AFZS-LI-DCO 19 December 2005

MEMORANDUM FOR RECORD

SUBJECT: Questions for [redacted]

1. During my interview with [redacted] garding the friendly fire incident on 23 November 2005, I asked him the following questions?

a. What is your combat experience?

b. What is your duty position?

c. What can you tell me about your mission on the 22d and 23d?

d. Did you take any detainees on your patrol and did any Soldiers leave the patrol to make sworn statements?

e. Did you overhear the company change of mission order to [redacted] What do you remember [redacted] saying?

f. What was the new mission, and what were you briefed on?

g. Did you overhear [redacted] ll the Company or 3d Platoon that he was going forward with a dismounted element?

h. How were communications with the dismounted patrol?

i. Did you hear small arms / explosions and at what time? Did you think it was your dismounted element?

j. Does the platoon or leaders carry VS-17 panels?

k. Have you ever trained non standard medical evacuation?

l. What would you say is the general situation and enemy in your sector?

m. Is your unit well trained and manned to conduct combat against the enemy in your sector?

2. POC is the undersigned.

[redacted]

LTC, IN
Deputy Commanding Officer

Sullivan Sworn Statement 1

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
BDE 41 STRIKER	20051125	1205	

5. LAST NAME, FIRST NAME, MIDDLE NAME	7. GRADE/STATUS
[redacted]	E-4

8. ORGANIZATION OR ADDRESS
A/2-502

9.
I, John Lorain Sullivan, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 27 Nov 05 I was 50 cal Gunner on [redacted]'s vehicle which was the lead vehicle on our convoy. We left camp Striker at approximately 1100 hrs. ~~PMCS's had been done and Commo checks been~~ To the best of my knowledge but I dont know for sure PMCS's had been done on the vehicles, I know commo checks had been done because I saw our RTO [redacted] conduct them with Gator [redacted]. After leaving we made our way to Route [redacted] traveling west and linked up with the Gator [redacted] 4 element which had the road cordoned off while EOD was conducting ops trying to clear a house which was [redacted] with explosives. Prior to that while we were traveling west on [redacted] the viper element in the air reported they saw suspicious activity at a house nearby 3-4's position, Viper reported they saw a man wearing a light blue shirt carrying a white and clear plastic bag and when he saw the helicopters he dropped the bag and ran into the house and shortly afterward a young girl came out of the house, picked up the bag and walked inside. [redacted] marked the area for us with flares. Gator 2-6, C [redacted]) with dismounts searched the house and had a detainee made with him along with a white (large) plastic bag and a light blue shirt. After that we continued west down [redacted] and stopped [redacted] while 2-6 with dismounts searched another house. After that we linked up with Gator 3-4 [redacted] and his element. [redacted] After linking up with 3-4 we helped cordon of the road. It was sometime mid-Afternoon, shortly after linking up that there was a loud explosion at the house which was set off when EOD's robot set off a trip wire. After that EOD left and we cordoned off the road and moved further back while clearence was being sought from higher to J-Dam the house. Some time after Dark 3-4 left to go back to camp Striker taking our detainee and 2 of our soldiers along to make sworn statements. We were ~~directed~~ directed hold our position to [redacted] off the road while clearence was being sought for the J-Dam on the house. At approximately 2330 we were informed that permission had been given for the J-Dam and that we were to insure that we were at least 500 m from the house and that

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 6 PAGES
	[redacted]	

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 [redacted] TAKEN AT Camp Striker DATED 25 Nov 2005

9. STATEMENT *(Continued)*

no friendly elements were to come within 500m of the house and that estimated bomb time was 0600 on the 23rd. We continued to pull overwatch on the house throughout the night without incident. At Aprox. 0530 we were informed that Bomb time ~~is~~ had been changed to 0630. At Approximately 0630 the house was destroyed by J-Dam. After that we drove up the road to the house ~~the~~ ILS 2-6 and Dismounts walked to the house to ensure it was destroyed which it was. Aprox. 0700 we turned ground and headed back east on in-cheked. when we came to a dirt road that ran parallell to Route [redacted] we headed south on the unnamed road untill we came to an abandoned house just north of [redacted] at Grid MB [redacted] where we could overwatch the intersection of Routes [redacted] and [redacted]. It was between 0300-0960 when we arrived there we imediatly started priorities of work for a defensive position, we set in security, cleared observation lanes, filled sand bags, etc that continued untill approx. 1200 when Gator 6 gave 2-6 a mission to search a cemetary at Vic. Grid [redacted]. At Approx. 1300 2-6 left dismounted toward the cemetary with [redacted] and the interpreter Twister. 2-6 left me in charge of the security on the ground at the house, his estimated time of return was 1700. About ~~the~~ ILS 1200 I started relaying messages for 3-6 because I had good comms with Gator [redacted]. About 30 minutes after 2-6 left with the Dismounted element I lost communication with him. [illegible]'s was carrying an ASIP Radio. At 1320 3-6 reported to me his location at MB 26936299, at 1430 3-6 reported he was clearing an unnamed route at MB 27656497 while moving towards 2-6's position. At [redacted] At Approx. 1530 3-6 Reported he was searching Fields along

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF [redacted] TAKEN AT Camp Striker DATED 25 Nov 2005

9. STATEMENT (Continued)

Along Rt [redacted], moving west at MB [redacted] and requested engineer backup with Bulldozer's. Earlier that afternoon 3-6 reported he was looking for a bridge to cross the canal on the south side of Fat Boy, he then requested permission to travel into 1-502 sector to continue looking which was denied by either Gator or Falcon [redacted] at Approx. 1600 I and the rest of the security element heard the large fire fight to our west, I guess 2-3 km away by the way it sounded. I then called to Gator 3-6 and asked if it was his element involved and he said negative, that it was not, but he was moving to it to investigate it. At Approx 1630 3-6 element contacted me to request Medevac at MB [redacted], that there were 2 Friendly KIA and 3 litter urgent. I got the information from him so that I could call for a 9-line Medevac to Gator X-Ray. After Medevac was inbound Gator 6 requested to know what happened, I then got the information and Reported that it was Friendly fire. At Approx 1640 I requested permission to pick up my security element and move to 3-6's location. Gator [redacted] immediately granted permission and I picked up my men with me and loaded up the trucks along with all equipment we had, abandoned the house. at moved to 3-6's location. — NOTHING Follows

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STATEMENT OF [redacted] TAKEN AT Camp Striker DATED 25 Nov 2005

9. STATEMENT (Continued)

Q:

A:

Q1: Does your platoon or company have a standard recognition signal for day and night?

A1: No standard for day, Night is 2 flashes gets 3 either white light or IR flashes

Q2: Were you given a 5 point contingency plan when at Ripper left on his patrol?

A2: Yes Lt Ripper informed me he was going dismounted with 4 other 3d interpreter (SSG Bass, Sgt Meeusen, PFC Abbis, SPC Roy) to Vic Grid 2000 (G) to search a cemetery for a possible cache, that I was staying at the house with SPC Fitts, SPC Nelson, [redacted], to continue overwatch and keep security on the house. If I were take contact to defend if I can, or mount the vehicles and either move to his position or to S-6's position. If he were to take contact he would fight his way back taking position and that his estimated time of return was 1700.

Q3: Were you briefed on adjacent units to your AO, coordination of lines/recognition signals?

A3: Yes, we knew that 3rd platoon was in the area and 3rd knew that Lt. Ripper was Dismounted heading to ~~a certain area~~ to Vic Grid [illegible] I also knew 3rd was looking for a bridge to cross the canal south of Mudhaq and 3rd knew where my position was at.

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INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF [redacted] TAKEN AT Camp Stricker DATED 25 Nov 2005

9. STATEMENT (Continued)

Q4: What is your primary, alt, and alternate communications [illegible] Alternate, and alternate to [illegible] Network, please?

Primary is FM [redacted] Alt. is I team, try to best of abilities to fix problems, attempt to contact either Falcon [redacted] another unit to relay

Q5: What information was passed to you/your [illegible] as they crossed into your sector?

