



# AR 15-6 INVESTIGATION

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U.S. Central Command.

## Death of SERGEANT ALLEN DUNCKLEY

14 MAY 2007

A CO/1 BN, 3BCT, 3ID

MND-C

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# **AR 15-6 INVESTIGATION**

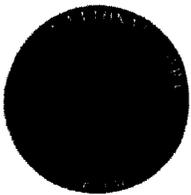
## **Death of SERGEANT CHRISTOPHER GONZALEZ**

**14 MAY 2007**

**A CO/1 BN, 3BCT, 3ID**

**MND-C**





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

REPLY TO  
ATTENTION OF

FICI-C2

24 October 2007

**MEMORANDUM FOR RECORD**

**SUBJECT: 15-6 Investigation Classification Review Sergeant Allen Dunckley**

1. After a thorough review of the documents in the Sergeant Allen Dunckley 15-6 Investigation, I have determined that portions of the following documents are properly classified in accordance with Executive Order 12958 and are therefore exempt from release under the Freedom of Information Act, 5 U.S.C. § 552(b)(1); E.O. 12958, as amended; and DoD 5400.7-R, paragraph C3.2.1.1:

a. On the, "Imagery" (Dunckley Tabs 1-26, 29), the imagery is classified under E.O. 12958, § 1.4c. The imagery would reveal our capabilities.

b. On the, "Story Board" (Dunckley Tab 30-32), the information and imagery is classified under E.O. 12958, § 1.4a and 1.4c. The information would reveal our reporting procedures and tactics and the imagery would reveal our capabilities.

2. I have determined that the investigation does not contain any other classified material and any operationally sensitive information has been redacted.

3. The point of contact for this memorandum is CPT (b)(6), (b)(3) MNC-I C2 Security Manager, DSN (b)(6) SIPR: (b)(6), (b)(3)

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

CPT, CIM  
MNC-I Security Manager

# **MNC-I CG**

## **Review**



REPLY TO  
ATTENTION OF

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

FICI-JA-AL

AUG 19 2007

MEMORANDUM FOR Commander, Multi-National Division--Center

SUBJECT: Review of AR 15-6 Investigation – 14 May 2007 Deaths of SGT Christopher Gonzales and SGT Allen Dunckley and Wounding of Four Soldiers from Alpha Company, 1st Battalion, 15th Infantry Regiment, 3d Brigade Combat Team, 3d Infantry Division

1. I have reviewed the subject investigation and I greatly appreciate the fine work the investigator and your staff have done to capture the essential facts under the arduous operational pace your units are sustaining. I cannot, however, favorably endorse all aspects of the report and the ultimate conclusions without further development and refinement of the evidence and the report for clarity.
2. I concur with the conclusion that friendly fire killed SGT Dunckley and wounded the four Soldiers, but I am less certain regarding the origin of the rifle fire that killed SGT Gonzales and the procedures used that day by both US and Iraqi Forces to disseminate information about the location of friendly forces.
3. I am returning the report of investigation to you for further development and refinement. In addition to any matter you think appropriate, please address the following.
  - a. Improve the written and graphic or pictorial description of the terrain and sequence of events based on a time line. Over the relevant period of time, include the general location of troops (US and Iraqi), distances, and to the greatest extent possible, identify the locations of each individual Soldier relative to each other and structures, vehicles, vegetation, and terrain features.
  - b. Include a battle roster of the Soldiers who participated in the engagement, interview Iraqi National Police witnesses and all Soldiers, including the wounded Soldiers. Among the issues addressed, focus on who fired what type of weapons, including the Iraqi National Police, and any other issues relating to rounds fired by friendly forces that may have killed and wounded the US Soldiers.
  - c. Review and explain all aspects of the plan and execution of the command and control measures during the operation, including coordination with the Iraqi National Police before and during the operation and communications among the units – who was in charge of the operation, where were they located, what were the control measures, who was responsible for the control measures, how was communication among the units established during the operation, how and what command and control information received and disseminated, etc.

FICI-JA-AL

SUBJECT: Review of AR 15-6 Investigation – 14 May 2007 Deaths of SGT Christopher Gonzales and SGT Allen Dunckley and Wounding of Four Soldiers from Alpha Company, 1st Battalion, 15th Infantry Regiment, 3d Brigade Combat Team, 3d Infantry Division

d. Explain how tangible evidence was preserved and coordinate with the Criminal Investigation Division and the Armed Forces Institute of Pathology for forensic and medical analysis.

e. Include all available photos of the terrain and the operation. Use photos to re-enact the events to the greatest extent possible. Within operational limitations, examine and document the terrain and ground, in particular the orchard occupied by 3d Platoon, for all spent casings and evidence of rifle fire.

f. Include a current status of the wounded Soldiers.

4. As a separate matter, conduct an inquiry regarding operational and casualty reporting within your command and through channels to US Central Command and Headquarters, Department of the Army. Critically examine and apply the published standards.

5. Thank you for pursuing these additional matters to help ensure the loss and injuries to these noble and dedicated Soldiers does not pass without critical review and analysis to prevent similar occurrences.



RAYMOND T. ODIERNO  
Lieutenant General, USA  
Commander

CF:  
Commander, MNF-I  
Commander, USCENTCOM  
Commander, HRC (HQDA)

# **Legal Review**



DEPARTMENT OF THE ARMY  
HEADQUARTERS, MULTI-NATIONAL DIVISION CENTER  
APO AE 09342

REPLY TO  
ATTENTION OF

AFZP-JA

3 August 2007

MEMORANDUM FOR Commander, 3<sup>rd</sup> Infantry Division and Multi-National Division – Center, Camp Victory, Baghdad, Iraq

SUBJECT: Legal Review of AR 15-6 Investigation – Deaths of SGT Gonzalez and SGT Dunkley, 3/3, MND-C, 14 May 07

1. After review of the subject AR 15-6 investigation, I find as follows:
  - a. the proceedings comply with legal requirements;
  - b. there are no substantial errors in the report of investigation;
  - c. there is sufficient evidence to support the findings, as modified by the exceptions and substitutions of the Appointing Authority;
  - d. the recommendations, including one added by the Appointing Authority, are consistent with the findings.
2. POC is the undersigned at [REDACTED] (b)(6), (b)(3) SVOIP [REDACTED] (b)(6)

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

COL, JA  
Staff Judge Advocate

Substituted DA Form 1574, Section IV, Findings:

**DA FORM 1574**

**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 RICK LYNCH, MG, USA, Commanding  
(Appointing authority)

on 18 May 07 (Date) *(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*

**SECTION II - SESSIONS**

The (investigation) (board) commenced at COP Cleary, Iraq, 09308 at 0900  
(Place) (Time)

on 15 May 07 (Date) *(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)* The following persons (members, respondents, counsel) were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

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

The (investigating officer) (board) finished gathering/hearing evidence at 0900 on 18 Jun 07  
(Time) (Date)

and completed findings and recommendations at COP Cleary, Iraq on 18 Jun 07  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOOTNOTES: <sup>1/</sup> Explain all negative answers on an attached sheet.  
<sup>2/</sup> 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 <sup>1/</sup>	NA <sup>2/</sup>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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"/>
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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: <sup>1/</sup> Explain all negative answers on an attached sheet.				
<sup>2/</sup> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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

SEE ATTACHED MEMORANDUM.

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

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

SEE ATTACHED MEMORANDUM.

