁶ The evidence raises the theoretical possibility that SSG (b)(3), (b)(6) knew that COP Grant was in the line of fire but shot anyway - expecting that the round would not reach C since Grant was 1000 meters away and he had indexed 200 meters. In my opinion, however, after observing the demeanor of all those involved and considering the credible evidence obtained and contained in this report, I find that this possibility is extremely unlikely.

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9. (U) **CONCLUSION.**

a. (U) The intensity of that morning's combat, complicated by the degraded three man crews and the AIF positioned directly between the two outposts, caused the temporary loss of situational awareness during the critical moments leading up to the QRF's one main gun engagement. This engagement, fired by Blue 3 in the early hours of 2 February 2007, was further compounded by the lack of main gun live fire training and minimal other gunnery training afforded the new gunner, as well as the lack of accurate maps, graphics, and fully functioning coaxially mounted machine guns. Finally, the engagement was complicated by the new 3-69 AR RIP/TOA Soldiers on Grant's roof who were firing east in the direction of the tank section without full situational awareness.

b. (U) The level of combat experienced by 1-1 AD and the combat losses in personnel and materiel over a 14 month period is staggering. During their 12 month, extended to 14 month rotation, the Brigade had more than 600 Soldiers wounded, of which 95 were killed in action and 200 were not returned to duty. They lost 21 M1A1 tanks, over 40 M2 Bradley Fighting Vehicles, and 70 up-armored HMMWVs. This type of combat is indicative of how the enemy fought every move made to enhance peace and stability in this hotly contested province of Iraq. This type of intensive fighting dramatically increases the threat to all those participating in it, as well as increasing the risk of fratricide. Nevertheless, there are actions that can mitigate these situations. The following are some recommended actions that if accepted, can help mitigate the possibility of such a tragic event from re-occurring.

10. (U) **RECOMMENDATIONS.**

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11. **POC Information:** The POC for this action is the records custodian, MNC-I OSJA, Adlaw at DSN (b)(3), (b)(6).

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

Investigating Officer

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1. TAB A. Appointment memo and allied documents
2. TAB B. Story board Map & Graphics
3. TAB C. Power Point UAV/LOG analysis & UAV Video
4. TAB D. Trajectory, Speed, and GTL analysis
5. TAB E. Eagles Nest COP – Soldier statements (TF 1-9 IN)
6. TAB F. Friedberg Germany – Soldier statements (2-37 AR)
7. TAB G. Grant COP – Soldier statements (
8. TAB H. EOD Report & photos of Munition pieces found at COP Grant
9. TAB I. Previous 15-6 Investigation dated 24 February 2007
10. TAB J. Unit Log reports (DA Form 1594's)
11. TAB K. 1-1 AD Rebuttal to Initial 15-6
12. TAB L. Miscellaneous Documentation



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-AL

5 April 2007

MEMORANDUM FOR COL (b)(3), (b)(6) Civilian Police Assistance Training
Team, Multi-National Security and-Iraq, Phoenix Base, Baghdad,
Iraq, APO AE 09348

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. (U) **Appointed Duty.** You are appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into all of the facts and circumstances surrounding the deaths of PVT Matthew Zeimer and SPC Alan McPeak during a combat engagement on 2 February 2007. Your duty is to determine all facts and circumstances and to “ascertain and consider the evidence on all sides of each issue, thoroughly and impartially, and to make findings and recommendations that are warranted by the facts and that comply with these instructions.” AR 15-6, para. 1-6. In making your findings and recommendations you will not be influenced by any previous findings and recommendations or interim findings and recommendations in this case, but will make your own independent findings based upon the evidence you collect. You may, however, review and incorporate previously collected evidence as part of your investigation.

2. (U) **Standards.** Determine and reference all relevant standards, policies, procedures, customs and practices. In preparing your report, be sure to identify and segregate any classified information. Also, be sensitive to any Privacy Act issues that may arise during the course of your investigation.