A5: our location at the overwatch off of [redacted] and [redacted] and Lt Ripka's mission to go to [illegible]

Q6: Why did [redacted] have to die

A6: Mission was received by Order 6 to move to [redacted] and [illegible] Order 6 gave [redacted] the choice to either take out Whole section and have wounded or take partial and leave security at house at [redacted]

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INITIALS OF PERSON MAKING STATEMENT
JCS

STATEMENT : [redacted] TAKEN AT Camp Striker DATED 25 Nov 2005

9. STATEMENT (Continued)

Q7: ARE PLATOONS INSTRUCTED TO TRANSPORT OE-254's OR SOME FIELD EXPEDIANT ANTENNA TO IMPROVE COMMUNICATIONS WHILE CONDUCTING OPERATIONS?

A7 = Yes, we had Comm 201 out the overwatch.

Q8 = Did the DISMOUNTED ELEMENT HAVE ASIP & ICOM COMMUNICATION?

A8 = Yes.

Q9 = Did they HAVE SOME SORT OF FIELD EXPEDIANT ANTENNA to IMPROVE COMMUNICATIONS?

A9 = To the Best of my knowledge no.

Q10 = Do you KNOW IF THERE IS A SOP OR STANDING ORDER TO ABORT MISSION IN THE EVENT NO COMMUNICATIONS IS AVAILABLE WITH ANY UNIT OR SUSPEND MISSION UNTIL COMMUNICATIONS IS RESTORED?

A10 = Not that I'm aware of.

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[redacted]

(Signature of Person Making Statement)

WITNESSES: [redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of November, 2005 at [redacted]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 6 OF 6 PAGES

STATEMENT RECORDED/TRANSLATED by [redacted] 140 BCT

30 November 2005 1 DEC 05

[redacted]

Please state you full name and social security numb[redacted]

How long have you been a part of the 2nd Platoon of the 101st?
About 5 years approximately.

Is this your first trip to OIF?
This is my second one. I was here the first time that the 101st was here the first time.

Where did you operate the first time?
Air assaulted to Najaf, then Karbala and then Baghdad and then up to Mosul where we spent the last ten months or so.

What was your duty position then?
I was machine gunner and rifle team leader.

What is your current duty position?
Machine gunner.

Have you been with the same platoon the entire time?
Yes.

Why don't you talk us through in your own words the patrol activity that occurred starting around the 22nd, 21st of November when you initially got the mission to go out with 2nd Platoon and walk us through up to the morning of the 23rd before the incident.
The afternoon of the 22nd, we left around 1100 or 1300, sometime around that timeframe, we left the wire, we cleared our way down [redacted] d coming south, southwest, and then pretty much there were no incidents o[redacted] Then we came down, I do not remember what route we took, but we ended up traveling east to about [redacted] or to [redacted] and then came down [redacted] a short distance to Route [redacted] Then we proceeded west on Route [redacted] where we linked up with the 3rd Platoon element that was securing a house and cordoning off on Route [redacted] rther west. They had EOD out there on a house that was booby-trapped. We got down there and helped them cordon off everything and kind of became a part of that. There was a big explosion when an EOD robot set off one of the trip wires and blew up the robot. Then from there after EOD left, I can't remember the exact time, but it was later in the afternoon, EOD left and after switching over with the 3rd Platoon element, we picked up the cordon on the house and blocked position on the road, basically where we could observe. I know at some point, but I do not know when, they asked for a [redacted] be dropped on the house, so we were waiting for clearance for that. So, we backed up 500 meters from the house so we could watch and basically we sat there all night. About 2300 they called us and said we

had clearance and approximate time for the bomb would be about 0600 and just to make sure we were 500 meters off and everything. So basically we sat there all night pulling watch on the house. Then about 0630 is when they dropped the JDAM on the house. After that, we rolled through to make sure to confirm that the house was destroyed. Then we turned around to head back. I have to back up a little bit. When we were coming down, before we linked up with 3rd Platoon, we had captured one detainee we brought in. [redacted] was in the air and noticed some suspicious activity and [redacted] took dismounts and went and searched a couple of houses and detained one guy. So, 3rd Platoon took him back along with two guys from our patrol to do sworn statements for the detainee.

Who left from the patrol?
[redacted]

They left with the element from 3rd Platoon?
Yes Sir.

With those two leaving the 2nd Platoon element, the patrol, how many vehicles and personal did that leave you with behind?
That left us with 3 vehicles and 11 personnel and 1 interpreter.

After we confirmed that the house was destroyed, we proceeded back west on [redacted] to Motorhead and clear our way south down [redacted] intersection. The mission was to find an abandoned house to pull over waten on the intersection of [redacted] and [redacted] So once we got there, we picked out a house and set security and started priorities of work for building a defensive position there.

This was your original mission that you had started on a day prior?
Yes Sir.

As you worked your way and ran into the other incidents such as securing the house and the road for the JDAM, that was your initial task and purpose as you understood it was?
Yes Sir.

Then we went into priorities of work and basically worked until about noon or so, until we got a call from [redacted] to go to vicinity grid, I got some of the grids written down here.

When that change of mission by [redacted] you heard [redacted] on the radio?
Yes Sir.

Was anybody else with [redacted] when he received the change of mission listening in that you recall?
Not that I recall, No.

Did he take the mission on an ASIP on the roof or was he did he take it in the vehicle?

He was in the vehicle.

So, he was in his vehicle getting it over the radio?
Yes.

We had [redacted] onnected to the vehicle on top of the roof, so at that position, we had good comms with the Company.

So, you had what kind of antenna hooked up to the vehicle?
[redacted]

So, you had, in your estimate, good commo with the Company from that position?
Yes Sir.

About 1300, he left dismounted witl [redacted] the medic, PFC Ables, the RTO and the interpreter and went to the other mission to check out the cemetery for possible cache.

And you were the senior man with the remaining element that stayed with the vehicles?
Yes Sir. He left me as security with 5 other guys at the house.

What was the specific task and purpose he had given you and kind of guidance [redacted] gave you before he moved out?
Basically, if we did take contact, to defend the place if we could. Call the Company in case we needed the support. Plus, another element from 3rd Platoon was already in the area doing a mission that they were tasked with for finding a crossing over the [redacted] from [redacted] trying to cross the canal, or trying to find a crossing to cross the canal. Call in for help if we needed. If we had to pick up and move, we could pick up and move to 3rd Platoon or try and move to his position.

Did he give you an expectation of when he would be back with the dismounted patrol?
He said approximately 1700 he would expect to be back.

From your recollection in the 4 or 5 weeks that you have been working in the zone, how many true dismounted patrols has your platoon element conducted? And by that, I mean not "Hey lets dismount and go check out the suspected IED 50 meters in front of us," but how many "Hey I am going to dismount an element and move greater than a couple of hundred meters, task and purpose, you know we are going to be gone for some amount of time?"
We really have not that I recall.

Then after about a half hour after they dismounted, we lost comms with them. The RTO had an ASIP manpack with him. We had good comms with the Company the entire time, with 3rd Platoon, and I had basically spend the afternoon relaying to the Company their various positions. About somewhere between 1330 and 1400 that we lost comms with them.

Did you keep any kind of log or anything or were you just doing it in your head each time you called in?
I wrote down, like as far as 3rd Platoon's positions. I had written down like 3rd Platoon's positions, where they were at and what they were doing, relaying it to the Company.

Then about 1600, we heard a lot of shooting to the west, sounded like a pretty big fire fight. I know that 3rd Platoon was west of us on and so I called them and asked them if they were involved in that and they said no that was further west from where they were at and that they were moving to that to see what that was. Then about 10-15 minutes after I talked to them, I heard some more shooting and they called us requesting to relay for a 9-line medivac.

Do you recall who you talked to from 3rd Platoon when you called them, was it 3-6, or?
It was his RTO, was his name.

Do you remember if you discussed with him your platoon had a dismounted element, not at your location, it was forward conducted?
Yeah, earlier that afternoon I had, because I was relaying for 3-6 up to the Company. He gave me his position and said he was moving towards 2-6's position and that he was moving west on That was one of the relays I had that he was moving towards

So at some point you believe you transferred information to 3rd Platoon that 2-6 was dismounted and operating west?
Yeah, they knew that we had dismounts over in that direction.