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

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

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

\_\_\_\_\_  
(Recorder)

\_\_\_\_\_  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

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

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

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

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

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



RICK LYNCH, MG, USA, Commanding Date: \_\_\_\_\_

*Approved*  
*3 AUG 07*

**FINDINGS:**

1. I disapprove the following findings of the Investigating Officer:
  - a. Introduction
  - b. Sub-para. l
  - c. Sub-para. r
  
2. In addition, I substitute the following findings:
  - a. Introduction: On 14 May 2007, in Dura'aiya, Iraq, SGT Christopher Gonzales and SGT Allen Dunckley were killed in action while conducting joint combat operations with the Iraqi National Police.
  - b. I find initial hostile fire came across the Tigris River from the south. Witness testimony that hostile fire originated north of the river is not corroborated or substantiated, though some witnesses perceived it as such.
  - c. Although there was heavy vegetation south of Rte Croc between the road and the river in the area occupied by 3/A, rounds impacted through that area and shredded the trees and grass.
  - d. As 3/A received fire from the north, soldiers quickly called for cease fire. 2/A immediately ceased, but it took longer for the NP to stop firing in the direction of 3/A.
  - e. The NP, firing south, were directing fire toward both 2/A and 3/A, as the NP fired from north of Rte Croc.
  - f. SGT Dunckley, 3/3, sustained fatal wounds to the back as a result of friendly fire on 14 May 07. Although I conclude friendly fire was the cause of death, the evidence does not establish clearly whether it was fire from US forces or from National Police.
  - g. The medical examiner was not able to specify the caliber of round causing the fatal injuries. Since we do not know the weapon that fired at SGT Dunckley, it does not appear that forensic examination of the bullet fragments recovered will determine the source of the rounds. Therefore, I find further forensic and medical examination would not yield useful evidence.

**RECOMMENDATIONS:** The recommendations of the Investigating Officer are approved, and I add the following recommendation:

(b)(5)

**FINDINGS:** On 14 May 2007, in Dura'aiya, Iraq, SGT Christopher Gonzales and SGT Allen Dunkley were killed in action while conducting joint combat operations when their element received direct fire contact. I find sufficient evidence to conclude SGT Gonzales was killed by hostile gun fire. However, I find insufficient evidence that the death of SGT Allen Dunkley and the injuries sustained by SPC (b)(3), (b)(6), PFC (b)(6), (b)(3), PFC (b)(6), (b)(3) and PFC (b)(6), (b)(3) were a direct result of the National Police's fire, Hardrock Company's fire, or hostile fire. 2d Platoon located North on Route Croc, did conduct overhead fires in the direction of 3d Platoon for approximately ten seconds. However, based on the location and firing positions of the 2d Platoon, I find insufficient evidence that any of their rounds struck members of 3d Platoon located South of Route Croc.

a. The environmental conditions were clear and daylight (approximately 0900). The temperature was in the upper 80's. No dust clouds or haze limited anyone's visibility. However, a fence with bountiful growth, bushes, brush, trees, and tall grass severely limited visibility from Route Croc to the south in the vicinity where the incident occurred (reference Tab 33).

b. None of the involved elements were running continuous operations, and all forces had ample rest in the immediate 24 hours before the operation.

c. On 14 May 2007, 1<sup>st</sup> Battalion, 15<sup>th</sup> Infantry Regiment conducted a joint operation with the 1<sup>st</sup> National Police (NP) Brigade during Operation Beach Yellow. During this operation, two US Infantry companies (Hardrock and Baker) and one US engineer company (Eliminator) were instructed to follow and support two National Police battalions along Route Croc (reference Tab 30).

d. The S2 briefed in the Operations Order about the threat of small arms precision fire from the south/west side of the river throughout the operation. In attempts to mitigate this risk, 1-15 IN placed vehicles along Route Croc they could use as cover throughout the movement.

e. Baker Company and one of the NP battalions cleared Dura'aiya 1. The NP forces started to become fragmented, and the US forces conducted a tactical halt to gain situational awareness, prepare to clear Dura'aiya 1.5, and disseminate information. NP forces were located north and northwest of Alpha Company who was located on Route Croc.

f. Hardrock 6 wanted to consolidate his forces prior to moving to the next village to conduct clearance operations. However, 2<sup>d</sup> Platoon could not move in their Bradley Fighting Vehicles (BFV) as planned to conduct the link up with 3<sup>d</sup> Platoon. As a result of traffic congestion, 2<sup>d</sup> Platoon dismounted the BFVs and moved east on Route Croc to link up with 3<sup>d</sup> Platoon.

g. The 3<sup>d</sup> Platoon leader gave his location to the 2<sup>d</sup> Platoon leader to conduct a link up on Route Croc to share information prior to clearing Dura'aiya 1.5. The platoon leaders established a link up point approximately 100m to 200m forward of the lead engineer vehicle. Although this was the Forward Line of Troops (FLOT), the elements did not discuss the other locations of subordinate elements prior to reaching the FLOT. This lack of communication resulted in poor situational awareness of the locations of all friendly forces along the direction of attack.

h. There were approximately 45 vehicles from Coalition Forces consisting of the National Police Training Team (NPTT), the National Police (NP), the battalion command security detachment, the route clearance team, and Hardrock and Baker companies. These vehicles extended along the route from the Pepsi Factory to beyond the location of 3<sup>d</sup> Platoon. This impeded line of sight, caused 2/A to dismount earlier than planned, and added to the confusion of where the lead engineer vehicle was located.

i. 3<sup>d</sup> Platoon's dismounted Soldiers cleared the terrain along the riverbank and assumed a 360 degree perimeter security halt to wait for the link up with 2<sup>d</sup> Platoon. The platoon sergeant placed the perimeter in a piece of terrain that protected elements of 3<sup>d</sup> Platoon from visibility across the river due to a chest high dirt berm (reference Tabs 6 & 8). This berm prevented enemy fire from the south from causing any casualties to 3<sup>d</sup> Platoon.

j. After establishing the link up point, the engineer vehicles slowly resumed movement to continue their route clearance mission. Unbeknownst to 2<sup>d</sup> Platoon, the lead element of 3<sup>d</sup> Platoon was no longer ahead of the engineer vehicles. The movement of this reference point diluted the perception of where the link up point was established.

k. 2<sup>d</sup> Platoon then received small arms precision fire from south of Route Croc from the direction of the river. This precision fire struck SGT Christopher Gonzales, and he became the first Soldier wounded in action during this operation. All Alpha Company elements sought cover and endeavored to identify the threat force. SGT Gonzales later died enroute to the combat support hospital as a direct result of an enemy gunshot wound to the head (reference Tab 27).

l. The evidence is insufficient to determine where these shots originated. There are multiple reports stating the shots came from due south across the river, some reports state the fire came from due south of the units but on the north side of the river, and others reported the shots originated southwest of the units but on the north side of the river.

m. The evidence is also insufficient to determine how many enemy rounds were fired during the initial contact and if the enemy ever ceased engaging our forces. Many reports corroborated an initial burst of 2-4 rounds, then multiple bursts, followed by a hail of gunfire. Once the firefight began, it was impossible to determine if the enemy continued to fire rounds at Coalition Forces.

n. At this time, 2<sup>d</sup> Platoon on Route Croc, did not realize they were directly north of 3<sup>d</sup> Platoon. 3<sup>d</sup> Platoon thought 2<sup>d</sup> Platoon was forward of the engineer vehicles as originally reported. Although no element ever positively identified the threat, all Alpha Company and NP forces began to return fire south of Route Croc and across the river to where the platoons believed the enemy initiated contact to suppress enemy forces.

o. Elements of 2<sup>d</sup> and 3<sup>d</sup> Platoons quickly realized 2<sup>d</sup> Platoon was firing over the heads of 3<sup>d</sup> Platoon. 2<sup>d</sup> Platoon did not intend to fire over the heads of 3<sup>d</sup> Platoon. Both 2<sup>d</sup> and 3<sup>d</sup> Platoons had no situational awareness of each other's locations (reference Tabs 5-24) when the incident

occurred. 2<sup>d</sup> and 3<sup>d</sup> Platoons initiated a cease fire. However, this command did not reach the NP elements. North of Alpha Company, the NP forces continued to place ill aimed fire over the heads of the platoons from Alpha Company for an additional 60 seconds from personal weapons and vehicular weapons (reference Tab 3). The evidence is insufficient to determine when the enemy ceased his initial contact. As the NP forces continued to fire, Hardrock Company reported their first casualties. 2<sup>d</sup> and 3<sup>d</sup> platoons had already ceased their fires but could not conduct triage and medevac procedures due to the heavy volume of fire received from the NP elements.