3. (U) **Specific Areas of Concern.** In addition to addressing the general facts and circumstances and any matter you think relevant, your investigation must address the following issues listed below. These issues are discussed in more detail in the legal review from the MNC-I OSJA, dated 3 April 2007, which is included in the enclosures.

a. (U) What caused the death of PVT Zeimer and SPC McPeak? Were they killed by injuries sustained from an M1A1 Tank HEAT round?

b. (U) If so, did the tank crews become disoriented? If so, what factors contributed to the tank crews becoming confused about their position and target, considering that both COPs Grant and Eagle’s Nest are fixed outposts and Farouk Way is substantially different than other roads around it? Were the vehicles equipped with FBCB2? If so, was it functioning properly and did it contain restrictive fire control measures? What method of determining direction and distance were the crews using? How often had

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SUBJECT: Appointment of AR 15-6 Investigating Officer

this tank crew from the QRF been used in support of operations in this sector of Ramadi? How often had they supported COP Eagle's Nest in direct fire engagements? 1LT)(3), (b)(indicates that he was working off an outdated map. Investigate the particulars of this issue. How was his map/graphics different from that used by the ground force commander at COP Eagle's Nest, why did the QRF have an outdated map, etc?

c. (U) Where did the GMLRS strike hit and how would this have impacted the confusion of the tank crews? Specifically, did it hit building 170 sector L-6, building 170 in a different sector, or another building altogether. Were the grid coordinates for the GMLRS strike verified by the FSC and the ground force commander prior to the strike or was it only called by target number?

d. (U) How many HEAT rounds were fired by the tank crews during the battle? One or two? What was reported by Blue 1 and Blue 3 upon return from mission, and who did they report expended round counts to? C Co, 2-37 AR battle log lists two 120 mm rounds fired. What was the source of this information? The log also indicates two separate main gun engagements, which is contradicted by the tank crew's statements.

e. (U) What, if any, other munitions and remnants were in the area where SPC McPeak and PVT Zeimer were fatally wounded. Where were the HEAT round fragments located with respect to the position of these Soldiers? What led the COP Grant Soldiers to believe that the munition remnants that they collected were the remnants from this engagement and not from a prior battle?

f. (U) Did any other factors contribute to the incident (e.g., training, experience, mission requirements, etc.)? What method was used by units on the ground to identify various buildings in sector? What were the restrictive fire control measures other than designating patrol sectors and building numbers? How were these measures communicated to adjacent and supporting units? Were they adequate? Were they followed?

g. (U) Who called the cease fire and why? If they believed they were receiving friendly fire what caused that belief?

h. (U) Did the unit provide timely and adequate medical assistance? What, if anything, do the autopsy results indicate about the cause of the accident? Were there any fragments recovered during the autopsies? Were such fragments analyzed by EOD or other weapons forensics experts?

i. (U) What individual, unit, or systemic measures could have prevented this incident?

j. Additionally, ensure that you include graphics which accurately identify the buildings which comprised COPs Grant and Eagle's Nest and identify which building the

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SUBJECT: Appointment of AR 15-6 Investigating Officer

fatalities occurred at (blowup depiction of COP Grant). These graphics should further include an ID of all numbered buildings that are referenced throughout the battle, and to the extent practical, should include the array of friendly and enemy forces throughout the battle. Specifically, it should depict where the tank crews believed or stated they were, with associated weapons orientation; additionally, it should depict where the tanks were positioned based upon the evidence.

4. (U) **Primary Responsibility.** Your duties as an investigating officer take priority over other duties.

5. (U) **Suspense.** This investigation is extremely time sensitive in nature. Submit the original report and one copy of the original to the MNC-I Office of the Staff Judge Advocate (OSJA) no later than 14 days after your receipt of this memorandum. Any requests for extension must be in writing through the OSJA or me.

6. (U) **Procedures.** Follow the informal investigative procedures of AR 15-6. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. Use a Privacy Act statement for any witnesses under whose name you would expect this investigation to be filed in a system of records. If you conduct any witness interviews telephonically, prepare a memorandum of record memorializing the interview. Use DA Form 1574 to prepare your report. Include with your report all documentary evidence, photographs, diagrams, sworn statements, and all other information or evidence you considered as a basis for your findings and recommendations. Coordinate with C2/G2 Security personnel to ensure that the report is properly classified. Make a second copy of the report which would be appropriate to release to the Next of Kin and would answer their basic questions about what happened on 2 February. This report should be unclassified and exclude sensitive operational material. Have the FDO/SSO assist in identifying portions of the original report which must be redacted before public release.

7. (U) **Subject Matter Experts.** Consult with any subject matter experts during the course of your investigation you deem necessary to a full understanding of the facts. Specifically, coordinate with CID to assist in getting any medical or mortuary reports, including the autopsy results.

8. (U) **Administrative Support.** With local command approval, an assistant may be assigned to assist you; e.g., to gather documents, to participate with you during interviews, to help organize and prepare the report, etc. You must, however, personally conduct all interviews of witnesses with personal knowledge of the incident ("fact witnesses").

