

## EXECUTIVE SUMMARY

**SUBJECT:** Investigation of Suspected Fratricide on 29 Aug 07, SGT(P) Andrew Nelson, Mortar Squad Leader, HHT, 1-73 CAV (U)

**BACKGROUND.** On 29 August 2007, 0603z, SGT(P) Nelson was on a combat patrol vicinity the (b)(2)High Village, north of (b)(2)High Iraq (vic (b)(2)High). The patrol was being conducted as a part of Operation (b)(2)High, (b)(1)1.4a (b)(2)High, (b)(1)1.4a. During this patrol, SGT(P) Nelson was killed in action as a result of a gunshot wound to the chest. Due to the chaotic conditions of this incident on the battlefield, fratricide was suspected and this 15-6 investigation was initiated the same day.

### (U) 2. FINDINGS.

- (U) a. SGT(P) Nelson was killed as a result of fratricide. This was an unfortunate battlefield accident of mistaken identity and there is no evidence of criminal intent. It cannot be determined which element fired first, but the rounds that hit and killed SGT(P) Nelson were most likely fired by (b)(6).
- (U) b. The proximate cause of the fratricide incident is a failure in communication between the TF (b)(2)High Assault Command Post and (b)(6), (b)(2)High Co states they did not receive the information about the (b)(2)High patrol operating in their battle space and the (b)(2)High patrol did not receive accurate information on (b)(2)High Co locations.
- (U) c. Other contributing factors to the fratricide were the dense vegetation obscuring visibility and the unknown enemy situation.
- (U) d. All personnel involved in this incident acted in compliance with the TACSOP and used appropriate battlefield tactics given the terrain and unknown enemy situation.

### (U) 3. RECOMMENDATIONS.

- (U) a. SGT(P) Nelson's death should be ruled a fratricide.
- (U) b. No UCMJ or administrative action should be taken against any personnel involved.
- (U) c. TF (b)(2)High leadership should review command and control procedures to ensure there is adequate battlespace deconfliction and battle tracking. A detailed AAR of this event with key leaders (b)(2)High should be conducted and lessons should be trained across TF (b)(2)High. Specifically, when an element enters the battlespace of another element, positive communication with the battlespace owner is essential.

Derived from: (b)(2)High

Dated: (b)(2)High, (b)(6), (b)(3)10 USC 130b

Declassify on: (b)(2)High



REPLY TO  
ATTENTION OF:

HEADQUARTERS

(b)(2)High  
BALAD, IRAQ

(b)(2)High JA

9 September 2007

MEMORANDUM FOR Commander, (b)(2)High

SUBJECT: Legal Review – AR 15-6 Investigation – Suspected Fratricide ICO SGT(P) Andrew Nelson (U/[REDACTED])

1. (U/[REDACTED]) The investigation has been completed in accordance with AR 15-6.
  - a. (U/[REDACTED]) The proceedings comply with the legal requirements.
  - b. (U/[REDACTED]) The effect of any potential errors in this investigation would be harmless as it relates to the noted findings and recommendations.
  - c. (U/[REDACTED]) Sufficient evidence supports the findings of the investigating officer.
  - d. (U/[REDACTED]) The investigating officer’s recommendations are consistent with the findings.
2. (U/[REDACTED]) I recommend you review the investigation, approve the investigation in its entirety, and take appropriate actions based on the investigating officer’s findings and recommendations.
3. (U/[REDACTED]) Point of contact is the undersigned, (b)(6) [REDACTED]

(b)(6), 5 USC b(3)(10 USC 130b)  
[REDACTED]

(b)(2)High

**From:** (b)(2)High  
**Sent:** Wednesday, August 29, 2007 13:50  
**To:** (b)(2)High  
**Cc:**  
**Subject:** FW: Initial Report - Blue on Blue Engagement

**CLASSIFICATION:** [REDACTED]

**CAVEATS:** [REDACTED]

**TERMS:** NONE

Sir,  
Here is the initial report on the fratricide involving SGT(P) Nelson. Currently (b)(6), (b)(3)10 USC 130b is appointed as the 15-6 IO. He received a brief from our paralegal this morning and will talk to the [REDACTED] JAG today. This will enable us to complete the investigation in a timely manner. Please let me know if you have any questions or concerns.

V/R

(b)(2)High, (b)(6), (b)(3)10 USC 130b

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, August 29, 2007 14:20  
**To:** (b)(2)High  
**Subject:** For F3: [REDACTED] Initial Report - Blue on Blue Engagement

S3 – Please forward to (b)(2)High Initial statements of all involved have been taken and will be provided to the designated IO upon RTB.

BLUF – This is a fratricide / “blue on blue” engagement resulting in 1 x US KIA.

O/A 291000AUG07 a 12xman patrol from the (b)(2)High platoon encountered a (b)(2)High patrol from [REDACTED] Company. [REDACTED] A was stationary in a security perimeter. T/P at time of incident was local security at an enemy cache site. [REDACTED] patrol was the moving element. T/P at time of movement was MTC against suspected insurgents operating several hundred meters south of the ACP. [REDACTED] directed [REDACTED] to conduct MTC following multiple direct fire engagements by assessed 3-5 enemy operating 150-300 meters south of the ACP.

(b)(6), (b)(2)High accompanied the (b)(2)High patrol on their mission, moving with SGT Andrew Nelson's fire team for the entire operation. The (b)(2)High patrol commenced operations O/A 0830. O/A 1000 hours the (b)(6), (b)(2)High platoon heard voices 100-200 meters north of a security halt, changed direction of movement north towards the voices. One member of the (b)(2)High patrol reported voices as Arabic. I assess neither element was aware of the others presence. I was tracking (based on radio reports / updates) the location of (b)(6), (b)(2)High 200 meters south of the (b)(2)High axis of advance. The (b)(6), (b)(6)5 USC b(3)(10 USC 130b), (b)(2)High patrol utilized bounding overwatch during this maneuver. Vegetation throughout the orchard area was extremely dense, with 10-20 meter visibility the maximum range of observation throughout. SGT Andrew Nelson (b)(2)High and his fire team was conducting a bound (stealth / stalking) when the fratricide incident occurred. (b)(2)High was following SGT Nelson's team at the time of the engagement. The actual engagement happened over the span of one-two seconds. I believe a member of SGT Nelson's team fired at movement on (b)(6), (b)(2)High security perimeter. An unknown trooper from the (b)(6), (b)(2)High perimeter then returned fire striking SGT Nelson. I recall only two shooters – one incoming and one outgoing. (b)(6), (b)(2)High asked for a contact report from SGT Nelson with no response. (b)(6), (b)(2)High was operating north of the (b)(6), (b)(2)High PLT main body on OBJ (b)(6), (b)(2)High and was in actuality 50 meters north of (b)(2)High axis of advance. Calls of medic / man down came within five seconds of the realization that SGT Nelson had sustained wounds. Near simultaneous, (b)(6), (b)(3)10 USC 130b called (b)(2)High and moved immediately to site of wounded friendly. (b)(6), (b)(3)10 USC 130b went to work on SGT Nelson within 15 seconds.

Leaders of both elements immediately established security. (b)(2)High commenced medevac request / 9 line. The work of both medics was truly heroic – they never quit. It appeared SGT Nelson was struck at least three times, once in the throat, one upper chest that resulted in a through and through (sucking chest wound) and one round that appears to have passed through his loaded M4 magazine (inserted in magazine well), with further fragmentation on his IBA. Stopping the bleeding and airway management were the primary tasks performed by the medics. SGT Nelson was secured on a SKEDCO. A portion of the (b)(6), (b)(3)10 USC platoon under (b)(6), (b)(3)10 USC moved to secure route and LZ for MEDEVAC. All elements moved to the ACP location approximately 250 meters away. (b)(2)High was the nearest viable PZ, approximately 350 meters from point of injury. The element carrying SGT Nelson stopped twice prior to reaching the ACP location. At the second stop (still in heavy undergrowth), it was determined SGT Nelson had stopped breathing. (b)(6), (b)(3)10 USC applied several techniques to open the airway. His earlier successful attempts no longer worked, noted by an inability to get SGT Nelson's chest to rise. I checked SGT Nelson's pulse and detected none. (b)(6), (b)(3)10 USC also checked with no response. I assess SGT Nelson succumbed to his wounds and died during the second stop enroute to the extraction PZ. The element was met shortly thereafter by (b)(6), (b)(3)10 USC and additional security that assisted in getting SGT Nelson to the extraction PZ. Medevac AC successfully landed and extracted SGT Nelson O/A 1036. All elements conducted consol/reorg procedures. (b)(2)High directed (b)(2)High to initiate 15-6. SGT Nelson's equipment / weapon were isolated. All Troopers involved have provided initial statements and will be available for questions upon return from mission.

DERIVED FROM: (b)(1)1.4a, (b)(2)High  
DECLASSIFY ON: (b)(6), (b)(3)10 USC 130b

CLASSIFICATION: (b)(6), (b)(3)10 USC 130b  
CAVEATS: (b)(6), (b)(3)10 USC 130b  
TERMS: NONE

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 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION (b)(1)1.4a, (b)(2)High	2. DATE (YYYYMMDD) 2007/08/29	3. TIME 2245(Local)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3)10 USC 130b	6. SSN (b)(1)1.4a, (b)(2)High	7. GRADE/STATUS	

(u) (b)(6), (b)(3)10 USC 130b, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(u) Within hours of setting up our patrol base during a combat operation we were attacked from the south by small arms fire. We immediately sent out a patrol to bound forward and flush the enemy out in the open. While bounding our patrol came across eight armed Iraqi bodies. I was pulling security while other members of our patrol were taking pictures of the bodies and others were searching the immediate area. I had heard some voices which sounded to be Arabic coming from the North about 200 meters and so I reported to my squad leader Sgt. Nelson. Sgt Nelson immediately took action and had our whole patrol on line and ready to eliminate the threat. Sgt Nelson was to my right about 5 meters and the SCO to my left also about 5 meters taking cover and listening for the possible enemy 200 meters out. Sgt Nelson hand signalled to me that he could see two figures walking toward us about 25 meters ahead. Sgt Nelson made the decision to creep closer and had signalled to his right and left to move forward as quietly as possible. We moved 5 meters up and took a knee. I could see the two MAMs still ahead behind some bushes but they had stopped moving. The MAMs were roughly 15 meters in front of us but we could not see very well due to the thickness of the brush. We couldn't see if they were armed enemy Iraqis or friendlies directly in front of us. Sgt Nelson looked at me when two or three shots soared through the bushes and Sgt Nelson collapsed to the ground. Smoke was coming from his body and their were some more shots exchanged from our patrol in the direction of the MAMs we spotted. I yelled at the top of my lungs "Medic", and he immediately ran forward to Sgt. Nelson taking cover behind a small tree next to him. About the same time I heard Friendlies call out and I lowered my weapon and began to inspect Sgt Nelson as he laid their looking at me. A few seconds later our medic was beside me and we began to take his body armor off. I spotted two wounds one in the center of his neck and the other in his upper right chest. The other medic from the friendly patrol that we took gun fire from, was their within seconds to help Sgt. Nelson also. I held Sgt Nelson's head and told him that every thing was going to be okay and that it wasn't that bad. I continued to hold his head as the two medics checked for an exit wound. Sgt Nelson couldn't talk very well but he kept saying "it hurts, it hurts". Sgt. Nelsons last words were "I help me Doc". We placed gauze on his wounds and plastic wrap around his chest keeping his arms to his side. Sgt. Nelson had trouble breathing and eventually stopped. The medics were able to get him breathing again. He stopped breathing and was resuscitated about 3-4 times as the medics performed First Aid. We placed him on the litter and as four men carried him I was pumping his lungs. I pump every 5 seconds. this continued until we got about half way to the Medivac site. We had problems because Sgt Nelsons lungs were filled with blood. I was still talking to Sgt Nelson telling him that it wasn't that bad and to hang in their, everything was going to be fine. This is when I noticed his head had turned purple and we continued to make our way to the chopper. I believe the medics did everything in their power to keep him alive and breathing. They knew exactly what to do and never hesitated the entire time I was with them.

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



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

Derived from: [Redacted]  
 Dated: [Redacted]  
 Declassify on: [Redacted]

STATEMENT OF (b)(6), (b)(3)10 USC 130b TAKEN AT 2245 DATED 2007/08/31

9. STATEMENT (Continued)

[Redacted statement content]

(b)(6), (b)(3)10 USC 130b AFFIDAVIT

I, (b)(6), (b)(3)10 USC 130b, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INFLUENCE.

(b)(6), (b)(3)10 USC 130b

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of Sept 07 at (b)(6), (b)(3)10 USC 130b

(b)(6), (b)(3)10 USC 130b

(Type Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)10 USC 130b PAGE 2 OF 2 PAGES

Derived from: DA FORM 2823 Dated: Declassify on:

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 (SSA).
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 (b)(1)1.4a, (b)(2)High
2. DATE (YYYYMMDD) 2007/08/31
3. TIME (b)(6) 2304
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), 5 USC b(3)(10 USC 130b)
6. SSN
7. ORGANIZATION OR ADDRESS (b)(2)High, (b)(1)1.4a
8. GRADE (b)(6), 5 USC b(3)(10 USC)Tj 0-8 Td (130b)

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

29 August 2007, I was pulling security near an AQIZ bed down site in a fighting position west of Building (b)(1)1.4a, facing south west. At approximately 1030 (b)(6), 5 and I heard branches cracking so we faced the direction of the sounds. Earlier that day we had been taking fire in the same area of operation and were told that a fifty man element was massing to attack US soldiers. We were prepared for an attack. At no time were we ever notified that friendly elements were patrolling in our battle space. For several minutes we continued to hear rustling in the brush approximately fifty meters away. I then saw a silhouette creeping towards our position so I tried to look through my ACXI to get PID on the individual but was unable to do so to the thick foliage. Shots were then directed towards me so I returned fire. After I shot off four rounds, (b)(6), 5 yelled, "friendly!" so I ducked down and started to yell "friendly!" until the firing ceased. When the shooting stopped I heard shouts for medic so I ran to provide medical treatment for SGT Nelson until the MEDVAC came and took over treatment.

NOTHING ELSE FOLLOWS

10. EXHIBIT
11. INITIALS (b)(6) IN MAKING STATEMENT
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 INDICATED.

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

STATEMENT OF (b)(6), 5 USC b(3)(10) Tj 0 -8 Td (USC 130b) TAKEN AT 2304 (b)(6) DATED 2007/08/31 (b)(6)

9. STATEMENT (Continued)

NOT H

(b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(6)