p. Hardrock 6 called for the battalion commander to talk with the NP brigade commander to have his troops cease firing. After many attempts, the NP finally ceased fire and allowed Hardrock to begin triage and casualty evacuation.

q. CSM (b)(6), (b)(7)(C) was moving towards the platoons to assist when he saw a squad sized element of the NP moving from the north to Route Croc. The NP forces appeared from the woodline just east of 2<sup>d</sup> Platoon and oriented their fires south towards 3<sup>d</sup> Platoon. The NP forces fired their weapons for approximately one minute from standing and kneeling firing positions and then returned north into the woodline (reference Tab 4). The NP forces were also firing their vehicular mounted weapons along Route Croc. These firing positions afforded the NP forces a higher platform on Route Croc from which to fire downward onto 3<sup>d</sup> Platoon.

r. The evidence is insufficient to determine which direction SGT Dunkley was facing when his body was struck by two rounds. The results of SGT Dunkley's autopsy show the rounds struck him from his rear (reference Tab 28). Although the initial contact came from south/southwest of their positions, the body of SGT Dunkley may or may not have been oriented towards the south. However, multiple statements and interviews have SGT Dunkley facing various directions, in various positions, conducting various activities. As a result, the evidence does not establish the positioning of SGT Dunkley's body at the time he was struck nor does the evidence establish whether SGT Dunkley sustained hostile or friendly fire.

s. 2<sup>d</sup> Platoon on Route Croc was also receiving fire from the NPs north of Route Croc. As 2<sup>d</sup> Platoon took cover on the north side of Route Croc to prevent enemy fires from the south from striking them, rounds were impacting from the north (reference Tab 14). The only unit to their north within small arms range was the NP battalion.

t. There is no evidence to show any deficiency in the immediate medical attention or life-saving measures taken. PV2 (b)(6), (b)(7)(C) the platoon medic, was on the scene within seconds of the incident to provide first responder care. The response time for medical evacuation was adequate.

u. As PV2 (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) opened the Interceptor Body Armor (IBA) to conduct life saving measures on SGT Dunkley, they noticed and described a green tipped round in the cloth fold of the IBA (reference Tabs 7 & 11). PV2 (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) believe the green tipped round came from US munitions. Special Agent (b)(6), (b)(7)(C) from Division CID stated that it was possible for a green tipped round to maintain its paint after exiting the barrel of a rifle. The evidence is insufficient at this time to determine whether the metal fragments, recovered from the body of SGT Dunkley during the autopsy, were consistent with that of US or Iraqi munitions.

The United States Army Criminal Investigation Laboratory was contacted and will assist by conducting an analysis to determine this answer.

**2. RECOMMENDATIONS:**



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

4. POC is the undersigned at (b)(6) and (b)(6), (b)(3).

Encl  
Index of Exhibits  
Chronology  
Tabs 1-33

(b)(6), (b)(3)  
MAJ, IN  
Investigating Officer

**Index of Exhibits:**

- Tab 1 15-6 Appointment Memorandum, dated 27 May 07
- Tab 2 DA Form 2823, CPT (b)(6), (b)(7)(C), dated 24 Jul 07
- Tab 3 DA Form 2823, LTC (b)(6), (b)(7)(C), dated 23 Jul 07 & 24 Jul 07
- Tab 4 DA Form 2823, CSM (b)(6), (b)(7)(C), dated 24 Jul 07 & 24 Jul 07
- Tab 5 DA Form 2823, 1LT (b)(6), (b)(7)(C), dated 19 Jul 07 & 22 Jul 07
- Tab 6 DA Form 3881, SFC (b)(6), (b)(7)(C), dated 19 Jul 07 & 22 Jul 07
- Tab 7 DA Form 2823, SSG (b)(6), (b)(7)(C), dated 19 Jul 07 & 22 Jul 07
- Tab 8 DA Form 2823, SGT (b)(6), (b)(7)(C) dated 19 Jul 07 & 22 Jul 07
- Tab 9 DA Form 2823, PFC (b)(6), (b)(7)(C) dated 19 Jul 07 & 22 Jul 07
- Tab 10 DA Form 2823, PFC (b)(6), (b)(7)(C), dated 19 Jul 07 & 22 Jul 07
- Tab 11 DA Form 2823, PV2 (b)(6), (b)(7)(C) dated 19 Jul 07 & 22 Jul 07
- Tab 12 DA Form 2823, 1LT (b)(6), (b)(7)(C) dated 22 Jul 07 & 23 Jul 07
- Tab 13 DA Form 2823, SFC (b)(6), (b)(7)(C) dated 22 Jul 07
- Tab 14 DA Form 2823, SSG (b)(6), (b)(7)(C) dated 22 Jul 07 & 23 Jul 07
- Tab 15 DA Form 2823, SSG (b)(6), (b)(7)(C), dated 22 Jul 07 & 23 Jul 07
- Tab 16 DA Form 2823, SGT (b)(6), (b)(7)(C) dated 22 Jul 07 & 23 Jul 07
- Tab 17 DA Form 2823, CPL (b)(6), (b)(7)(C) dated 22 Jul 07 & 23 Jul 07
- Tab 18 DA Form 2823, SPC (b)(6), (b)(7)(C), dated 22 Jul 07 & 23 Jul 07
- Tab 19 DA Form 2823, SGT (b)(6), (b)(7)(C) dated 22 Jul 07
- Tab 20 DA Form 2823, SPC (b)(6), (b)(7)(C) dated 22 Jul 07
- Tab 21 DA Form 2823, PFC (b)(6), (b)(7)(C) dated 22 Jul 07
- Tab 22 DA Form 2823, PFC (b)(6), (b)(7)(C) dated 22 Jul 07

- Tab 23 DA Form 2823, PFC (b)(3), (b)(6) dated 22 Jul 07
- Tab 24 DA Form 2823, PFC (b)(6), (b)(3) dated 22 Jul 07
- Tab 25 DA Form 2823, 1LT (b)(6), (b)(3) dated 22 Jul 07
- Tab 26 DA Form 2823, SGT (b)(6), (b)(3) dated 22 Jul 07
- Tab 27 Final Autopsy Examination Report, SGT Gonzales, dated 04 Jun 07
- Tab 28 Final Autopsy Examination Report, SGT Dunkley, dated 04 Jun 07
- Tab 29 Synopsis of Operation Beach Yellow Events
- Tab 30 1-15 IN Operations Order for Operation Beach Yellow
- Tab 31 1-15 IN Initial Post Operations Storyboard
- Tab 32 1-15 IN Final Post Operations Storyboard
- Tab 33 Pictures from the view of an M2 BFV orienting south from the same vicinity were 2/A returned fire on Route Croc over the heads of 3/A

## Chronology:

14 May 07 – Operation Beach Yellow conducted and 1-15 IN receives 6 casualties (2 x KIA, 4 x WIA). Questions immediately arise if a Green on Blue or a Blue on Blue incident occurred. MG Lynch flies into COP Cleary to receive an update on the operation. COL (b)(6), (b)(3) 3/3 ID Commander, and MAJ (b)(6), (b)(3) 1-15 IN Executive Officer, brief MG Lynch on the status of the operation and the potential friendly fire incident.

15 May 07 – COL (b)(6), (b)(3) and LTC (b)(6), (b)(3) 1-15 IN Battalion Commander, appoint MAJ (b)(6), (b)(3) to conduct a Commander's Inquiry for a potential friendly fire incident.