9. (U) **Chronology of Investigation.** Maintain a detailed chronology of your investigative activities and include it as an exhibit to your report.

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SUBJECT: Appointment of AR 15-6 Investigating Officer

10. (U) **Possible Criminal Conduct.** If at any time during your investigation you suspect the person you are interviewing or you intend to interview of any misconduct, which may violate any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law or policy, you must advise them of their rights under Article 31, UCMJ, before continuing with further questioning. Document rights warnings and waivers on DA Form 3881.

11. (U) After making your findings and recommendations, compare and contrast them to previous findings and recommendations in this case. Where your findings and recommendations are different explain how and why you came to a different conclusion.

12. (U) **Legal Advice.** Before proceeding with the investigation, coordinate with the necessary legal advice, MNC-I OSJA, at VOIP (b)(6) or email (b)(3), (b)(6).

FOR THE COMMANDER:



JOSEPH ANDERSON
Brigadier General, USA
Chief of Staff

COL (b)(3), (b)(6) 15-6 FRATRICIDE INVESTIGATION LOG
APRIL 7- 24, 2007

DAY 1: 7 APRIL

- 1400hrs Link up w/ shark team at Rough Rider compound to depart for Victory Base
- 1500hrs Arrive at Victory Base & link up w/ CSM (b)(3), (b)(6) to discuss actions while at Victory
- 1520hrs Link up w/ MAJ (b)(3), (b)(6), discuss status of investigation
- 1600hrs Check into billeting
- 1630hrs Return back to office and review film and files until 1945hrs
- 2040-2230hrs Review and discuss files

DAY 2: 8 APRIL

- 0900-2130hrs Begin reviewing, reading, and discussing all files and report
- 1215hrs Contact w/ Commander, 1-9 IN, LTC (b)(3), (b)(6) to coordinate visit for 9 April
- 1415hrs Coordinate w/ SFC (b)(3), (b)(6) on trip to Ramadi (BJA, BCT XO, etc.)
- 1430hrs Coordinate w/SFC (b)(3), (b)(6) at Ramadi for link up and accommodations for April

DAY 3: 9 APRIL

- 0900-2000hrs Continue reviewing, reading, discussing investigation. Begin formulating investigative plan. Work with IMO to break down film and to identify critical times
- 2000-2140hrs Travel from Victory to Camp Ramadi
- 2150-2240hrs Link up w/ MAJ (b)(3), (b)(6), 1-3 ID BJA and check into rooms
- 2240hrs COL (b)(3), (b)(6) meeting w/ COL (b)(3), (b)(6): MAJ (b)(3), (b)(6) Meeting w/ BJA
- 2340hrs Break for the day

DAY 4: 10 APRIL

- 0800hrs Attend BUA at Brigade HQ
- 0900hrs PSD team arrives: 0900-0940 IO Meets w/ Raider 6
- 0950-1030hrs Travel from Camp Ramadi to Corregidor
- 1030-1330hrs Meeting w/ MAJ (b)(3), (b)(6) TF 1-9 XO: L/U w/ CPT (b)(3), (b)(6) (D/1-6 Cdr) and 1LT (b)(3), (b)(6) (PL)
- 1340hrs Depart w/ CPT (b)(3), (b)(6), 2 tanks and PSD team to Eagles Nest
- 1355hrs Arrive at Eagles nest

COL (b)(3), (b)(6) 15-6 FRATRICIDE INVESTIGATION LOG
APRIL 7- 24, 2007

- MAJ (b)(3), (b)(6) (Interviewed current Eagles Nest command team and Soldiers to gain SA.
- (b)(3), (b)(6) (Discussed Eagles Nest activities and layout w/ LT (b)(3), (b)(6))
- 1355-1450hrs Conduct position and GTL analysis on the tanks, vic. Milaab and Easy Street. Document observations with photos
- 1450hrs Link up w/ LTC (b)(3), (b)(6)
- 1500-1520hrs Recon s OP West: Discuss action of 2 Feb w/ OP gunner and LT (b)(3), (b)(6)
- 1520hrs Move Dismounted to observe hole at water pump station from GMLRS strike (L-6, bldg 170)
- 1530-1610hrs Interview of and Sworn statement from CPT (b)(3), (b)(6)
- 1610-1645hrs Interview of and Sworn statement from LT (b)(3), (b)(6)
- 1650-1705hrs Travel back to Corregidor
- 1710-1750hrs Travel back to Camp Ramadi
- 1810-1900hrs Meeting w/ MAJ (b)(3), (b)(6) initial IO: Discuss investigative methodology, tim ngs, and evidentiary shortfalls. Verify that Shadow UAV could not be produced by BCT S-2 and UAV team. Coordinate to have 3-69 Soldiers from OP Grant brought to Cp Ramadi on 11 April for interview
- 1900-2100hrs Develop questionnaires and interview strategy for 11 April
- 2100-UTC Review investigative materials provided by MAJ (b)(3), (b)(6)
Work on Investigative Report