Now, did you relay that through or did you talk directly to about that?
I think that was through I can't remember for sure, but I think it was through

Then, I relayed the 9-line medivac to the Company and then when I found out what happened because of what happened, I called the Company and I requested to pick up the security element and abandon the house and move to that position and they said go. So, I loaded everybody on the trucks, there were 6 of us total, there were 3 trucks. So, we got on the trucks and went down Fatboy and helped cordon off the position down there.

When you got to the site where the incident occurred, did you ever get up to the Bongo truck personally or were you more responsible for an outer cordon?
Well, I set an outer cordon and made sure the guys were up on the machine guns in the trucks and then I moved up to the Bongo truck for a little bit, kind of see what happened and stuff, and then I moved back to the trucks with my guys and stayed there.

At the point that you got to the Bongo truck, can you explain to me what you saw, the kind of positioning the soldiers were that were part of the 2nd Platoon?
By the time I got there, the wounded had already been medivaced, it was just the two KIA's that were still there. It was dark when I got there, I really didn't look at the Bongo truck that closely, just our 2 KIA's, I saw them and then I moved back to the trucks.

Do you recall the position that _____ was in, he was on the TC side of the Bongo truck?
They had already been laid, they were covered on the side of the road.

Do you know if you tried to secure and of there special items of equipment, weapons or anything like that or did 3rd Platoon do that?
3rd Platoon did all of that.

Do you have within the platoon, when you initially moved out on a mission, what do you recall was kind of done for back brief, rehearsals internally or what kind of PCC's or PCI's were conducted when you initially left out the day prior?
Well, PMCS the trucks, commo checks with the Company, make sure the radios were up, make sure everything is clean and that everything works, whether it is NVG's or lasers. Kind of go through what we are going to take and make sure everything works and is operable.

Is it standard packing to bring stuff like ___ _____ [redacted] fire fly lights and stuff like that?
Yeah, we always have chem lights and V17 panels and stuff like that. We always have markers. Everybody carries at least 2 chem lights, at least a couple, plus V17 panel in each truck, EPW kits, EFR bags, stuff like that.

What is your Platoon or the Company policy, or what has come out since you have been in Iraq, as far as friendly recognition signals, near or far recognition?
We really have not had any during the day, like for day time, it's just like visual, because each of the gunner's have binoculars and stuff like that. At night time, either IR or white light flash two against three for night time.

You are a gunner, is that right?
Yeah.

As a gunner, what is the special equipment you have up there with you besides, are you on a 240 or a .50 cal?
.50 Cal. I carry binoculars around my neck.

Do you keep an M-4 up there as well to kind of an escalation of force?
I have my 9 millimeter and the driver usually has his M-4 right next to him where I can reach down in case I need his rifle.

Can you talk me through what within the Platoon as you a soldier understand escalation of force, rules of engagement, explain it to me as to a young soldier, how it applies here? Basically, well from my experience that we have had here, when I have had to shoot, so far it has only been warning shots, like a vehicle is coming towards us and doesn't stop, I usually fire a few rounds into the ditch. They have all stopped. It is pretty much understood that if they do not stop after I fire and if they are still coming at us after we fire into the ditch or berm, to light them up. I have not had to yet.

But, you have fired some warning shots for vehicles approaching dangerously?
Yes Sir.

Have you seen Bongo trucks on either [redacted] or in your area that you believe the AIF are using or had and intel reports or updates prior to missions that AIF has been using Bongo trucks routinely?
Every time we found an IED or had one go off trying to hit us or mortars there has been some kind of Bongo truck in the area, what I have seen personally. As far as intel, I really can't recall right now, but from what I have seen personally, there has been a Bongo truck somewhere in the area or on another road trying to parallel us to keep their eyes on us. There has been one in the area I have seen almost every time.

In general terms, can you talk me through the number of engagements that 2nd Platoon has had or kind of enemy activity whether it was IED strikes or small arms, mortar engagements? What is the enemy situation if you were telling someone from the outside is going on in the zone? Is it permissive, is it somewhat friendly, or is it all enemy and we are trying to find out who the good people are?
Right now, we are trying to figure out basically, we kind have figured out who most of the bad guys are or the areas that they live in. Because, the area that we are in nobody has been in for a while. The 48th Brigade go hit there once I believe by an IED and they did not go back in there. So, we have been finding caches everywhere. And everybody that we talked to, I do not know who it is. They say they are scared and that they are scared of someone else, but nobody in the sector gives us straight answers. So, they are either bad guys or they are scared to talk. As far as getting hit, there has been a lot of detainees. I have not caught any personally, but they have been in the area and test positive for x-spray. They kind of get caught red handed. So, I really do not know if they are from there or if they are from outside.

What kind of special equipment a standard patrol needs to fight the threat that you have down there and the terrain you are in is hard to maneuver with 1114's based on a lot of smaller roads, canals, the enemy knows how to use the terrain. There is a lot of vegetation in the area and communications is a challenge, but from a soldier's prospective what kind of frustrations or what do you see has been a challenge for you operating down there, both mounted and dismounted?
Well, for mounted, definitely the vegetation in the canals. We have tried to burn a lot out. In some areas we have been pretty good, but some areas will not burn no matter what we throw in there. It will not go up. We have even tried to dump some fuel in there, but it is just too wet down in the canals. For mounted, definitely the vegetation

because of the sight lines. Haji can pick up a good sight line on use through a little break in the weeds. If you are on a road, especially when you are moving, it is hard to get a sight line back to them. For dismounted, probably trying to be able to move quick enough through fields because everything is so muddy, irrigated.

Let's go back to the decision by [redacted] to make the dismounted patrol to further split up your elements, really in kind of 2 small elements, you only had 3 vehicles available, and as I understand it, the policy is within the Battalion, to go below 3 vehicles for an approval of a 2 vehicle move, that is Battalion Commander approval? Is that a correct statement?
I think so. It is higher than us.

And the reason you only had 3 vehicles for this particular patrol was because . . . How many do you usually have assigned to a platoon?
I think 4 or so. We had another one, but that got blown up the first week or two of missions.

And you hotbed vehicles and special equipment with the other half of your platoon, is that a correct statement?
Yes, we always did. In fact, we usually switch out with like 3rd Platoon.

You are juggling trucks, the 1114's to ensure you meet the mission schedule?
Yes Sir.

Do you have headsets in vehicles, so you can have crew communications between gun crews and the driver?
I have never used them, I just yelled to make sure they hear me if I see something. I have not had a communication problem with a driver or TC. I just yell loud enough.

He basically gave a briefing to me - where he was going what he was doing. He provided me with the 5Ws and everything. And then, I relayed that to the other guard positions what was going on.

Did he brief the people who were going with him?
Yes. He had everybody that he was taking with him. And then, he pulled me and told me this is what is going on.

He let me know that I was staying back with security element.

Was one of the things that he briefed you on communications?
RTO was taking a manpack, ASIP. There really wasn't a secondary method of communications. If he lost comms and took contact, then he would try to fight his way back to where we were

You stated that this was the first time doing a dismounted that far out. Were you comfortable with the plan?
I knew where he was going and I knew what his mission was.

Do you remember when he split the patrol element and he went forward, was the ROT had the ASIP and a long whip that was his commo, what weapons systems did he have with him. I believe that, had
Yes.

Was there a SAW?
No. Everyone had M4s and had a M203.

At the point the decided to go dismounted and here is how I am going to execute the task that the Company has given to me? Do you know if he got back on the radio to call the company ops center, Gator to say this is where I am moving, this is where this is when I should be back?

Yes. He called up to company with what was going on and what he was planning on doing. Everything had been called up.

Did you hear that conversation or was that again in the truck with the extended antenna?
When I was in the truck, I can't remember how much I heard. I know that he let Gator know what was going on. A lot of it is pretty fuzzy right now

The last point to clarify – you mentioned earlier in our conversation – you were positive that you informed s platoon that was operating forward with a dismounted element

Yes, Sir. When I was relaying to We are moving west on I didn't know at any point during the day if they had made it to the objective. I had heard that they did and they were on the way back. How did you hear that they did?
medic. He said that they had made it. Afterwards, after talking to * * *

What is the experience level for [illegible] nd [redacted] .re they veterans of OIFI or are they new to the unit?