17 May 07 – MAJ (b)(6), (b)(3) conducts inquiry of 3<sup>d</sup> Platoon, A Co., as to the events that occurred during Operation Beach Yellow.

18 May 07 – MAJ (b)(6), (b)(3) conducts inquiry of 2<sup>d</sup> Platoon, A Co., as to the events that occurred during Operation Beach Yellow.

19 May 07 – MAJ (b)(6), (b)(3) conducts inquiry of HQ Platoon, A Co., as to the events that occurred during Operation Beach Yellow.

19 May 07 – MG Lynch appoints MAJ (b)(6), (b)(3) as the investigating officer for a 15-6 to determine if a friendly fire incident occurred.

21 May 07 – Statements collected and interviews completed for 3<sup>d</sup> Platoon, A Co.

22 May 07 – Statements collected and interviews completed for 2<sup>d</sup> Platoon, A Co.

23 May 07 – Statements collected and interviews completed for HQ Platoon, A Co.

25 May 07 – Investigation completed. Awaiting signatures of statements from company.

13 Jun 07 – A Company signs and returns statements.

15 Jun 07 – Investigation returned to FOB Hammer for legal review and commander review.

18 Jun 07 – Investigation submitted for Division legal review.

17 Jul 07 – Division SJA attempts initial contact with investigating officer to provide guidance for additional evidentiary clarification.

19 Jul 07 – Investigating officer contacted with Division SJA's recommendations to modify the investigation.

19 Jul 07 – Collected statements from 3<sup>d</sup> Platoon, A Co., located at FOB Hammer.

21 Jul 07 – Investigating officer moves to COP Cahill to conduct additional questioning.

22 Jul 07 – SJA establishes date of 28 Jul 07 to brief CG on investigation results.

22 Jul 07 – Conducted follow up interviews with 3<sup>d</sup> Platoon, A Co., at Salman Pak JSS.

22 Jul 07 - Collected statements from 2<sup>d</sup> Platoon, A Co., located at COP Cahill.

22 Jul 07 – Requested assistance from Division CID to collect autopsies for KIA.

23 Jul 07 - Conducted follow up interviews with 2<sup>d</sup> Platoon, A Co., at COP Cahill.

23 Jul 07 – Collected statements from HQ Platoon, A Co., at COP Cahill.

24 Jul 07 – Collected additional statements from HQ Platoon, A Co., and also from BN HQs.

24 Jul 07 – Received autopsies from Division CID.

25 Jul 07 – Investigating Officer returns to FOB Hammer to complete findings.

26 Jul 07 – Findings and recommendations provided to 3HBCT SJA for review.

# **TAB 1**



REPLY TO THE  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, MULTI-NATIONAL DIVISION-CENTER  
APO AE 09342

AFZP-CG

18 May 2007

MEMORANDUM FOR MAJ (b)(6), (b)(3) HHC, 1-15 IN, 3BCT, 3ID, COP Cleary, Iraq

SUBJECT: Appointment as 15-6 Investigating Officer

1. You are hereby appointed as an Investigating Officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers. You will conduct an investigation to determine the facts and circumstances surrounding the injuries sustained by three 3BCT 1/1-15 Soldiers on 14 May IVO Operation Beach Yellow in the Duraiya area.
2. Conduct a thorough investigation to determine the circumstances surrounding this incident. Use informal procedures under AR 15-6. The evidence you gather should support your findings and your recommendations must be consistent with your findings. Your investigation should include, but not be limited to, the following questions:
  - a. Did the two units involved know that they were in the same battle space?
  - b. Did each unit have communication with the unit that owns the terrain? When did each unit last report their location, direction of movement and actions?
  - c. What steps did the shooting unit take to PID the receiving unit?
  - d. What steps did the receiving unit take to properly mark/identify themselves?
  - e. Did each element have a BFT? If so, was it operational? Were both units visible?
  - f. Were the shooting unit and the receiving unit tracking each other by any means?
  - g. Who knew that the two units were on the same piece of terrain?
  - h. What conditions contributed to a possible same force engagement?
  - i. Did each unit have a detailed tactical plan or rehearsed fire control plan?
  - j. What were the relative positions among shooters and recipients of fire?
  - k. Did US and Iraqi forces follow appropriate TTPs?
3. If, during the course of your investigation, you suspect that an individual may have committed a criminal offense, use DA Form 3881, Rights Warning / Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice.
4. Compile a daily chronology of all investigative activities and consult your legal advisor whenever necessary or if you suspect criminal misconduct.
5. Submit your findings and recommendations to me on DA Form 1574 no later than 26 May 2007. Should you require additional time, coordinate with me through the Office of the Staff Judge Advocate.

RICK LYNCH  
Major General, US Army  
Commanding

# **TAB 2**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION COP Cahill, Iraq (b), (b)	2. DATE (YYYYMMDD) 2007/07/24 (b), (b)	3. TIME 1800hrs (b), (b)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3) (b), (b)	6. SSN (b)(6), (b)(3)	7. GRADE/STATUS 0-3 (b), (b)	
8. ORGANIZATION OR ADDRESS A CO 1-15 IN, 3RD BDE, 3RD ID (b), (b)			