DAY 5: 11 APRIL

- 0815-1230hrs Interview of and Sworn statement from 3/69 dismounts who had fought on Grant roof on 2 Feb
- 1230-1300hrs Movement to Corregidor
- 1300-1330hrs Interview of an ent from 1/9 Soldier who manned OP South (SPC (b)(6), (b)(3))
- 1330-1345hrs Discuss the battle w/ TF 1-9 S3, MAJ (b)(3), (b)(6). Validate his prior state believes he ob d B33 fire SW. F/U w/ MAJ (b)(3), (b)(6) . F/U w/ CPT (b)(3), (b)(6) – receive his outdated graph d the prior day
- 1345-1415 Movement to COP Grant
- 1415-1600hrs Recon and interviews on site at COP Grant. Return to Cp Ramadi

COL (b)(3), (b)(6) 15-6 FRATRICIDE INVESTIGATION LOG
APRIL 7- 24, 2007

- 1630-2200hrs Continue working summary of day's activities. Draft outline of Investigative Report. Work on Investigative Report
- 2200-0300hrs Movement back to Victory

DAY 6: 12 APRIL

- 0900-2230hrs
Review & discuss contents of investigation from Ramadi
Review film of incident
Begin preparing power point including clips from incident.
Install MovieMaker Software and begin frame analysis of video
Begin preparing questions & witness line up w/ 1st AD

DAY 7: 13 APRIL (Travel day)

- 0620hrs Showtime at BIAP
- 0900-1000hrs Travel from BIAP to Kuwait
- 1030hrs Link up w/ LNO in Kuwait
- 1930hrs Link up to depart for KWI
- 2100hrs Check in at KWI

DAY 8: 14 APRIL

- 0025--550hrs Travel from KWI to Frankfurt Germany
- 0700-1300hrs Arrive in Friedberg, check-in to Hotel, recovery
- 1300hrs Link up w/ CPT (b)(3), (b)(6) to coordinate meetings while at 1-1 AD
- 1400-1800hrs Continue consolidating information related to investigation.
Work on Investigative Report

DAY 9: 15 APRIL

- 0800-1100 Work on Investigative Report
- 1100-1500 Off-site visit to Gelnhausen
- 1830-2200 Work sessions related to investigation/ prep for witnesses
- 2200-0100 MAJ (b)(3), (b)(6) prepares Interview Questionnaires for tank crewmembers

DAY 10: 16 APRIL

- 0920-1000hrs COL (b)(3), (b)(6) meeting w/ 1-1 AD Brigade Commander
- 1100-1600hrs Interview of and Sworn statement from gunners, TC's and drivers (SSG (b)(3), (b)(6) is on leave and will not return until 19 April)
- 1600-1800hrs Review and summarize interview statements from witnesses

COL (b)(3), (b)(6) 15-6 FRATRICIDE INVESTIGATION LOG
APRIL 7- 24, 2007

- 2100hrs-UTC IO- Work on Investigative Report
- 2100-0130hrs MAJ) (Summarize interview statements from witnesses. Prepare written form of their sworn statements

DAY 11: 17 APRIL

- 0930-1000hrs COL (b)(3), (b)(6) meeting w/ Brigade Cmdr
- 1000-1100hrs Finalize sworn statements from crew-members (prior day's interviews)
- 1000-1200hrs Interviews w/ XO and Plt Ldr. @ Grant & Soldiers who helped move the bodies
- 1300-1500hrs Interview of and Sworn statement from members of A/16 EN Battalion from COP Grant
- 1500-1700hrs Interview w/ C/2-37 AR Company Commander
- 1700-1800hrs Interview w/ 2-37 AR Battalion Commander
- 1800hrs –UTC IO-Summary and write up. MAJ) (-Begin Developing Enclosure Structure

DAY 12: 18 APRIL

- 1000-1200hrs Interview of and Sworn statement from C/2-37 AR 1SG & PSG
- 1200-1300hrs COL (b)(3), (b)(6) lunch w/ Brigade Commander.
- 1200-1400hrs MAJ) (discussions w/ C/2-37 AR PSG
- 1400-1800hrs IO- Work on Investigative Report: MAJ) (- Organize Exhibits

DAY 13: 19 APRIL

- 1000-1100hrs IO- Work on Investigative Report: MAJ) (- Prepare Interview Worksheet for SSG (b)(3), (b)(6) Interview
- 1110-1320hrs Interview w/ SSG (b)(3), (b)(6)
- 1500- 1700hrs Summarize, write up, and consolidate findings

DAY 14: 20 APRIL (Travel Day)

- 0700-0900hrs Work on Investigative Report
- 1000hrs Depart for Frankfurt Airport
- 1325hrs Flight scheduled to depart airport (Delayed 3 hrs)
- 0030hrs Arrive at KWI

DAY 15: 21 APRIL

- 0240-0415hrs Bus from KWI to Ali Al Saleem (Kuwait)
- 0430hrs Manifest for Embassy Flight
- 0630hrs Report for flight
- 0830-1030hrs Travel to BIAP
- 1100hrs Check in billeting
- 1300-2230hrs Finalize draft 15-6 report

DAY 16: 22 APRIL

- 0900-2200hrs Work on Enclosure, Diagrams, and Re-write of Investigative Report
- 2200-0130 MAJ, (Re-write of report

DAY 17: 23 APRIL

- 0800-2000hrs Refine Products
- 2100hrs Final Draft report to MAJ, (for editing
- 2200hrs Finalized 15-6 Power Point Presentation
- 2200-0300hrs MAJ, (Finalizing 15-6 Tabs, enclosures, and presentation book

DAY 18: 24 APRIL

- 0900-1200hrs Reviewed, amended, and signed final product
- 1400hrs IO departs for IZ

DAYS 19-23: 25-29 APRIL

- Throughout Modifying and Organizing Exhibits. Saving to electronic versions.

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 LTG Odierno
(Appointing authority)

on 5 April 2007 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Victory Base, Al Faw Palace, Baghdad, Iraq at 1500
(Place) (Time)

on 7 April 2007 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at 1200 on 23 April 2007
(Time) (Date)
and completed findings and recommendations at 1800 on 1 May 2007
(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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any? (See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	
b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	
(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	
(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	
(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	
(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	
d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	
e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet. ^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			

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

The *(investigating officer) (board)* , having carefully considered the evidence, finds:

See attached Investigative Report

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

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

See Attached Investigative Report

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.)

N/A

(Recorder)

(Member)

(Member)

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

(Investigating Officer) (President)

N/A

(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)

Findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/conditions). (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.)

DATE: 7 MAY 2007

LTG Raymond Odierno, CDR, MNC-I



HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
CAMP VICTORY, BAGHDAD
APO AE 09342-1400

REPLY TO
ATTENTION OF

MNFI-COS

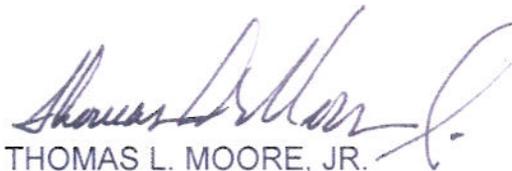
05 APR 2007

MEMORANDUM FOR Commander, Multi-National Security Transition Command-Iraq,
Baghdad, Iraq, APO AE 09348

SUBJECT: AR 15-6 Investigating Officer

1. (U) Request you provide COL (b)(3), (b)(6) to serve as the Investigating Officer for the Multi-National Corps-Iraq to investigate a possible fratricide incident. The incident occurred on 2 February 2007 and resulted in the deaths of two US Soldiers.
2. (U) The point of contact for this memorandum is MAJ (b)(3), (b)(6), MNC-I OSJA, at VOIP (b)(6) or email (b)(3), (b)(6).

FOR THE COMMANDER:


THOMAS L. MOORE, JR.
MajGen, USMC
Chief of Staff



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-CG

APR 3 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation, 1st Brigade Combat Team, 1st Armor Division,
Friendly Fire Incident – Ar Ramadi, 2 February 2007

1. I have reviewed the investigation into the suspected friendly fire incident on 2 February 2007, in which two US Soldiers were killed. I approve an interim finding that Private Matthew Zeimer and Specialist Alan McPeak were killed by a round fired by a US M-1 tank.
2. However, I believe that a more thorough investigation into the facts and circumstances surrounding the incident is required and therefore disapprove the remainder of the findings and recommendations. As such, I direct that the MNC-I Chief of Staff appoint a new Investigating Officer to conduct a complete investigation IAW AR 15-6 into the facts and circumstances surrounding the friendly fire incident on 2 February 2007.
3. Point of contact for this memorandum is CPT (b)(3), (b)(6) MNC-I OSJA.
Administrative Law, DSN (b)(3), (b)(6) or at email (b)(3), (b)(6)

RAYMOND T. ODIERNO
Lieutenant General, USA
Commanding

UNCLASSIFIED//~~FOUO~~

A-5

UNCLASSIFIED//~~FOUO~~



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-AL

3 April 2007

MEMORANDUM FOR Commander, MNC-I

SUBJECT: Legal Review of AR 15-6 Investigation, Suspected Friendly Fire on 2 February 2007, IVO Ar-Ramadi

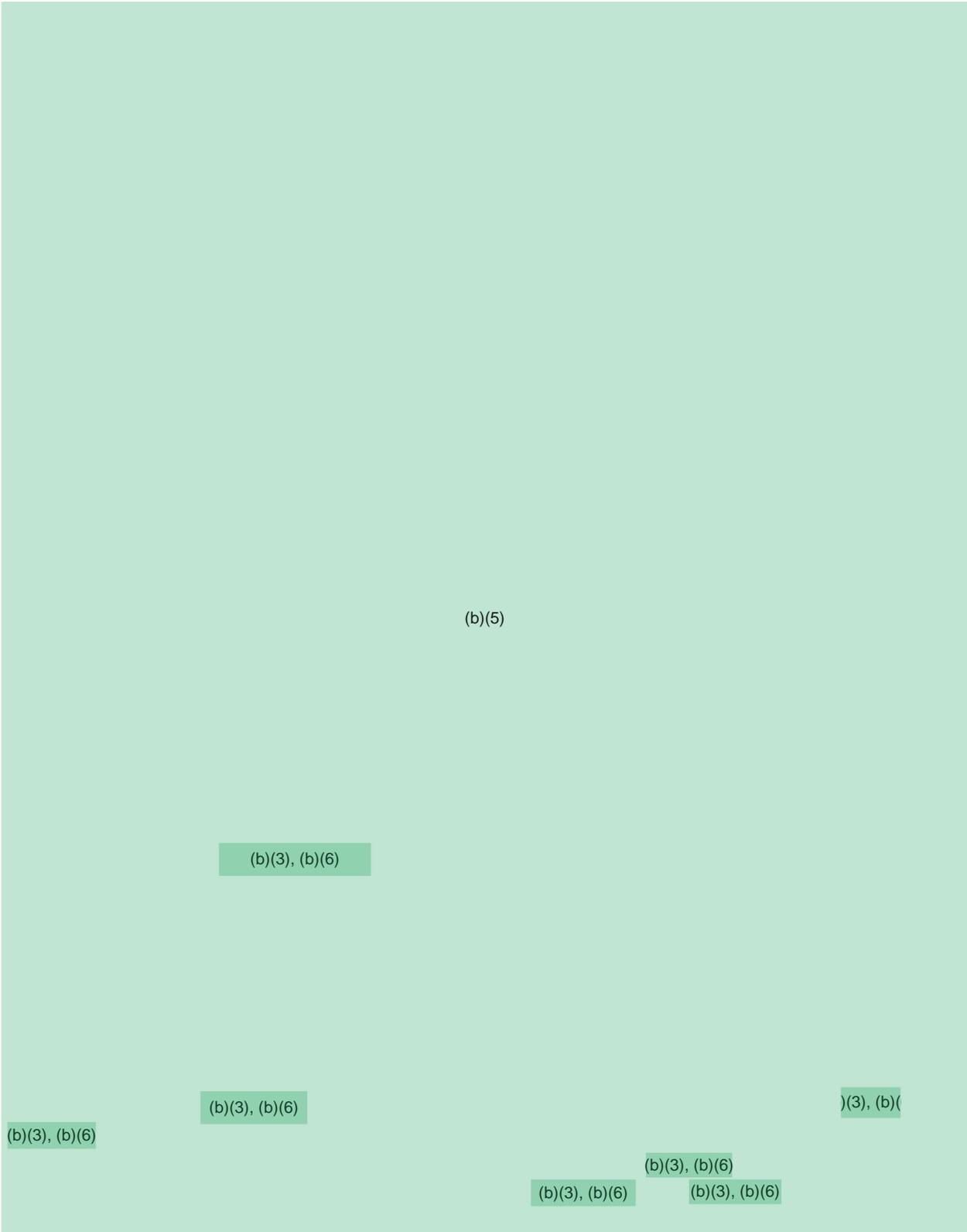
(b)(5) priv legal advice

UNCLASSIFIED//~~FOUO~~

TAB A-6

FICI-JA-AL

SUBJECT: Legal Review of AR 15-6 Investigation, Suspected Friendly Fire on 2 February 2007, IVO Ar-Ramadi

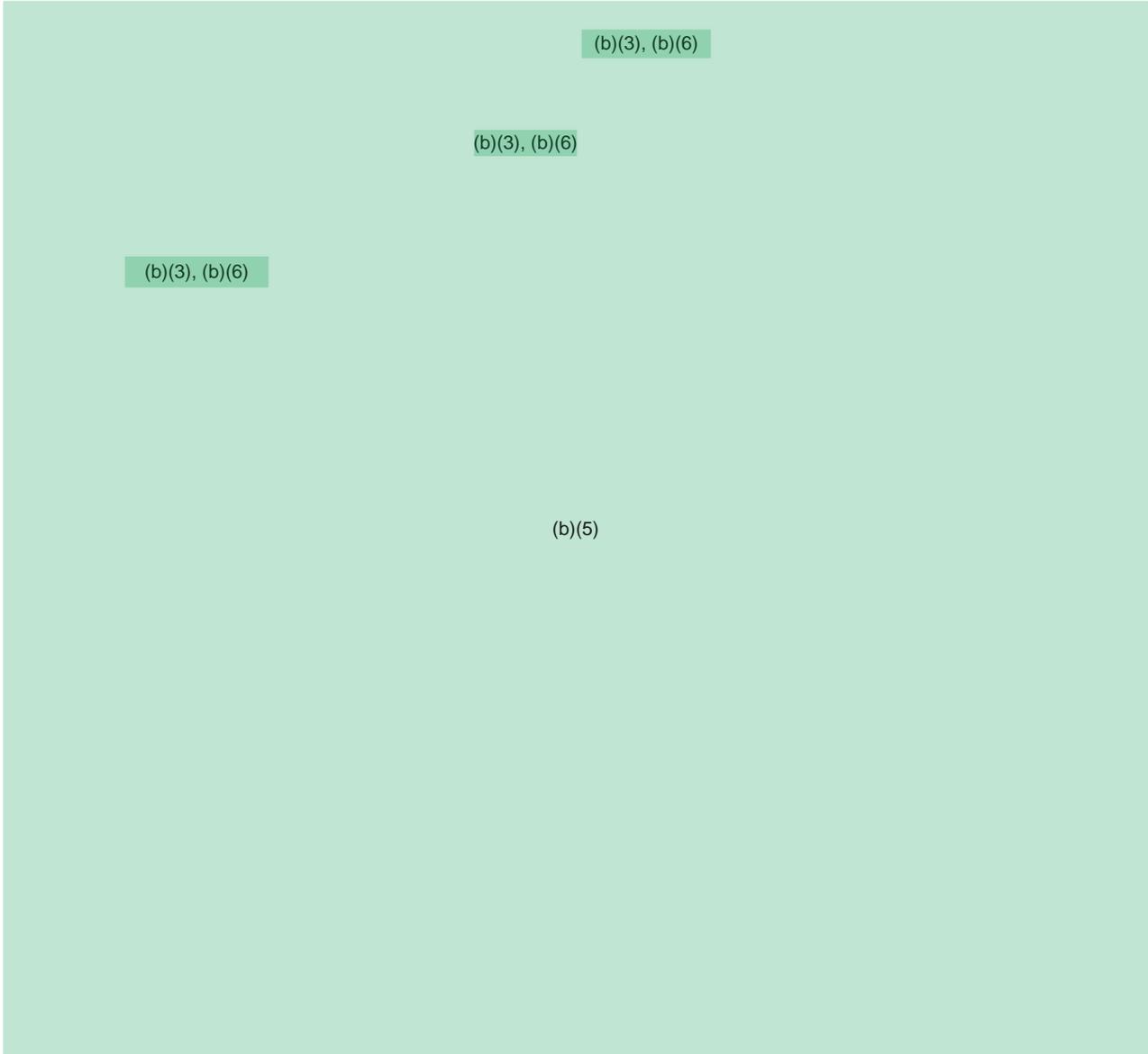


(b)(5)

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

FICI-JA-AL

SUBJECT: Legal Review of AR 15-6 Investigation, Suspected Friendly Fire on 2 February 2007, IVO Ar-Ramadi



3. The POC for this legal review is the undersigned at (b)(3) and (b)(6) or email at (b)(3), (b)(6)

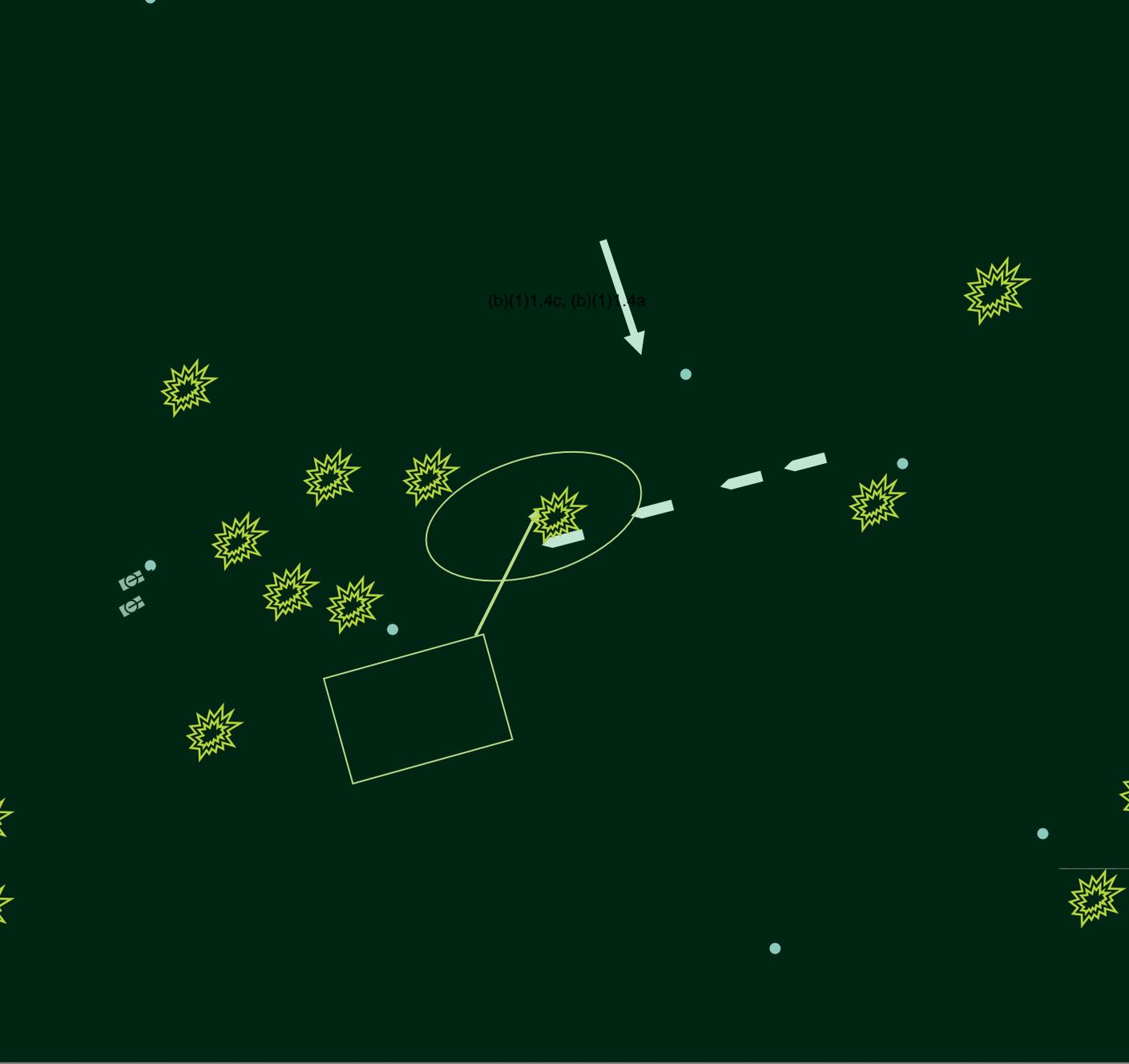
FOR THE STAFF JUDGE ADVOCATE:

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

Encl
as

MAJ, JA
Acting Chief, Administrative Law

BRO
S
RD



= Areas of
ported enemy
tact (Logs or
ess accounts)

P8

P44

General Graphics

SECRET//REL TO USA AND MCF-I//20170205
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