They came to the unit about a year and a half ago. [illegible] ame from Korea. He is a young E-5 sgt and coming real fast.
[redacted] ad previously served in the Marine Corps. He was a member of the security forces in Philippines. He had been deployed before.
Although neither have them had ever been to Iraq or Afghanistan, they were both tactically very sound

Is there anything else that you want to discuss or to add to better understand what happened that day?

From what I understand, a commo breakdown and you know bad timing basically. One element coming from one way trying to evac a wounded LT and the other one knows that there is shooting going on and sees a Bongo truck coming.

How would you prevent that we are trying to ere you might have to use nonstandard evac? You might have to do a non standard evac
If it is a Bongo truck put some marking on it -[illegible] Some kind of visual marking so that you can let friendlies know that there is something going on with this vehicle. But something that at the same time, that would not give you away to the enemy. I guess that I would just say some kind of highly visible marking.

How often does your platoon – you can give it to me in once a week, before each mission – go over escalation of force and rules of engagement and ROE b/f mission
Basically every week. It is covered quite a bit when we first go here. It is still discussed pretty periodically.

Any other questions?
No.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

THORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Striker, Iraq (BIAP)	20051130	1620	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	O3/Active Duty

8. ORGANIZATION OR ADDRESS
A/2-502 INF REGT

9.
I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 PAGES

DITIONAL 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.

LTC Drinkwine interviewing [redacted] November 2005 at 1620.

We have been operating in the AO for almost four weeks now.

On the initial TOA, I called all of the platoon leaders in and gave them an initial briefing telling them this is our AO and what our mission was in the area. They then took it down to their subordinates.

I gave the PL's the order in a written document, something that they could work with.

We had the ROE taught to the company back in the states before we even came over here. We also had some training in Kuwait and I did cover it in the Op Order. We also had vignettes on the ROE. We had that back in the states and in Kuwait. But when we got into theatre I did not have anymore done.

Every time there would be an updated ROE or escalation of force regulations we would distribute them down accordingly. Again, whenever something new came out we would have it read and make sure that it was understood and then pushed down to lowest level.

The above transcription is true and accurate to the best of my ability.

[redacted]

[redacted]
Paralegal

Second sectior

I can not recall the FRAGO that I gave. I will have to refer to notes for exact time. It is usually around 1100 or 1200. The FRAGO came that this house down there

The FRAGO came down for a mission vic There is a cemetery there.

He didn't contact me. I don't know and I did not check to see if he tried to contact the CP. There were some distractions going on at the CP. So I would have to say, no, I didn't talk to him.

When I gave him the option to do the mission, I did not expect him to leave an element and move forward dismounted with another element.

ceived his mission the night before.

His basic task and purpose was a searching task at and if I'm not mistaken.

The above transcription is true and accurate to the best of my ability.

SPC, USA
Paralegal

Third session o [redacted] 20 November 2005 interview with [redacted]

This is the standard patrol checklist that a platoon leader gets. They don't sign anything; it is just a tool for them to go over. It goes over TLPs, PMCS, commo, commo check, PCIs, rehearsals, uploading equipment, QCing the vehicles; and then they come up to the watchkeeper or myself to get any intel updates over the last 24 hours.

We close out patrols by, initially, doing a meeting with the interpreters to get notes, names, and grids. Then they come in with key leaders for a debriefing with the watchkeeper or the senior on duty. We used to go by the debrief checklist, but it wasn't realistic, so we just have them tell it like a story and then fill in the checklist. We have our own AAR after the debriefing, to see if we can learn from anything that went on for that mission. After debrief, we release those guys and the patrol leader stays back and does a patrol summary on the computer. If he is too tired, then we have the watchkeeper type the summary.

I will track down the patrol debrief from 3d platoon when they came in after the incident. I don't have 2d platoon's debrief. You can also get with [redacted], the medic, and also [redacted] they can tell you from their perspective as things came in.

[redacted] knew that 2d platoon had a task out of sector and what their task and purpose was. We work pretty close and he knew where they were at and actually drove by the house and saw some vehicles there.

We don't have a Company SOP for recognition signals. I know it was put out in the base order. We have one in the SOP that we use; but we haven't been referring to it much because we've tried to adapt to a smart book type thing because when you make a SOP, they are so big that people won't use them so we tried to make it more user friendly for the soldiers and leaders on the ground. I can't honestly say that we have a good daytime recognition signal.

All of my leaders carry a [redacted] and most of them have battery powered [redacted]

I wasn't aware that 2d platoon was in contact, I would have to look back at the log to see if the Company CP knew anything about it; but my best guess would be that the Company did not know about it. If we had, we would have pushed them the assets they needed to help them out, eithe. [redacted] or UAV or something to figure out what was going on.

To my knowledge, [redacted] did not call in and tell anyone that he had heard gunfire or that he was leaving secto [redacted] and moving west to secto [redacted]

As the Company Commander, I would want to know that one of my platoon leaders was moving toward the sound of gunfire. I know [redacted] said he heard some fire and that's why he mounted himself because initially he was dismounted.

My soldiers have received guidance that [redacted] ehicles is the minimum and [redacted] requires Battalion Commander approval. I haven't given any official guidance about the minimum number of soldiers to move independently, but in general discussion, I've said no less than [redacted]

If [redacted] had told me that he was going to move dismounted with a squad, I would [redacted]

With regards to escalation of force, I tell soldiers first of all, that they have the right to defend themselves at all times and that using escalation of force does not prevent self defense. It just gives them a tool to help them make the right decision. I also tell them that everything will depend on the situation and the circumstances in the total picture. We teach that, at a minimum, they need to use some kind of hand and arm signals; and if that isn't working, then show them that you have the means to engage them, pointing your weapon at them and/or warning shots. Then you move up the ladder after that, but it should start somewhere, it shouldn't just be .50 cal. Also though, they have to think about protection of their soldiers and if they can't go to that M4 and that's the only means you have, then you have to do what you have to do. It isn't one of those things where you sit down and think about something, it is a split-second decision; but they have to understand that that bullet doesn't come back once you release the trigger.

I have a green laser and there may be a couple other people who have one; but we don't use them for escalation of force. I heard something about green lasers when we got over here; but it was not fully researched to find out what the reason was. We knew the Iraqis were scared of green lasers, but that's all we knew about it and we haven't used them for that purpose.

Including each time a vehicle gets too close and a warning shot is fired, we generally have one or two escalation of force incidents every patrol or, at least, every other patrol.

Those incidents are reported to me; but I don't know if that is something that they put in their patrol reports.

I have not had any Iraqis killed due to escalation of force in my zone. I think Charlie Company had an incident where they wounded an Iraqi.

If time was available, I would definitely expect my gunners to use a 9mm or an M4 before using a 240 or a .50 cal. When we first got here [redacted] noticed one of my vehicles without a M4 in the turret and he stressed to me that that was necessary. Every one of my soldiers know that their first-choice weapon is the M4.

On that day, the Company was working on frequency hop with [redacted] The secondary means of communication [redacted] We have had a lot of

problems with. [redacted] where they are good and then they go out halfway through a patrol and we can't get anybody out there to help them fix it. When it works, my leaders are good at using BFT. We had BFT at Fort Campbell so we were familiar with how it works and we did training on it for senior leaders. As we got closer to the deployment, we tried to get RTOs and other soldiers familiar with it as well.

Looking back on what we've learned from this, I think a big part is communication. The commo piece has to be real certain; being able to talk to everybody on the net. I think maybe I should have been on the ground; I could have helped things out a little bit better. I was here when the incident took place. I should have given [redacted] more specific guidance and gotten a better back brief from him. I thought he understood my intent; he did brief back what it was. Everybody needs to be on the same sheet of music both out there and here at the CP; it can't just be the RTO that knows what's going on. Everyone was tracking that these guys were moving west; but I don't think they were tracking the whole big picture as far as soldiers over here and what could potentially happen.