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

On 14 May, 2007, vic Grid (b)(2)High, at approximately 0900hrs. I was moving behind my 3rd Platoon conducting a Company Attack in Al-Durayia. Hardrock was the ME Company for the TF (-) Attack and I was moving behind the ME Platoon with my FSO (1LT (b)(3), (b)), SGT (b)(3), (b) (Security Element), and SPC (b)(3), (b) (RTO). We were following the 1/1 NP Bde as dictated in the BN OPORD, moving East Along Rt. Croc to clear specified NAIs of insurgent activity. We had just entered and cleared NAI 1A (south) and continued to move east just south of Route Croc. At this specific time I was moving dismounted behind 1st Squad, 3rd PLT led by SSG (b)(3), (b) and SFC (b)(3), (b) the 3rd PLT PSG. We moved down a trail just to the east of NAI 1A (south) that led to an opening in a fence line along the Tigris River. We began moving to the east and discovered a small structure. 1st Squad entered and cleared the structure and then my HQ element moved to the structure and occupied a small room facing the north. As 3rd PLT established Security, I contacted D6 (LTC (b)(3), (b) with an updated SITREP and also contacted W1 & W4 (1LT (b)(3), (b) & SFC (b)(3), (b)) to move dismounted to our location to initiate the Company (-) attack in to NAI B as planned in the Company OPORD. Traffic was backed up on Rt. Croc by the Rt. Clearance Team, NPTT vehicles, CSD vehicles and NP vehicles so instead of my White PLT moving to the location mounted as planned I told them to dismount both squads and move east along Rt. Croc to my location to initiate the attack as we were losing momentum. During this time I moved to the top of the building to get better SA and I again contacted W1 to see what was taking them so long to move to our location. I gave W1 our current location again and he said he was enroute. I then walked down from the roof and moved up the trail about 15m from Rt. Croc to link up with SFC (b)(3), (b) SSG (b)(3), (b) and Doc (b)(3), (b) to tell SFC (b)(3), (b) to send someone to the road to conduct visual link up with White PLT. Shortly after this as I was taking a knee and speaking to SFC (b)(3), (b) four to six shots were fired from across the river, south of our position. SSG (b)(3), (b) announced contact, small arms fire, across the river, and began repositioning his squad to get a better field of fire. Immediately after the Squad faced the point of contact we started to receive a heavy volume of small arms fire from what appeared to be south of the river and than north of our location. SSG (b)(3), (b) ran through the gun fire to Route Croc to ensure that friendly forces were aware of our location and to facilitate the link up with White PLT and SFC (b)(3), (b) moved through the heavy fire to ensure that his Soldiers were taking cover, looking to ID the enemy, returning fire and to evaluate casualties. I immediately reported contact on the Company Net and scanned the area for enemy and to identify 3rd PLTs elements. I looked back into the building and saw SGT (b)(6), (b) signaling for either me or Doc (b)(6), (b) to get inside the building. The fire increased significantly for a few moments with the grass and trees around me and the 3rd PLT Soldiers being shredded and bullets were ricocheting off of the ground in all directions. I got into the prone and then during a lull in the fire, ran into the building to get on the BN Net as my RTO was already shot and beginning to receive treatment from SGT (b)(3), (b) and 1LT (b)(3), (b) I then called D6 to announce "Cease Fire", give a SITREP and an update on casualties. Doc (b)(3), (b) moved through the barrage of fire to treat SPC (b)(3), (b) (who was located close to the building and had low crawled inside. SFC (b)(3), (b) and SSG (b)(3), (b) continued moving through the enemy fire checking on their Soldiers. Then it was discovered that SGT Dunckley was shot and was not moving. SSG (b)(3), (b) began treating him and called for Doc (b)(3), (b) because SGT Dunckley was not breathing. SFC (b)(3), (b) then moved to the other casualties, PFC (b)(3), (b) and PFC (b)(3), (b) who both announced they had been shot and moved them to the CCP with in the one structure in the area that I was now located in. SFC (b)(3), (b) moved to the structure and gave me an initial report and then moved back to where SGT Dunckley was being worked on by SSG (b)(3), (b) and Doc (b)(3), (b) W1 and W5 (SSG (b)(6), (b)) arrived at the building with a squad and I told them to add security south along a berm overwatching the river. W1 also gave me the report that SGT Gonzalez had been shot in the head along Rt. Croc and was currently being worked on by Doc (b)(3), (b) There was still heavy gunfire at this point and SSG (b)(6), (b) came back from emplacing his squad and reported that there was command wire in the structure we were occupying and that the building was possibly booby trapped. Knowing that I couldn't evacuate the building with 4 WIA being treated and heavy gunfire, I made the decision to remain in the building until all casualties were evacuated. At somepoint I contacted HR 5 (1LT (b)(6), (b)) and told him to move his vehicle to our location to conduct CASEVAC. I then called in the 9-Line to D6 with an update on casualties and our current situation. Doc (b)(3), (b) SGT (b)(3), (b) & 1LT (b)(3), (b) continued to treat and prepare all casualties for transport to the HLZ until HR 5 arrived to conduct CASEVAC. SFC (b)(3), (b) & SSG (b)(3), (b) were still moving throughout the Squad to ensure we had adequate security and helping with the CASEVAC. D7 (CSM (b)(3), (b)) arrived at our location shortly before HR 5 arrived and helped SFC (b)(3), (b) prepare SGT Dunckley to be evacuated, he was already deceased. After all Casualties were evacuated to the HLZ, I gave an update to D6, requested EOD and ordered our vehicles forward as both platoons worked to consolidate and reorganize. Upon completion of this I moved north to Rt. Croc. One Shot was fired at an Enemy to the N/E by SGT (b)(3), (b) and their were several NP Soldiers gathered around our lead vehicles. I then found the 1/1 NP BN Cdr and ordered him to continue movement east which he was reluctant to do without our support. I then moved to EOD who had moved back west to our location to check out the building and gave them a SITREP.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b), (b)	PAGE (b), (b)	2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

After sneaking with EOD I got back in my vehicle and gave instructions to both PLTs to continue movement to the next Objective. //End of Statement// Nothing Follows (b)(6), (b)(3)

AFFIDAVIT

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

(b)(3), (b)(6)  
\_\_\_\_\_  
(Person Making Statement)

WITNESSED BY  
(b)(6), (b)(3)  
\_\_\_\_\_  
A CO 1-15 IN, 3RD BDE, 3RD ID  
ORGANIZATION OR ADDRESS  
(b)(6), (b)(3)  
\_\_\_\_\_  
A CO 1-15 IN, 3RD BDE, 3RD ID  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of JULY, 2007 at COP CAHILL IRAQ  
(b)(6), (b)(3)  
\_\_\_\_\_  
(Oath)  
(b)(6), (b)(3)  
\_\_\_\_\_  
BATTALION XO & IO  
(Authority To Administer Oaths)



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

14 MAY 2007 OPN BEACH YELLOW, 1-15 IN, 3/3ID



(b)(2)High

T/EOO

TIGRIS RIVER

# TAB 3

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: COP CLEARY, IZ
2. DATE: 2007 07 23
3. TIME: 1500
4. FILE NUMBER: (b)(3), (b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(3)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O-5
8. ORGANIZATION OR ADDRESS: HHC/1-15 IN 3/3 ID

I, (b)(6), (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 14 MAY 2007, OUR Battalion conducted a deliberate attack to clear Sunni extremists from the Dunea 1 & 2 area, south east of Salman Pak. Our primary mission was to follow in support of the 3 battalions of the 1st Iraqi National Police (NP) brigade. We were task organized with 3 companies: A/1-15 who followed 1/1 NP (generally south of RTE CROC), B/1-15 who followed 2 & 3/1 NP (generally north of RTE CROC) and E/1-15 who was conducting a deliberate route clearance along RTE CROC. We had forward deployed our TAC and Forward Aid Station at the Panorama building (located on the southeast corner of Salman Pak); myself, CSM (b)(6), (b)(3), and CSM (b)(6), (b)(3) had moved forward of the TAC on foot, in order to accompany the 1/1 NP commander. The NP had mostly cleared the initial objective (Dunea 1) by 0830, and our combined command elements had jointly occupied a factory compound along the Tigris by about 0845. We were (the 1 NP bde cdr and myself) talking over the map about the next move for 2 & 3 Bns when the shooting started. I heard one short burst and about 4-5 single shots fired somewhere to our east, then - after a short pause - sustained rifle and machine gun fire for a duration of about 30-45 seconds. The soldier (us: Iraqi) providing security for us began to get down behind cover, and generally oriented themselves facing south towards the far bank of the Tigris Rv. I immediately had my RTO (the S-3 A1R, LT (b)(6), (b)(3)) attempt to get a SITREP from all 3 of our companies, and began asking (through an interpreter) the NP bde commander what his soldiers were reporting. After about 1-2 more minutes, the NP's brought up a truck (with a 12.7mm machine gun mounted in the back) parallel to our position on RTE CROC, and began to fire it directly over our heads towards the South side of the river. The NP brigade commander said his soldiers reported a sniper firing at us from across

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

1500 on 2007 07 23

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

DATED

231500 Jul 07

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

9. STATEMENT (Continued)

the river. CSM (b)(6), (b)(3) who had moved outside the compound just before the firing began, then came back in and reported that we had one casualty and told me we needed to get the NP's to cease fire, as this fire was inaccurate and not effective. He returned to the point of injury as I told the NP cdr to cease fire. All during this time (approx 5-10 minutes) the NP soldiers were continuing to fire, mostly over our heads, but all generally oriented South. I then was called by the A/HS cdr who reported he had 1 KIA and several wounded. As my RTO began working medevac, I began conversing (again, through an interpreter) with the NP brigade commander. He said his soldiers were returning fire at a sniper on the south bank of the river. I asked him which unit was firing, and what their general disposition of forces were. He was unsure of both who's whose his soldiers were firing, as the only means of communication he had was hand-held, short range, Motorola radios. I then told the Captain from the National Police Transition Team (NPTT) to tell their counterparts to stop firing. I got a 2d radio call from the Alpha company commander, emphatically requesting that the National Police elements cease firing, as he felt his soldiers may be endangered by their cross fire, and that he was unable to evacuate his soldiers until the NP's stopped. I relayed this all to the NP bde cdr, and after a few moments all firing stopped. I moved onto the road (RTE 606) as my RTO continued to request medevac, and then gave a SITREP to our supporting Aviation Support (a pair of AH-64's) who had been cut to us from the brigade when the firing started. On the road, I confirmed that our soldiers were about 75-100m to our east, conducting CASEVAC & buddy aid. Between us, all along the road, were several stationary vehicles from our Route clearance element, and several NP vehicles (mainly pick-ups) were moving in between these vehicles. All weapons & soldiers, both US & Iraqi seemed to be oriented south towards the far bank of the river. Interspersed with the vehicles were 10-20 NP soldiers, who were standing & looking south. I moved 50m north west, to the field we had selected for an evacuation LZ, and watched as our evac vehicles