The above transcription is true and accurate to the best of my ability.

[redacted]

SSG, USA
Paralegal

STATEMENT OF [redacted] TAKEN AT 1218 hrs DATED 01 DEC 05

9. STATEMENT (Continued)

At the time and date of the incident I was located in my room which is in the same building of our CP and at the BN TOC. I moved between my CP to check on things in sector to my room to do paper work and to the BN TOC to gather information of future missions. I was not aware if the CP knew that [redacted] heard gunfire and was moving toward the direction of the gunfire. I myself was unaware that [redacted] heard gunfire and was moving to investigate the situation. End of statment.

Nothing Follows

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at _____

[redacted]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

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1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
A co 2/502 INF	2005 12 01	1036	

5. LAST NAME, FIRST NAME, MIDDLE NAME	7. GRADE/STATUS
[redacted]	E-3

6. ORGANIZATION OR ADDRESS
A co 2/502 INF

[redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Tell me all about the mission from the time you recieved word you would be going out on patrol, till the time you heard soldiers in second platoon had been wounded.

A. I was notified on 21 Nov that my section was going on patrol the next day. We rolled out the afternoon of the 22ND. We were in route to relieve a section of 3RD plt. In route "[redacted]" called to inform us that they had witnessed some one placing something in the road on route "[redacted]" we stopped to investigate. We detained 2 men and searched two houses. After the investigation we proceeded down route "[redacted]" to link up with 3RD platoon. 3RD platoon was investigating a house that had been "booby trapped" while we were investigating the 2 men. E.O.D. was on sight with 3RD platoon. E.O.D. had sent in the robot to check out the house. When the robot was investigating it set off a "booby trap". After a little bit word came down that the house was going to be bombed. Our section was to watch the house till then. 3RD platoon had finished their route clearence and had moved back to route "[redacted]" to clear that route while en route back to F.O.B. Stryker. We ~~to~~ 2nd platoon Alpha section sat on our O.P. through the night till 0630 when the house was bombed. We then picked up and cleared our route down [redacted] turned right on to a dirt road heading south to a house where we ~~were~~ to set up. We arrived at the house and began to work prioritize [redacted]

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEM [redacted]

ITIONAL 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT _____ DATED _____

9. STATEMENT (Continued) We arrived at the house approx between the hours of 0730 and 0830. We set up our guns on the roof, cleared brush, debris, and trees from our sector of fires. Work continued till about 1230 when [redacted] was told to clear a grave site that possibly had a cache of weapons. at approx 1230 [redacted] moved out to search. I was on the truck that had the .50 cal and radio. I was doing a radio check with PFC Abels about every 15 minutes until I lost communication with him at approx 1315 to 1330. We at the patrol base were pulling security from the roof top [redacted] rotating positions. I was relieved at about 1320 by Spc Sullivan who was later relieved by _____. At approx 1600 I had to use the latrine. While I was busy I heard a fire fight break out. after finishing I returned to the roof top and listened to the fire fight wondering what was going on. I knew that our guys were in that area. My first thought was that they were being engaged by 1st Battalion. 3RD platoon who was traveling east on [redacted] heard the shots and I do believe they called "Gator to go investigate. I think after that _____ had come with 3RD and talked to them. I'm not really sure. Shortly after 3RD moved down we heard more machine gun fire. A few minutes later the news broke out that there were 2 KIA and a medi-vac was needed. At this time [redacted] was relaying between 3RD and Gator [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT _____ DATED _____

9. STATEMENT (Continued) What is your duty position in the platoon?

A. my position in 2nd platoon is driver / dismount.

3. How often do you make radio checks with the company or provide updates? If nothing is happening usually 1 or 2 updates to "Gator [redacted]. They often call us just to check also.

4 How is communications in sector? What challenges do you have?

A. Communications vary. usually pretty rough due to the war locks. Challenges we face are just ~~maint~~, maintaining good coms. We can talk to a man on the moon but cant talk to a man a couple of ~~etc~~ miles down the road.

5. When _____ left on the dismounted patrol at what point did you lose communications?

A approx 45 min's to an hour.

6. When you heard the explosions and rifle fire between 1600/1630 who/what did you think was happening?

A. I thought at the time they might have made contact with 1st battalion. Then I thought it might be enemy.

7 what do you know of 3RD platoons mission and intent once they moved out to investigate.

A. I just know that they were going to investigate the explosions/gunfire.

8 Did you relay/or here information relayed to 3rd platoon that 2nd 2nd had a dismounted element forward?

A. I did not relay any into to 3rd platoon but I think some one else might have not sure. [redacted]

INITIALS OF PERSON MAKING STATEMENT

USAPA V1.00

STATEMENT OF [redacted] TAKEN AT _____ DATED _____

9. STATEMENT (Continued) "[redacted] Do you believe, [redacted] prior to departure on a dismounted patrol, informed 3rd plt or 3RD plt Ldr that he was going on a dismounted patrol?"

A. I believe that Lt RIPKA is compitent in his job but I can't say whether he informed 3RD or not of his dismounted patrol.

10. Have you ever discussed use of trained non standard ewe using civilian vehicles?

A. I don't remember any formal discussion but we practice the "what ifs" by Mett-TC.

11. Do Soldiers carry [redacted] panels or a portion of a panel and for what reason?

A. yes we carry [redacted] panels and portions tied to chem lights for marking our positions

12. What are the daytime recognition signals for the platoon

A. [redacted] panels, star clusters, door markers, chem lights tied in a triangle shape." nothing else follows.

AFFIDAVIT

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

[redacted]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at [redacted]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

USAPA V1.00

[redacted]

SWORN STATEMENT

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1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Camp Striker	20051129	1800	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	O2 1LT

8. ORGANIZATION OR ADDRESS
A Co/ 2-502

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The attached pages are the transcripts of my interview with [redacted] on the night of the incident.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 1 OF 7 PAGES

ITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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232104 Nov 05 -

was interviewed by 2321 4 Nov 05 and testified in substance as follows:

There is a standing risk assessment in our company. Everyone that was involved in this incident knew and was trained on the actions on contact, and everyone knew the ROE for this specific area also. We were also trained in the escalation of force. The escalation was to shout, shove, stop and shoot.

[redacted] was interviewed by [redacted] at 2321 4 Nov 05 and testified in substance as follows:

Before we left I made sure that the guys knew of the sniper that was operating in our AO, and told them what they should do with a sniper in the AO. They also knew that we were going south and were looking for bridges. Our SOP is that if we take fire that we return fire. The guys that are in the vehicle on the opposite side of the contact dismount and get with myself or the NCO and decide on the battle drill. Everyone has NVG's. Everyone has their own individual weapons. [redacted]. Every vehicle has a radio. We also have ICOMs for key leaders. All of the ICOMs were up and running. We also had one in each vehicle. The only people [redacted] have any were the PSYOP's team [redacted]

It is our SOP that all key leaders have ICOMs. Each platoon has their own channel so that we don't step on each other. On the ICOMs there is no secondary channel for anyone to drop down on. We left the wire around 0900; we had a PSYOPs team attached to our patrol. We were also returning one detainee to the area that he was picked up in. We left from [redacted] to [redacted] we then went south on [redacted] and from [redacted] ot on a no name road. We then were running parallel to [redacted] on the other side of the canal. We then went to a Mosque and talked to the people there. We were trying to build relations with the people in the community. We left the Mosque around 1100. We then got to the village that is almost directly across from [redacted] and [redacted] We dropped the detainee off at [redacted] d [redacted] We then dismounted and started searching for possible IEDs or anything else that was suspicious. We then proceeded to go south on the no name road and have dismounts in front of the patrol to show that we have a presence in the area. We then traveled east on [redacted] looking for bridges. We were then told by the locals that the only bridge was in Yusafiyah that could get across the canal. We then called higher to see if we could go into 1st Battalions AO. That was denied so we then proceeded to turn around and crossed [redacted] and went west on [redacted] o find the Shikira Bridge so we could go south and patrol the sector that we had been tasked to patrol. At approximately 1330 to 1400 we heard shots being fired to our west. We heard small arms and automatic weapons being fired so we were moving to try to find out what was going on and to find the bridge. Nothing came across our net to tell us that anyone was in contact with the enemy. Since there were so many berms we had to go through the locals farm fields toward the country side. Since there was another berm where were we went to a locals house and asked for some shovels to get rid of the berm so that we could get our vehicles over it. We then got back on [redacted] d went west. We did not dismount because we wanted to get to the incident as fast as possible. We then saw a Bongo truck approaching our position on the opposite

side of the canal. The vehicle then stopped when it saw us and we just stared at each other. We were waiting for the truck to turn around but it did not. Upon further examination of the truck we saw that there was at least one weapon raised up and out of the window. The arm that was holding the weapon was shaking the weapon towards our vehicles. Then the truck started to accelerate towards us and that is when I told my gunner to open fire. My lead truck used its .50 cal and fired at the truck. The truck then went off the side of the road, once we decided that there was no more coming from the truck we decided to dismount and approach the vehicle. Once we got to the truck we saw that there were U.S. Forces in the truck. We then called for the medics to give first aid to the injured soldiers, and then started the nine line medivac and all of those procedures to help the soldiers. I do not remember what was said to the Company or Battalion I was mainly trying to get the soldiers to the birds. By [redacted] I made sure that the information about the blue on blue was sent up. I am not sure when again my main concern was to get the soldiers to the bird. All I want to add is that I believe that the escalation of force was not a usable tool today. We had weapons shown at us and a vehicle speeding towards us. I believe that firing at the vehicle was the right thing.

[redacted] was interviewed [illegible] at 2321 4 Nov 05 and testified in substance as follows:

Shout, shoot a warning shot, and then you escalate to deadly force. The escalation of force was not followed because the situation did not warrant the proper escalation. We saw a vehicle coming towards us where prior we had heard shots coming from that direction. We saw weapons raised up in the truck. When the truck started coming towards us at a high rate of speed that is when we opened fire on them. During the day we use the FM during the night we use two flashes and answer with three flashes. If comms are down during the day we [illegible]

those were used today. I received this mission last night from the company commander to go out today. Our mission was a search and attack mission. It took place on the east side [illegible] Its main purpose was to assess the area since no one had been there before. We were on our way over to the south of the canal, to find a bridge, when this incident happened. I received this mission brief approximately 2100 last night. 0800 this morning was my SP time. We did the PCI, load out, and the PMCS of our equipment and the brief before we go out on every mission that we do. All of our PCI's and all of that were done in the morning as long as the plan was briefed. This morning I did the brief and for the rehearsals we did a brief backs. I was briefed on the current enemy threat prior to leaving this morning. This morning I did not tell the section anything that I was briefed on by the S-2 because they already knew what I was briefed on. The information that the section needed was the bridge location.

232104 Nov 05 - [redacted], (Rights)

[redacted] as interviewed by [redacted] at 2321 4 Nov 05 and testified in substance as follows:

[The investigating officer advised the witness of his rights.]

STATEMENT OF [redacted] TAKEN AT _____ DATED 2085 1129

4. STATEMENT (Continued)

STATEMENT WAS AUDIO TAPED BY

[redacted] 2-10ST BDE S-4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. 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.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____

at [redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

USAPA V1.00

Testimony of [redacted]

Subject: 15-6 Investigation regarding the incident with 3rd and 2nd Platoon, A Company, 502nd on 23 November 2005

SESSION ONE:

Please state your name and social security number:
1LT [redacted]

How long have you been Platoon Leader of A Company?
Starting 1 March 2005, about 9 months.

Did you do any type of JRTC or MRE exercise before deployment?
I did a JRTC rotation in April, 2005.

Have you conducted any live fires as Platoon Leader as well?
We did several live fires and "shoot" houses at Fort Campbell prior to deployment.

Did you do any live fires specifically with vehicles, crew vehicles such as you are fighting with here in Iraq with .50 cals or 240's that were mounted or convoy live fire?
No, we never had the vehicles to do convoy or live fire exercises.

Why don't you tell me in your own words, kind of walk me through the night you received your order from the Company Commander to go out and conduct operations on the 23rd. So, kind of give me a timeline from when you received that order, mission planning, rehearsals for when you launched out that morning of the 23rd.

The best I can remember, I got the mission at 2000-2100 the night prior. The Company Commander informed me that we were going to do a search and attack on Areas [redacted] and [redacted] which was east of [redacted] and [redacted]outh of Canal on [redacted] We had never gone to these areas before. With the sector change, we had shifted a little further east, we had just taken over this area from 1st Battalion. This was the first time that any unit in our company had been down in this area. My job was basically go done there and do a recon of the area and find out who the people were and who the players were in the area and assess any enemy presence there.

What time did you get your section together to give them the mission orders, rehearsals?
By 2130 or 2200 I got my NCO's on my crew together and told them what we were going to do tomorrow. That morning, prior to drawing ammunition, is when I gave the actual full control brief.

Did you hand them anything written or did you just verbally tell them?
I gave the brief verbally, because we have been doing this a while.

At any time, before you SP'ed, did you go back to the Company Commander, Executive Officer, or OPS, or back brief them on your plan or hand them any operational graphics or routes?

Prior to going out, we gave the Commander graphics, we do this prior to going out on missions, and overlays, which were done the morning of, with the routes we were going to take. I gave the back brief the night before to confirm what the Commander wanted. The morning of. I was not told of any changes to my mission.

Did you at any time do any ROE or escalation of force specific either vignettes or discussion with your NCO's or soldiers prior to this particular mission?
That morning, I briefed actions on contact and briefed the guys on an actual sniper operating in the area. I made sure they knew about that and the engagement criteria for that. That morning, I did not specifically give an ROE brief. We usually do go over ROE once a week. My guys, whenever you back brief them, know their ROE. I did not see a reason to go over it every day.

Do you carry an ROE card or any handout or your Platoon Sergeant, squad leaders?
We were given ROE cards in Kuwait and I usually carry one in my pocket.

In the week or 10 days prior to the mission, was there any significance attention paid to escalation of force, was there any guidance that came down through the Battalion or the Company on awareness to escalation of force due to the number of incidents in the Division area. Do you remember anything specifically?
I do not recall any specific. I just know that after being through several IED attacks that we knew that the enemy was definitely operating in the area. If you hesitate, you miss the opportunity. We definitely knew that we were not in the type of area where you are able to fire warning shots at people. If you don't shoot, they are going to detonate the IED on you or they are going to return small arms fire. That is the general atmosphere of the area we are operating in within the last several weeks.

How many, can you roughly summarize how many IED attacks or IED's found by your section?
We are somewhere in the upper 20's now. A week prior, we referred it to the battle of Motorhead because we had 14 IED's. Seven of them were actually detonated by the enemy. We had a booby-trapped house on us down there. We receive mortar fire almost every time we are down there. There is definitely a strong presence of the enemy down there.

Would you classify that every contact with the enemy, for the most part, the enemy has had the initial initiative and engaged you either by IED or mortar's, small arms?
Every time.

Had you lost any soldiers or NCO's due to IED's or small arms fire in your Platoon or even in your section?
The first day of our RIP TOA on the 31st, it wasn't my section that went out, but we lost the First Sergeant and three other soldiers from 2nd Platoon, but we had lost some soldiers previous to this.

Now, the morning of, before you SP'ed, as you said you had off your operational graphics, you check in with your OPS cell and get an update on enemy activity. Do you get an update on friendly activity such as any of the sections of 2nd Platoon out in the sector?

Yes. I knew 2nd Platoon was operating in the sector. I knew what there mission was for that day. I knew the boundary for our platoons was d and that I would be operating on the east side and they would be operating on the west side.

Do you normally provide that information to your senior squad leaders?
Yes.

Do you recall relaying that, that morning that 2nd Platoon was forward?
Yes, as I remember, everyone knew that they were down there and that we would replace them on the completion of our mission and they would be going back.

How many HMMWVs to you have assigned to your Platoon?
Right now we have HMMWVs assigned to our platoon, but at any given time, we usually have working HMMWVs.