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3

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

STATEMENT OF

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

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

TAKEN AT

1500

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

DATED

2007 07 23

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

9. STATEMENT (Continued)

brought our Soldiers in. I talked with a couple wounded Soldiers, and then returned to getting a more detailed SITREP from all 3 company commanders. The B/1-15 cdr reported negative contact, but said his Soldiers were stopped & taking cover. The E/1-15 cdr reported that ~~the~~ (b)(3), (b)(6) Soldiers had observed all the firing, and stated most of it had been done by the NP's. The A co cdr gave an update of #'s of WIA, battle roster #'s and updated locations of his elements. I returned to the location of the INP' hq commander, and asked him for a report from his Soldiers. After discussing this for a few minutes, CSM (b)(3), (b)(6) returned and said he didn't feel it was safe to have our Soldiers ~~was~~ close to the NP's. I then moved forward to the A/1-15 cdr's location, gave him guidance to remain in terrain feature (roughly 600m) behind-west-of the NP's, but to continue the mission to the next phase line which was about 1500 meters further.

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

AFFIDAVIT

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

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

WITNES:

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

Subscriber:

administer oaths, this 23 day of July, 2007  
at CoP Cahill, Iraq

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

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

(Typed Name of Person Administering Oath)

BATTALION XO

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

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



14 MAY 2007 OPN BEACH YELLOW, 1-15 IN, 3/3ID



(b)(2)High

TIGRIS RIVER

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM).  
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**DISCLOSURE:** Disclosure of your information is voluntary.

1. LOCATION COP Cleary, Iraq	2. DATE (YYYYMM) 2007/07/24	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS O-5 (b)(3),(b)(6)	
8. ORGANIZATION OR ADDRESS HHC, 1-15 IN. 3/3 ID			

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

Q: Where do you think the initial rounds came from?  
A: I thought I heard the rounds come from east of my location.

Q: Which way were our men oriented and why?  
A: Our men were oriented to the south. They looked around and saw all Iraqi forces oriented to the south, so they followed suit.

Q: Did you ever see any rounds impacting anywhere around you or anywhere else?  
A: I never saw any rounds impacting anywhere.

Q: Did you or anyone from the CSD ever positively identify the enemy force?  
A: No.

Q: Did you ever see the wounds sustained by SGT Gonzales or SGT Dunkley?  
A: No.

-----END OF STATEMENT-----

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 2
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT 1800

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

DATED 2007/07/2

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

9. STATEMENT

[Large area crossed out with a large X]

AFFIDAVIT

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

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

HHC / TF 1-15\* ORGANIZATION OR ADDRESS

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

HHC / TF 1-15 ORGANIZATION OR ADDRESS

(b)(6), (b)(3) Subscribe administer c

at COP Cahill, Irae July 2007

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

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

BATTALION XO (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGE

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

# **TAB 4**

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Combat Out post Cleary, Iraq; DATE: 20070724; TIME: 1326; FILE NUMBER: (b)(3), (b)(6); GRADE/STATUS: E-9 IAD; ORGANIZATION OR ADDRESS: HHC, 1-15 IN, 3D BDE, 3D IO, APO AE 09308-5956

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

On 14 May 2007, TF 1-15 conducted Operation Beach Yellow. The route clearance team (ECO, 1-15 w/2 tanks from CO 1-15) and elements of ACO and BCO along with the BN TAC and mortar and artillery and aviation support conducted the operation. The route clearance team started their movement south along route CROC at approximately 0700. The TAC followed behind ACO and began dismounted movement at approximately 0800 south on route CROC. I was with the BN TAC directly behind 3rd Plt, ACO. We reached an abandoned building site along the Tisri's at approx 0845 with elements of the National Police. The National Police were intersted along with A and B companies. The TAC along with a HQ element from the National Police assumed a position at the abandoned building site. I was located with the TAC. At about 0900 I walked away from the TAC and out route CROC to check on the Soldiers along the route. At approximately 0910 I saw a Soldier fall to my east and watched the platoon sized element get into the prone position and return fire due south

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(3),(b)(6) (b)(3),(b)(6) (b)(3),(b)(6) TAKEN AT 1400 DATED 24 July 07

## 9. STATEMENT (Continued)

across the Tisiti. A National Police truck pulled up to my north and began firing a heavy machine over my head and over the compound wall which housed the 1-15 TAC and NP HQ element. I gave the cease fire hand and arm signal, yelled cease fire and moved to the location of the fallen soldier. When I arrived at the site of the fallen soldier I met 1SG (b)(6), (b)(3) and SFC (b)(6), (b)(3) (CA-Team medic) working on Sst. Gonzalez (fallen soldier). About the time I arrived at Sst. Gonzalez' position, a squad sized element of the NP walked onto the CROC and began firing south and southeast. Cease fire hand and arm signals and a vocal cease fire was given again and the NP picked-up and moved north. I assessed the situation and returned to the TAC to report to LTC (b)(6), (b)(3) (1-15 CDR) that Sst. Gonzalez was shot in the head, it appeared fatal, and the shot may have come from south of the river. 1LT (b)(6), (b)(3) started the MEDEVAC process and I returned to Sst. Gonzalez' position. Upon arrival to Sst. Gonzalez' position, SFC (b)(6), (b)(3) was working on placing a breathing tube into Sst. Gonzalez and stated that Gonzalez was still alive. I gave instructions to move him to the designated HLZ. I moved to the HLZ location, grabbed two CSN soldiers and established the HLZ and reported it to the TAC. I then returned to

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT

1400

DATED

24 Jul 07

9. STATEMENT (Continued)

Sgt Gonzalez' position (location of 2nd PLT, ACO) and received the report that 3rd PLT, ACO had casualties to our east. I moved to the 3rd PLT location and found the platoon medic working on four WIA soldiers ( (b)(6), (b)(3) ) and one KIA (Sgt Dunekley). I gave the PSG instructions to start moving WIA to the HLZ and reported the WIA and KIA to the TAB. I went to Sgt Dunekley and with the assistance of the PSG (SFC (b)(3), (b)(6) ) a Squad leader (S66 (b)(3), (b)(6) ) and the medic (PVT (b)(3), (b)(6) ), we removed Sgt Dunekley's seat, placed him in a remains bag, and moved him to a pick-up location on the CRAC. SFC (b)(3), (b)(6) along with his Co. CDR (CPT (b)(3), (b)(6) ) and other members of ACO HQ element and 3rd PLT, ACO continued the processing of WIA and KIA and consolidated and reorganized. I returned to the HLZ linked-up with the RA and BN CDR. All KIA and WIA were evacuated and the battalion continued the mission.

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

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

WITNESSES:  
 (b)(6), (b)(3)  
 HHC 77 1-15  
 (b)(6), (b)(3)  
 HHC TF 1-15  
 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of July, 2007 at COP Cahill Iraq  
 (b)(6), (b)(3)  
 (b)(6), (b)(3)  
 (Authority to Administer Oaths)  
 BATTALION XO & IO

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES



14 MAY 2007 OPN BEACH YELLOW, 1-15 IN, 3/3ID



(b)(2)High

TIGRIS RIVER

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION COP Cleary, Iraq	(b)(3),(b)(6)	2. DATE (YYYYMMDD) 2007/07/24	TIME 1430	3. FILE NUMBER (b)(3),(b)(6)
5. LAST NAME, FIRST NAME, MIDDLE (b)(6), (b)(3)	(b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-9 (b)(3),(b)(6)	
8. ORGANIZATION OR ADDRESS HHC, 1-15 IN, 3/3 ID (b)(3),(b)(6)				

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

Q: When did you see SGT Gonzales get hit by a round?  
A: I saw a Soldier get hit from one of the first few rounds that were fired. I later found out it was SGT Gonzales that was struck by the round.

Q: Did you see an entrance or an exit wound?  
A: I could not see for sure. I saw blood around the ears. I think I saw wounds by both of his temples.

Q: What was the orientation of SGT Gonzales when he was hit by the round?  
A: He was walking on the road with his platoon heading to the east to move to Blue platoon (3/A).

Q: Did you ever see the National Police (NP)?  
A: I saw about 1 squad of NP move out from the woodline to the north of Route Croc. They were just to the east of 2/A. They were firing their weapons to the south from both a standing and a kneeling firing position for approximately 1 minute. They did not have well aimed fire. After they were done firing, they went back into the woodline to the north.

Q: Where do you think the initial rounds came from?  
A: I think the initial rounds came from the south. I think the first rounds were aimed at SGT Gonzales and the rest were aimed at 3/A.

Q: Tell me about the berm vicinity the house?  
A: The berm was about waist high. It provided cover and concealment from across the river. It was located just south of the house.

Q: What did SFC (b)(3),(b)(6) tell you?  
A: He thought the initial rounds came from the south also. He said he saw some rounds hit the berm on the south side, and then the rest of the rounds came from the right rear (from Route Croc).

Q: Did you ever see a green tipped round near SGT Dunkley?  
A: No, I never saw one. No one mentioned it to me at the time either.

Q: Could you see anything looking south from Route Croc?  
A: No, the vegetation was to thick to see anything.

Q: Explain the drop off from Route Croc.  
A: There was a change in elevation of about 5 feet right off of Route Croc. This extended about 10 feet from the road.

Q: Is it possible to place fire from Route Croc on to 3/A?  
A: The vegetation is pretty thick.

Q: Do you think 2/A accidentally fired on 3/A?  
A: I don't think it's possible. All of the firing I saw was done on line and facing due south. I think our casualties were sustained from the NP fire when they went south to Route Croc and fired south. I immediately reported to the battalion commander that I thought our casualties were sustained from the NP fire.

-----END OF STATEMENT----- (b)(3),(b)(6) -----

10. EXHIBIT	11. INITIALS (b)(3),(b)(6)	MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 2
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT 1430

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

DATED 2007/07/24

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

9. STATEMENT (Continued)

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of July, 2007 at COP Cahill, Iraq

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

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

NAC IF 1-15  
ORGANIZATION OR ADDRESS

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

NAC IF 1-15  
ORGANIZATION OR ADDRESS

BATALION XO & 15-6 IO  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

# **TAB 5**

Initial E. 519

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
	2007 07 19	2000	
5. GRADE/STATUS		6. GRADE/STATUS	
(b)(6), (b)(3)		(b)(3), (b)(6)	
7. GRADE/STATUS		8. GRADE/STATUS	
0-2		(b)(3), (b)(6)	

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

The events in question happened on 14 May 2007, during Beach Yellow mission. The mission was the 1st mission to Durayee and secured with National Police. The operation was set to have Eliminator (Eco) in front clearing the RTE. 2nd in OOM would be National Police, then 3rd PLT Aco, HQ Aco, 2nd PLT Aco, Bravo Co mission was to move north and clear Durayee one after 3rd PLT cleared the Pepsi Factory.

The Fire Plan was very restrictive. At the Pepsi factory we could not shoot north because Badger would be moving north. Could not fire east on the road because Eliminator at (b)(3), (b)(6) 1st room. Could not fire west, that was back towards enemy forces. You could fire south when clearing structures on south side of road but could not fire across river. South side of River was a friendly unit (SF). After Durayee one the fields of fire ~~would~~ <sup>were</sup> (b)(3), (b)(6) been directed North East as we cleared from south to north in Durayee 1.5.

After clearing (b)(6), (b)(3) I (LT) (b)(3), (b)(6) moved with 2nd SQD through the orchard just east of the Pepsi Factory. Hardrock Co moved with 1st SQD to clear structures on the south side of the ~~RTE~~ (b)(3), (b)(6) RTE CRAC. 1st SQD & 2nd SQD moved simultaneously from west to east.

10. EXHIBIT	11. INITIALS OF KING STATEMENT	PAGE 1 OF 4	(b)(3), (b)(6)
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) AT        DATED       

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(6), (b)(3) TAKEN AT BLC (b)(3), (b)(6) DATED 19 July 2007 (b)(3), (b)(6)

## 9. STATEMENT (Continued)

1st SQD with the PSG, ACo, and FSO moved to building 3. I moved with 2nd SQD to PL Yellow (the intersection of Croc and the 1st Road moving North and South Past the Pepsi Factory) (see diagram) 1st SQD was finished clearing structure 3 so they pulled security while 1st SQD moved into structure 4. Once structure 4 was clear we received the word to link up on RTE Croc and be ready to move. 1st SQD came up on the road and linked up with a member of 1st SQD at the intersection of PL Yellow. 2nd PLT was called to dismount and move East on Croc to link up with Blue PLT. Once myself with 1st SQD saw made link up with a member of 2nd SQD we took knee in road march formation on both sides of the road. At that time we heard the 1st shot. We believed the shot came from the south possible across the river. We called everyone in 1st SQD to the ditch on the North side of Croc. We oriented our weapon South toward the River try to get a clear line of sight. Within seconds of this shot were fired in all directions. From my location we heard shot coming from the north and west. So we pushed further into the ditch for cover.

I thought the 1st shots came from house #4 but after rounds were being shot from all direction it became impossible to tell.

I heard a large volley of fire and believed someone had a better line of sight than I. 1st SQD reported nothing at 1st but ~~South from the~~ (b)(3), (b)(6) shot then after 2nd SQD had cover in a ditch I received the call from Blue 5 (SSG) (b)(3), (b)(6) to get 2nd SQD to get 1:1ters and a Disaster Bag for 1st SQD.

We called for our vehicle to come up so we could evacuate

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 4 PAGES

9. STATEMENT (Continued)

wounded. Blue PLT's vehicles were behind a minimum of 10 vehicles, were (b)(3), (b)(6) between (b)(3), (b)(6) and began to evac casualties to the LZ, west of Pepsi factory. Two of our 3rd PLT, AMVUS pulled down to structure 3 and we (b)(3), (b)(6) loaded them with the injured personnel's equipment. The XO's BIV was on site to transport personnel. The WIA were moved to the LZ for transportation to a higher echelon of care. SGT Duckley was put into a casualty Bag and move to be evacuated on a separate Helicopter.

I remember linking up with CPL (b)(3), (b)(6) at PL Yellow, He and other members of his SQD were pulling security to the North.

"when I ran to the LZ to get a disaster Bag I saw the IRAQ' Dishca track on the road just north of the location Orchard 2. There were shots from all direction that only Nation Police were located.

AFFIDAVIT

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

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

12T  
ment)

WITNES

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

SGT

A-co 415 INF 3BDE 3ID APO AE 09308 5956

ORGANIZATION OR ADDRESS

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

SSG

A-co 415 INF 3BDE 3ID APO AE 09308 5956

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of July, 2007 at COP Cahill, Iraq.