So you normally are moving with or unarmored's and have to hotbed?
Yes, we have to hotseat.

What special equipment or commo equipment is in your particular vehicle such as Warlock, Blue Force Trackers, you know, ASIPS?
We are required to have blue force tracker vehicle out on patrol and I had it in my vehicle that night and it was working. Every vehicle has a

Do you have a power amp?
Every truck has a power amp.

Now, can you explain to me how communications has been when you are on either or what kind of frustrations, what are the challenges you face, FM communications?
Before they put a retrans up on the Palace on a good elevated position, as soon as you got south of the powerlines that ran east and west, south of around st south of t once you with ch is another relay out at the

Have you tried to use the Blue Force Tracker for a messaging system?

Do you recall on the 23rd at any time during patrol you were able to get or receive FIPR messages?
I was sending SITREPS, I always make sure that I write them out and plus I did not have real good communication with them. That was the only way I could get them some SITREPS.

How often is your Company requiring you to send a SITREP?

Your priority with commo when trying to reach the Company on FM which is FREQHOP net, that is a true statement?
Yes.

If you can't get them, do you normally try to go to another platoon?
Yeah. My RTO understands it a lot better

That is the Battalion Net or Company Net?
That is the Battalion net.

At any time when you are out patrolling conducting operations, your first statement basically stated you were looking for a way to cross the canal south so you could get into (
Yes.

And you did not find a bridge where you thought it was?
On the east side the only bridge was down in USOPHIA and that is in 1st Battalion's sector. I initially called that day asking for permission to go in USOPHIA, cross the bridge and go into my sector which was denied. I do not know if the Company denied it or Battalion denied it, but it was my Company which I called up and relayed the message through 2nd Platoon who was out there relaying back to our CP for us.

Once you knew your route you had planned to go across the dge, was you're your originally planned route?
Originally, we did not know where the bridge was at, so we were trying to locate the bridge. The locals told us that there is only a bridge in I that it is 6 or 7 clicks to the west.

You were denied permission to go the USOPHIA route south and that is when you made a decision to go west?
Yes.

At any time, on that morning, did you hear over the Company Net any mission type orders or FRAGO that 2nd Platoon had kind of changed their mission?
No.

Did you hear any type of communications between 2nd Platoon and the Company CP regarding enemy situation or any routine updates?
Not that I recall.

Why don't you talk me through from about when you decide to go west on ( ) now it is a little bit in the afternoon, you mentioned in your statement that you heard gun fire?
Yes.

About what time of day was that?
It was about 1430 or 1530, I can't be sure, around mid to late afternoon.

What were your Platoon's actions once you heard small arms fire?
At the time, we were shoveling a berm down to get our HMMWVs through the back fields. Either it was the enemies that burned it up or the farmers did not want insurgents to get through their place. We had to borrow shovels to knock the berm down. When we were shoveling, that is when we heard the gunfight going on. We heard explosions, it sounded like RPG's and we needed to get over there and find out what was going on. 2nd Platoon radioed us and asked if we heard gunfire to the west. We said Roger and we are going to take a look. Once we cleared that berm, we found our way through the fields, we got back on [redacted] and proceeded west on the south side of [redacted]

Who do you recall talking to in 2nd Platoon?
I was talking to [redacted]

At that point did you know that or did he advise you that his whole platoon was not located at his position?
No.

You did not hear anything that he had a dismounted element forward and that his platoon leader was forward?
No. He just asked us if we heard what was going on. I communicated with 2nd Platoon before going into their sector said hey we are coming through, and if they needed anything from us.

Did you attempt to call the Company CP or relay through 2nd Platoon's element to say, hey we hear what it sounds like a fire fight, task was to move forward, meet and greet the enemy, purpose was to destroy the AIF, collect intelligence on what was happening, did you do anything to advise the Company you are now going in a different direction that they were probably tracking you on?
I do not recall telling [redacted] to relay that we were heading down that way. Obviously we did not have communications, but they were still tracking us on the BFT. I did not let them know that I was going to check it out.

So no FIPR message?
No.

What did you do when you told your guys that hey we are going to move to the sound of the guns, kind of relay to me what you told them.
Everybody knew we were headed for the bridge, so we were going to go down that way to find out what the situation was. We proceeded up that way mounted.

Testimony of [redacted]

Subject: 15-6 Investigation regarding the incident with 3rd and 2nd Platoon, A Company, 502nd on 23 November 2005

SESSION TWO:

We already said that 2nd Platoon called us and asked if we heard gun fire going off to the west and we said Roger we are going to go check it out. Once we cleared that berm we back down to [redacted] and proceeded west on [redacted] on the south side of the canal. We went about 800 or maybe it was closer to a click. A Blue Bongo was coming at us at a pretty high rate of speed. We stopped. The Blue Bongo truck stopped. At that point we sat there and they just sat there too. The people in the Blue Bongo truck had weapons or a weapon. I definitely saw a weapon put out the window and they shot the weapon at us.

Which window was it?
It was on the passenger side. That is the one I saw it clearly out of.

Did you hear any rifle fire prior to the Bongo Truck or do you remember any single shots or anything like that?
No. All of my forces were mounted because that is the way I wanted our guys going down [redacted] because for obvious reasons, taking small arms and we go armored trucks. My gunners did not mention any gunfire at that time.

At the point you stopped and Blue Bongo appeared to stop, what would be your range estimation of how far you are from them?
We were about 75-100 meters away, as I recall. It could have been closer, but that is my best estimate.

Do you have headsets or crew headsets in the vehicle so that you can talk to your gunner or do you have to yell?
Yeah, we have to yell to each other.

Was your gunner yelling to you anything or was he just staring at the truck?
We all saw the truck and we all saw the weapon and I recall the gunner asking what do I do Sir. I said light them up, and that is when the truck started accelerating, coming toward us.

So, the truck accelerates, your gunner asks what to do, the command you give him, the best you recall is what?
Light them up.

At that point, what did you perceive as that Bongo Truck, was it a hostile force, what did you think it was trying to do?
What went through my mind after having time to think about it afterwards, it looked like to me that these guys had just gotten into a fire fight and then they were coming down this road and

saw us and said forget it and we are just going to "jihad it" right here and head toward these guys and try to shoot them up. That is what I thought these guys were going to do.

Your gunner is? _____
My gunner is _____

Do you know if he is qualified on the .50 cal?
He is one of my 240 gunners. We got some classes while we were here and inherited our .50 cal's from the previous unit. We did some skill weapons training back at Fort Campbell before we came, but no live fire with the .50 cal.

So, to the best of your knowledge, _____ is not qualified on the.50 cal, but he is a 240 gunner?
Right, he is our best. They trained everybody on how to do head spacing and timing.

From the time you moved forward, you don't have any commo with the 2nd Platoon or Company or nothing, there is no information that leads you to believe that there may be friendlies in this Bongo Truck or at least friendlies that are forward?
Right, I had not received anything.

Do you recall giving any kind of command to anybody in your Platoon to open fire, or just to

It was just t _____ and everybody followed suit because they saw the threat coming toward us.

At the point the vehicle kind of hit a tree, I think?
Yeah, the vehicle hit a tree and came to rest.

Your element was engaging him while you were stationary still?
Yeah.

What would you say the distance was from the lead truck and from where it stopped?
About 40-50 meters.

At that point, what was your determination to have everybody stop firing?
I never gave a cease fire call. Once the vehicle came to a rest and they did not see any threat coming from the truck, the gunners just ceased fire on their own. The gunners may have yelled cease fire but I did not hear anything.

Did you observe anybody, that truck has a lift in the back, it is like a Bongo flatbed that has a small lift, did you see anybody in the back that was elevated or was?
We saw figures in the back, but could not see clearly through the smoke and it was getting kind of dark, dusk. It was not until I went up to the site that I could positively identify the people in the vehicle.

Had your gunner, _____ been involved in any time of escalation of forces or has he ever had to fire a warning shot in previous incidents?
Yeah, we have had vehicles come up to us and we have had to fire warning shots with an M-4.

Is that a Company standard or is that a Platoon standard that if you are going to fire a warning shot, do you leave it up to the gunner, or do you have a standard that you fire it with an M-4 and then go to the next weapons system if they do not stop?
It is a brigade thing, I believe, that is to use if the situation permits.

Have you ever had any discussion or is there anybody with the Company or Battalion the use of green over lasers to help in escalation of forces, have you ever heard that?
I was given a green laser pointer and was told that the enemy does not like laser pointers and that the Iraqi's do not like laser pointers. No, I had never heard that that was used.

What special equipment do you normally have with your gunner[redacted] he has an M-4 up there as you mentioned, he's got his .50 cal, is there any type of optic on the .50 cal?
No. The gunner's all have their 3 bi's. The TC's, I have a pair of binos with them.

Do your gunners normally carry binos or you said 3 bi's?
They have their own 3 bi's, but sometimes we give them our binos when we stop.

But the total time from when we saw the Bongo and both stopped until the Bongo started accelerating rapidly again, was how many seconds?
It was enough time to stop, put their weapons out, and keep going. I would guess at the most about 3-4 seconds. It was enough time for us to say there is a truck and then it started coming toward us.

Did you observe either before the incident or after when you walked up and saw the scene, did you see any kind of special recognition equipment like a [redacted] anel or a piece [redacted] anel displayed on the vehicle that may have been there to signify that somebody was using it?
No. There was no identifying markings that were on the Bongo.

Looking back, do you think if they had a piece of [redacted] across the front windshield or on the dashboard, and you would have seen that, do you think that would have impacted or you may have questioned what was that vehicle?

Definitely if I would have seen something like that, definitely given more time before I gave the order to open up. That would not have been a normal thing to see on a Bongo truck.

Have you ever come across any special operations forces operating in your area?
No, I have never seen any since I have been here.

They do that sometimes, just so you know they have a placard [redacted] the windshield. They are all dressed in civilian clothes. Just so you know. They normally just don't drive around in civilian cars. I do not know if there are any kind of Iraqi elements.

In your Platoon's special equipment that you normally carry for patrols, does a section normally carry V17 panels?

All of our soldiers have and I know I carry a big[illegible] en I am a squad leader and all squad leaders have it. All soldiers have a small[illegible] e use as route markers when going into a building, mark 4 trace, little pieces of[illegible]

Has your Platoon ever conducted any true dismounted patrols, not just to dismount and check out an IED we think is out there, but for tasking purposes, split our section, to go dismount to this objective and search for a cache and then come back, have you ever done any of those?
No. There was a time prior when one of my vehicles broke down. I left one of my vehicles and took one vehicle to go search fields . I have never, since we have been here, operated without having a weapons platform within range to support dismounts.

Based on the terrain that you are operating in, routinely, what do you think the range is from where you have dismounts and where the weapons platform would be supporting the dismounts, what range to you think would be realistically?
I would say no more than [illegible] meters to a click. One, it gets out of the range of your eye comms and plus there are so many canals, obstacles between you that you can't get vehicles in there to support. I do not think we have ever operated more than [illegible] or [illegible] meters apart from the vehicle any time that we have been out here.

Looking back now with what you know, what do you think your Platoon would have done differently when once you heard that initial firing and you made the decision to move forward, what do you think?

I think I would have definitely called in to the CP and say hey I am moving towards this and has there been any reports. I would have tried to get an update to see if anybody else was coming through the sector or something. Other than that, I do not think too much would have been different.

How many fire fights has your element been in generally, good contacts have you had?
Counting IED's Sir? My element has had mortar fire and IED's but no small arms fire. Other sections have had small arms fire. We have had 20 plus IED's go off on us. No small arms for my section.

Have you at any time tried to request attack aviation to support you, has been supported to you, has it worked for you, has it been useful?
Absolutely. [illegible] s the element who works for us. They are always around. There main focus is the safe sky south of BIAP, but they come down and help us out. They have been really effective as a radio relay for us when our communications have been down. They relay messages back for us. They have been responsive. They helped us the day they we had 14 IED's go off on us. We were able to call [illegible] and he was able to take out the blue Bongo truck that had the trigger man in it.

So, you have seen Bongo Trucks or have had intel reports about Bongo Trucks being used?
Yes. There are Bongo trucks all over the place down there. Every time that we have seen IED's go off, we see Bongo trucks drive by. We know they have something to do with it, whether the

guys detonated it because they operate on the side of the canal that we can't get to because there is no bridge. They are always driving by. Most of them are blue or white. They are common.

Anything else that you think might be pertinent to helping me understand the situation, the conditions in which you are fighting under, the actions on that day?
It is definitely a combat zone down there. I do not know how to compare it to other places in Iraq, but we know there are enemies in the area. We have found there caches, they have IED'ed us, booby-trapped houses down there. It was confirmed that there was a VBIED making factory down there. We definitely knew that this was their sanctuary or that they were trying to keep us from getting further west. I am not sure exactly, but everybody knows in my section in my Platoon, since the first day the IED's went off that killed our guys, it is more of what you call a combat zone.

So you would say that the enemy's task is to kill coalition soldiers?
Yes, we have confirmed it by asking the people there. The insurgents have told the civilians to get out and move out of the area and that they wanted to kill the coalition forces down there. Around t[illegible] tersection, there is only one family that lives down there. Other than that, everybody has moved out of their houses and took all of their possessions.

That is good to understand that and I will try to paint that when I talk about this.

[redacted]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

THORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
NCIPAL 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
Sector 304	2005 11 24	0035 hrs	

5. LAST NAME, FIRST NAME, MIDDLE NAME	[redacted]	7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SEE ATTACHED.

10. EXHIBIT	11. [redacted] OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES

ITIONAL 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.

[redacted] was interviewed by [redacted] at 240050L Nov 05 and testified, in substance, as follows:

My name is [redacted] My social security number is [redacted]

I feel comfortable freely answering questions concerning the incident that occurred at approximately 1630 on 23 November.

The only SOP that I know of for recognition is at night and that's IR light. As far as daytime, I figure visual recognition would be our only SOP.

I found out about the mission we were going to be doing today on Monday afternoon.

I received a mission brief this morning from [redacted]

The current enemy situation was not discussed during that mission brief.

We didn't discuss rules of engagement, escalation of force, or adjacent friendly units in today's briefing either; however, we have discussed rules of engagement before patrols prior to this one.

My understanding of the rules of engagement are that if I feel threatened, I'm allowed to defend my own life.

To my knowledge, every vehicle in our convoy today had communications equipment.

We had ASIPS radios and ICOMs.

The key leaders had ICOM radios.

All of our communications equipment was fully mission capable. I know they worked because no one said that they didn't.

We did a communications check this morning. We do one right before we leave on every patrol.

Those radio checks are done internally with the platoon and also with Gator [redacted]

We had good communications before we left.

We only do communications checks between platoons when we are co-located.

Our mission that we were briefed was to clear route [redacted]

In addition, we were going to be looking for a way to [redacted]

I can't remember if we were briefed that second platoon would be near us or not.

We left the wire this morning and went down route [redacted]. We turned right, but I don't know what route we turned onto. We tried to come south onto [redacted] and we dropped off a detainee on route [redacted] We then went back south on [redacted] and tried to find a route to [redacted]. We weren't able to do that so we turned around and continued on the west side of [redacted]. That's when I saw a white Bongo truck about 200 meters in front of me, moving fast. It came to about 125 meters in front of me. I saw a weapon being brandished in the air and I informed my PL and then I opened fire.

I saw a weapon, but the occupants of the vehicle were not identifiable.

I saw the vehicle and went through the escalation of force.

The first thing I do whenever I see a vehicle is give a hand gesture for them to move out of the way or slow down since it is useless to shout. Then I saw the weapon and told my first line supervisor that they had weapons. He said, "open fire," and I opened fire.

Prior to that vehicle coming up, I heard small arms fire.

Right before the vehicle came to a halt, I saw someone fall out of the back and stumble. It appeared to be an American silhouette so I called cease fire and that's when everyone rushed to their aid.

I have nothing else to add to this inquiry that would help.