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

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

(T)

BATTALION XO

(Authority To Administer Oaths)

INITIAL

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

MAKING STATEMENT

PAGE 3 OF 4 PAGES



9

EDP(I) B

p:shca

PL/Yellow

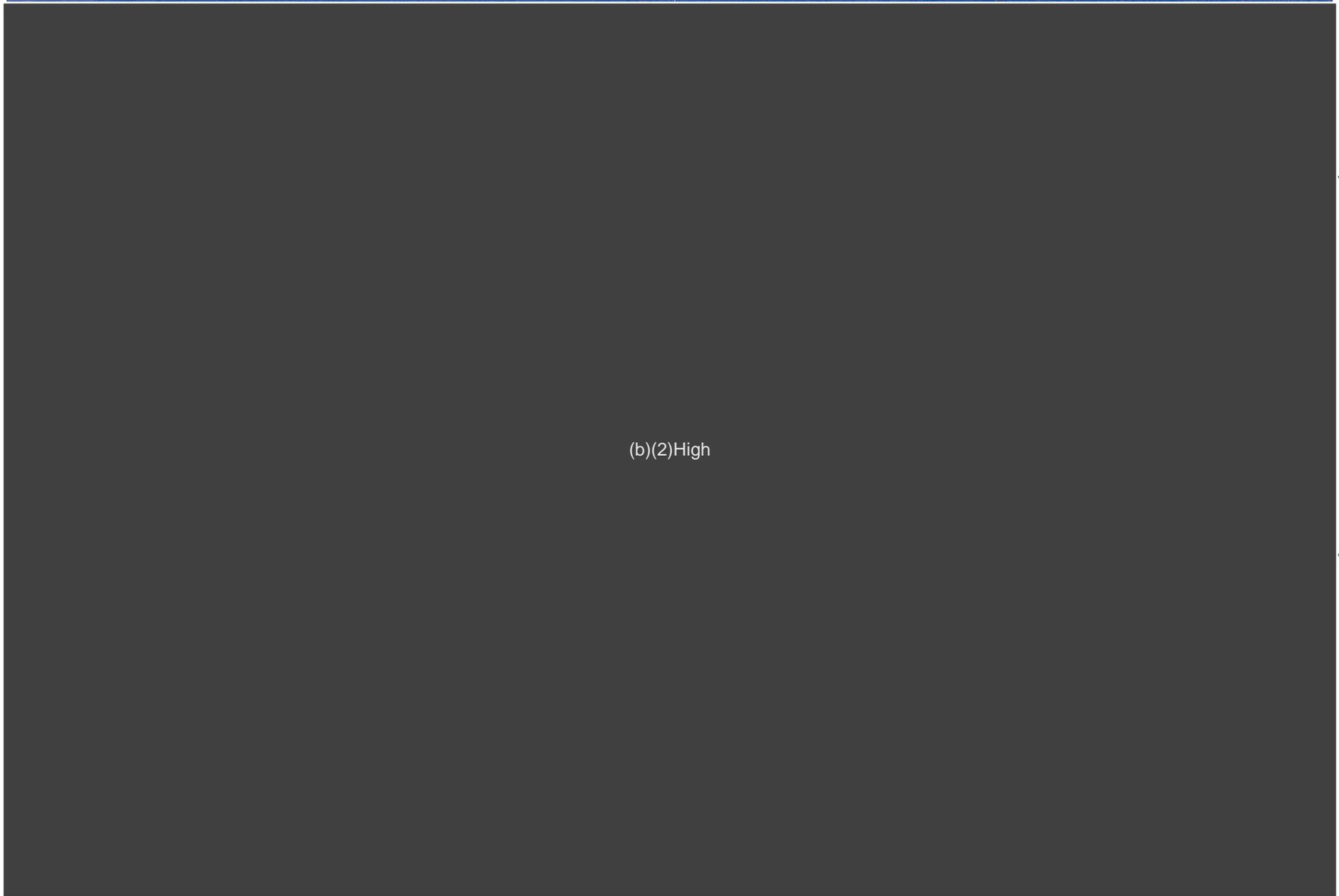
201



ANNEX A (DIAGRAM OF OPERATION)

14 MAY 2007 OPN BEACH YELLOW, 1-15 IN, 3/3ID

NA



(b)(2)High

-Husk

orchard 2



**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
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**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION COP Cahil (3),(b)	2. DATE (YYYYMMDD) (3),(b) 07/07/22	3. TITLE (3),(b) 0	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(3)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS (3),(b) O-2	

8. ORGANIZATION OR ADDRESS  
A Co, 1-15 IN, 3/3 ID (3),(b)

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

Q: Describe "after 2nd squad had cover in a ditch" from your first statement.  
A: I was talking about the deep irrigation ditch to the north of Route Croc at PL Yellow. We occupied this ditch when the first hail of fire began. We tried to move north to assault a potential enemy, but we noticed the ditch went east and was getting deeper. We just turned around then.

Q: Whose vehicles were on the road and where?  
A: It seemed like everyone had vehicles on the road. I saw vehicles from EOD, National Police Training Teams (NPTT), National Police (NP), Baker Company, the battalion combat security detachment, and our Bradley Fighting Vehicles. I believe this was the order they were in. I think all of these vehicles on the road impeded our operations. There was no spacing on the road.

Q: Describe the DSHK location and what direction it was firing.  
A: I did not see the DSHK fire, but it was located in the vicinity of the Pepsi Factory.

Q: Did you ever see 2/A at any time? Where? When?  
A: No, I never saw 2/A.

Q: Do you think 2/A knew 3/A's location? How would they know it?  
A: No, I don't think they knew where we were.

Q: Did you have communications with your platoon and the other platoons?  
A: Yes, I maintained the platoon net on my MBITR radio and my RTO maintained the company net.

Q: Where was the link up point and how was it established?  
A: The link up point was on Route Croc at the intersection of PL Yellow. I saw a person from our platoon on the road to establish the link up.

Q: When was the last time you had situational awareness of 2/A?  
A: I had no situational awareness of where 2/A was.

Q: Did LT (3),(b) ever talk to you about the incident afterwards? What did he say? Did he ever say he thinks he fired on our platoon?  
A: Yes, I discussed the matter with him later that day. He re-told the story numerous times. He never said that he or his platoon ever fired at 3/A accidentally, just that they fired in that general direction. The way he had tears in his eyes when he mentioned that he felt a sense of terror and fear when he saw ACUs in the woodline below him leads me to believe that he may have been firing at our position.

Q: Describe the slope from Route Croc to 1st Squad of 3rd platoon. Is it possible for someone to see or fire on 3/A from Route Croc?  
A: There is approximately a 10 foot drop off directly off of Rte Croc. Between our position and Route Croc there was a fence, weeds all over the fence, bushes, high grass, and many trees. The platoon was approximately 20 feet away from Route Croc at the nearest point and 30 feet away from the furthest part of the platoon. Because Route Croc is elevated, it would be difficult to place aimed fire on my platoon. shots from the prone position from Route Croc would probably hit the tree tops. Perhaps the casualties we sustained were from ricochets off of the trees.

(b)(3),(b)(6) \_\_\_\_\_ (b)(3),(b)(6)

(b)(3),(b)(6) \_\_\_\_\_ (3),(b)

10. EXHIBIT	11. INITIALS OF PER (b)(3),(b)(6) STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(6), (b)(3) TAKEN AT 2200 (b)(3), (b)(6) DATED 2007/07/22 (b)(3), (b)(6)

9. STATEMENT (Continued)

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

AFFIDAVIT

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

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

WITNESSES:

SGT (b)(3), (b)(6)  
SGT (b)(3), (b)(6)  
A CO 1-15 INF 230E SLD  
ORGANIZATION OR ADDRESS

SSG (b)(3), (b)(6)  
SSG (b)(3), (b)(6)  
A CO 1-15 INF 230E SLD  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of July, 2007 at Cap. Cahill 1500

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

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

Dattalion XO  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT