

## TABLE OF CONTENTS

- TAB A- Document: Memorandum for MNC-I FOIA Management Office  
Date: 25 October 2006  
Subject: Documents in response to Steele FOIA request  
Pages: 1
- TAB B- Document: E-Mail from Maffey, Thomas BG 4ID ADCM  
Date: 13 June 2006  
Subject: {S} 15-6  
Pages: 4
- TAB C- Document: Total Detainee and KIA Slide (1 page)  
Date: N/A  
Subject: N/A  
Pages: 1
- TAB D- Document: Operation Iron Triangle Update Slide, OSJA MNC-I  
Date: 6 July 2006  
Subject: Operation Iron Triangle  
Pages: 13
- TAB E- Document: AO Cheetah: SIGACTS FOR May 9-11 MAY 06 Slide  
Date: May 9-11 2006  
Subject: AO Cheetah  
Pages: 1
- TAB F- Document: Memorandum for Commander, 3<sup>rd</sup> Brigade Combat  
Team, 101<sup>st</sup> Airborne Division (Air Assault)  
Date: 13 June 2006  
Subject: Legal Review of AR 15-6 Investigation  
Pages: 1
- TAB G- Document: Memorandum for COL (b)(3), (b)(6) Headquarters,  
3rd Brigade Combat Team, 101<sup>st</sup> Airborne Division  
Date: dated 19 July 2006  
Subject: Request for Information Under the Freedom of Information Act  
Pages: 1

TAB H- Document: Memorandum thru Commander, Multi-National Force-Iraq, ATTN: Knowledge Management Section (FOIA Management Officer)

Date: 19 July 2006

Subject: FOIA Request by COL (b)(3), (b)(6)

Pages: 1

TAB I- Document: Page from AR 600-20

Date: 1 February 2006

Subject: Army Regulation

Pages: 1

TAB J- Document: Handwritten note to CG

Date: 16 July 2006

Subject: Relief of BDE CDR

Pages: 2

TAB K- Document: MEMORANDUM FOR SEE DISTRIBUTION

Date: 29 January 2006

Subject: Relief for Cause Pursuant to AR 600-20

Pages: 2

TAB L- Document: Talking Points Report

Date: N/A

Subject: Talking Points

Pages; 4

TAB M- Document: E-Mail from (b)(3), (b)(6) LTC MNC-I SJA  
TDS Regional Defense Counsel

Date: 14 August 2006

Subject: {U} COL (b)(3), (b)(6)

Pages: 2

TAB N- Document: Roll-up of Incidents Involving 3 BCT 101<sup>st</sup> Airborne  
Division (AA), OSJA, MNC-I

Subject: Roll-up of Incidents

Date: 14 June 2006

Pages: 13

TAB O- Document: E-mail from Chiarelli, Peter W LTG MNC-I CG  
Date: 8 August 2006  
Subject: {SECRET} 101 15-6 preliminary findings  
Pages: 2

TAB P- Document: E-mail from [REDACTED] COL MNC-I SJA Staff  
Judge Advocate  
Date: 26 May 2006  
Subject: {U} FW: Iron Triangle allegations  
Pages: 3

TAB Q- Document: Memorandum for COL [REDACTED] 3d Brigade  
Combat Team, 101<sup>st</sup> Airborne Division (AA)  
Date: N/A  
Subject: N/A  
Pages: 1

TAB R- Document: Memorandum for Commander, MNC-I  
Date: N/A  
Subject: Relief for Cause  
Pages: 1

TAB S- Document: 1 copy of Operation Iron Triangle Update Slide, OSJA, MNC-I  
Date: 6 July 2006  
Subject: Operation Iron Triangle  
Pages: 28

TAB T- Document: Email from COL [REDACTED] MNC-I Staff Judge Advocate  
Date: 20 July 2006  
Subject: {U} Iron Triangle/Thar Thar Update  
Pages: 4

TAB U- Document: Memorandum for Record  
Date: 29 August 2007  
Subject: COL [REDACTED] Classification Review  
Pages: 1

**TAB A**



**HEADQUARTERS  
OFFICE OF THE STAFF JUDGE ADVOCATE  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342**

FICI-JA-AL

25 October 2006

MEMORANDUM FOR MNC-I FOIA Management Office, Multi-National Corps-Iraq, APO AE 09342, ATTN: FOIA Management Officer

SUBJECT: Documents in response to (b)(3), (b)(6) FOIA request

1. Enclosed are un-redacted copies of the subject documents relating to the AR 15-6 Investigation titled "Operation Iron Triangle."
2. The enclosed documents are attorney work product and attorney-client correspondence and, as such, are exempt from release under FOIA Exemption 5, which exempts from release inter-agency documents which would not be available by law to a party in litigation with the agency. These documents need not be circulated for redaction.
3. Point of contact is the undersigned at (b)(6) @iraq.centcom.mil or at DSN (b)(6)

(b)(6)

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

Encl  
as

CPT, JA  
Administrative Law Attorney

**TAB B**

Document approved for release  
by U.S. Central Command  
See FOIA Case # 07-0148

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

LTC MNC-I OSJA Military Justice Chief

**From:** Maffey, Thomas BG 4ID ADCM [thomas.maffey@MND-B.army.smil.mil]  
**Sent:** Tuesday, June 13, 2006 12:53 PM  
**To:** (b)(3), (b)(6) LTC MNC-I OSJA Military Justice Chief  
**Subject:** FW: [S] 15-6 U  
**Categories:** ~~NOFORN, SECRET, REL TO USA MCFI~~ U  
**Attachments:** SE Lake Thar Thar Operations Roll-up.ppt  
**Classification Caveat:** ~~REL TO USA MCFI~~ U  
**Classification Classification:** ~~SECRET~~ U

**Classification:** ~~SECRET//REL TO USA MCFI~~ U

(b)(3), (b)(6) first set.

MAFFEY  
BG, USA  
Iron Horse 63  
VOIP (b)(6)  
Centrix VOIP (b)(6)  
DSN (b)(6)

STEADFAST AND LOYAL

**Classification:** ~~SECRET//REL TO USA MCFI~~ U

**From:** Turner, Thomas R. MG 101 AA MAIN CG [mailto:thomas.turner@DMAIN.D101.ARMY.SMIL.MIL]  
**Sent:** Tuesday, June 13, 2006 11:05  
**To:** Maffey, Thomas BG 4ID ADCM  
**Subject:** RE: [S] 15-6 U

Tom, See answers below. Hope this helps.  
AASLT  
Turner

**From:** Maffey, Thomas BG 4ID ADCM [mailto:thomas.maffey@MND-B.army.smil.mil]  
**Sent:** Sunday, June 11, 2006 8:20 PM  
**To:** Turner, Thomas R. MG 101 AA MAIN CG  
**Cc:** (b)(3), (b)(6) COL 101 AA MAIN COS  
**Subject:** [S] 15-6  
**Importance:** High

**Classification:** ~~SECRET//NOFORN~~ U

Sir, just got a call from MNC CofS, I have some follow up questions that I am asking of you and COL (b)(3), (b)(6). I understand you are heading out on leave soon, would appreciate it if you could respond prior to departure, if not I will adjust. SJA tells me that email responses are OK in support of this.

The questions under Division are those that I request your response to, the Brigade questions are for COL (b)(3), (b)(6) Vr Tom

Division

6/14/2006

1

- What was your understanding of the intent of Operation Iron Triangle?

PURPOSE: The purpose of this operation was to kill/capture AQIZ/FF reportedly using the Muthana Chemical Compound as a base of operations to conduct attacks against CF. This is the purpose statement laid out in the Bn Cdr's OPLAN and as I understood it after the backbrief.

- Were you aware the OSC considered the target to be a known terrorist facility occupied by known terrorists?

I am aware that the BDE CDR and the BN CDR considered the target to be a terrorist facility. I was briefed on the intel the BCT had that led to that conclusion and I agreed with them. See attached for historical AQIZ contacts in the area.

- Were you aware that 3 BCT's ROE analysis determined that based on the status of the target, Soldiers could engage individuals who had not demonstrated a hostile act or hostile intent?

No, I was not aware of their specific analysis in this case. I did understand, however, that MNC-I ROE provided the authority to initiate and /or continue combat engagement with declared hostile forces, including AQIZ.

- What was the justification for denial of the kinetic strike package (KSP)?

I denied pre assault fires because I was concerned about collateral damage. This site contains chemical shells. Although well documented as to location, I was not willing to risk an errant strike.

A formal CDE was requested and submitted to MNC, MNF and CENTCOM staff, along with the intelligence used to PID the terrorists and associated facilities. The answer returned, although I was not aware of it until yesterday, was that the CDE was 0 and that I had the authority to authorize the KSP.

- Was the reason for the KSP denial discussed in detail with the 3/101 Commander before the mission?

There were two requests for the pre assault fires. The first involved several (3?) targets in and around the plant. I told Col (b)(3), (b)(6) the reasons for not authorizing that strike.

A couple days later, the night before the operation, I was told they were requesting pre assault fires on one specific target (OBJ Murray). That was outside the confines of the Mathana Compound. I denied this. I relayed this through my G3, however I did not talk to Col (b)(3), (b)(6) about it. I asked if the BDE had eyes on the target and if not why they couldn't use the AH64s that were a part of the AASLT Task Force to fire on the objective.

Has any Divisional unit conducted operations in the past where the target was "status based?" If so, how was PID established?

Certainly. This is the whole purpose of the Fusion Cells – to pass actionable intel folders off to units to conduct raids to kill or capture individuals based on their status as a declared hostile

force under the ROE. When the TF is unable to action the target, the target is passed to the battlespace owner to action.

PID is established any number of ways: voice recognition, voice mapping, call chaining, GMTI backtracking, informants, photos, etc.

(b)(1)1.4g

## Brigade

- What reason(s) did Division provide for denial of your KSP?
- Did those factors affect your ROE analysis?
- What was the source code for the HUMINT source who provided PID for the structures on the OBJ?
- Are you aware that PID must be verified by the authorizing commander prior to engaging a target to ensure conditions have not changed? If so, what was your plan to ensure that took place?
- Did you have ISR assets watching the OBJ between the time the HUMINT source did his fly-over and H-Hour?
- Describe the process used to PID individuals (not structures) on OBJ Murray As AQI/FF.
- Given the complexity of the ROE analysis, what was your plan to ensure it was understood at the user level? By both ground and air assets?
- Did you expect any non-combatants to be present on the OBJ? If yes, what were soldiers instructed to do with them?
- What was your abort criteria for the mission? What if there were numerous noncombatants on the OBs Vice MAMs?
- Was ROE briefed by the CJA during the CAR or prior to the mission?
- Why do you think a significant number of Soldiers believed they had been directed by the Brigade Commander to kill every MAM on OBJ Murray?

MAFFEY

BG, USA

Iron Horse 63

VOIP (b)(6)

Centrix VOIP (b)(6)

DSN (b)(6)

**STEADFAST AND LOYAL****Classification: ~~SECRET//NOFORN~~ U**

**TAB C**

Page 12 redacted for the following reason:

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(b)(2)High

**TAB D**

# Operation Iron Triangle Update

9/15/07



OSJA  
MNC-I  
6 July 2006

(b)(3), (b)(6) FOR HIS STATEMENT ON WHY THESE SHOULD NOT BE HELD ACCOUNTABLE FOR THE COMMAND CLIMATE

(b)(3), (b)(6) FOR HIS PLAN FOR HANDLING

- ① LET CID FINISH THEIR INVESTIGATION.
- ② WHAT ARE YOU GOING TO DO ABOUT THE SOLDIERS IMPULSED?

1 BN CDR  
2 BN XO

- ③ CPT
- ④ 1SG
- ⑤ PLT
- ⑥ 1LT

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

- ④ TURN OVER ALL 3 BOT INVESTIGATIONS TO CID.

- ③ ~~WHAT~~ Pull 2 CO off of the line

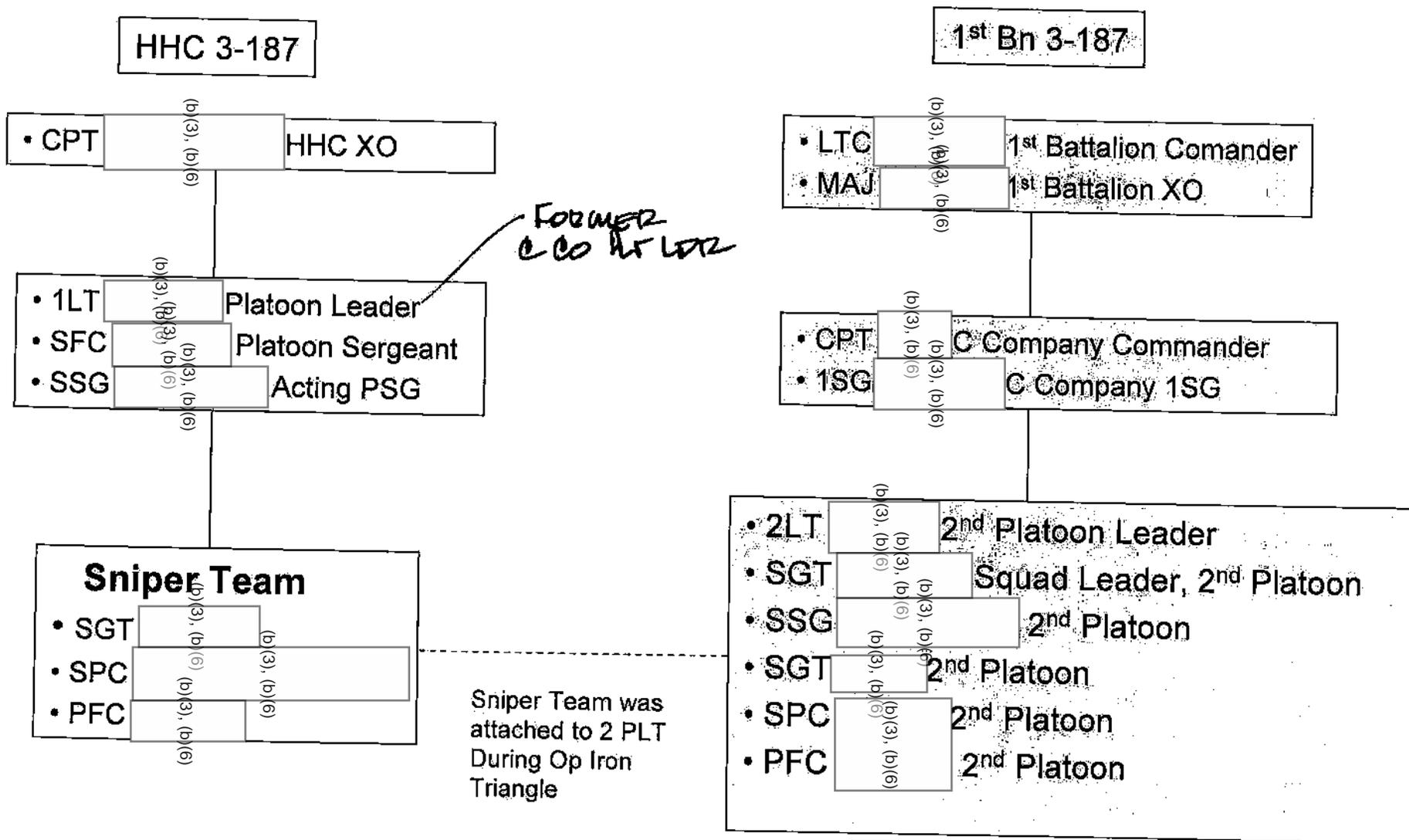
# BLUF

- New allegations have surfaced regarding possible crimes/LOAC violations committed by C Company, 1<sup>st</sup> Battalion, 3-187 BCT, 101<sup>st</sup> Airborne Division.
- Incidents are alleged to have taken place on 9 May 2006 during Operation Iron Triangle (Thar-Thar Canal).
- Allegations include:
  - Killing of an unarmed Iraqi man who posed no threat to Soldiers.
  - Illegal orders issued by a Commissioned officer to kill noncombatants.
  - Wounding of at least ~~two~~ <sup>THREE</sup> noncombatants due to indiscriminate fire.
  - Possible collusion during preparation of sworn statements regarding the operation.
  - Failure to report or investigate possible crimes/LOAC violations by the unit chain of command.
- Additional information has also surfaced that, if proven, tends to support previous allegations regarding command climate in C Company and in 3-187 BCT.

# Background

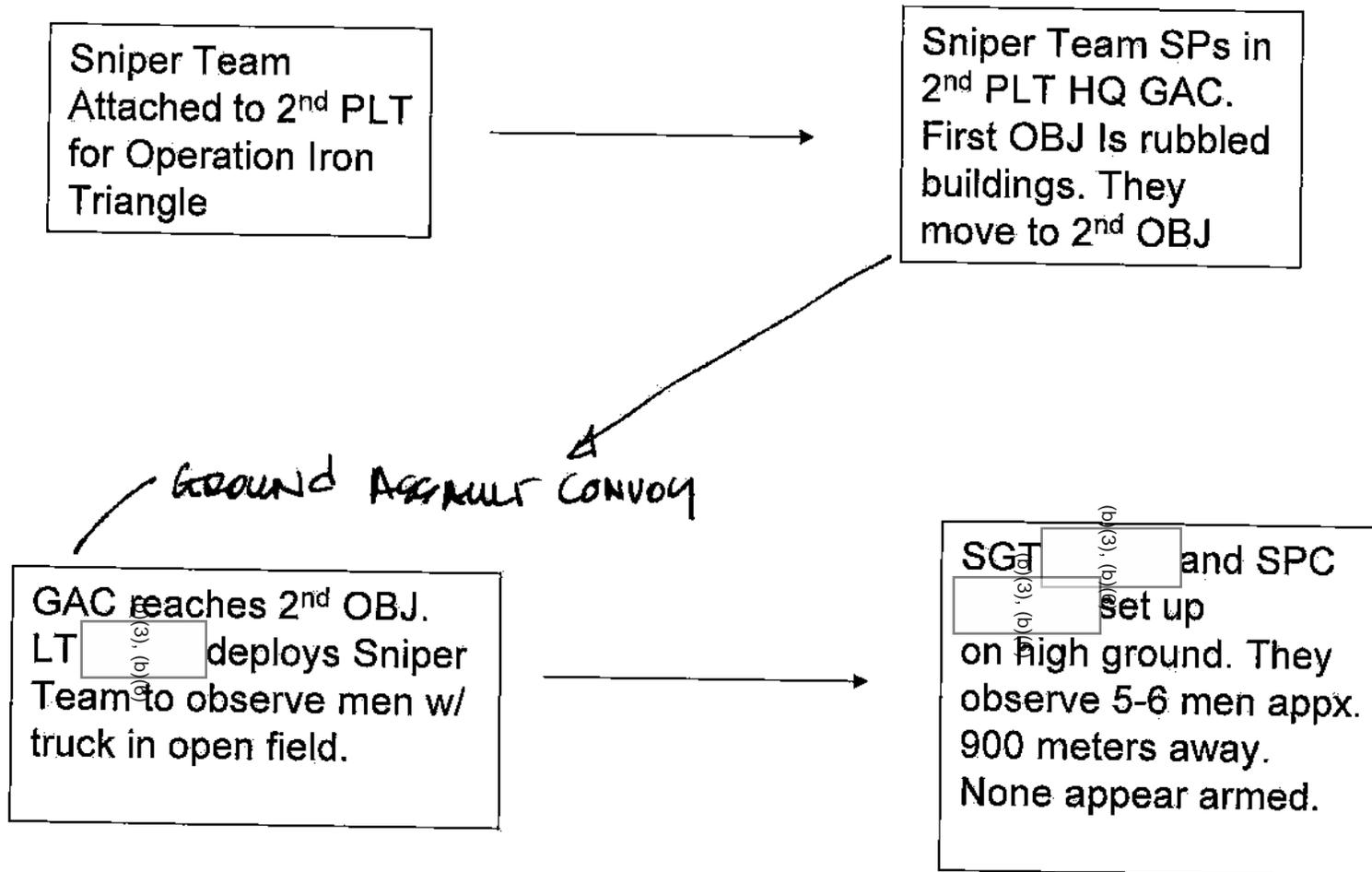
- In addition to the allegation outline on the previous slide, Soldiers from C Company, 1<sup>st</sup> Battalion, 3-187 BCT have been involved in the following incidents during their tenure in Iraq:
  - Allegedly strapping enemy KIA to the hood of a HUMVEE and driving through the city of Samara (o/a 15 February 2006)
  - Alleged murder of detainees during Operation Iron Triangle (9 May 06).
  - Kill/Capture mission in Samara where suspected AQIZ operative was engaged with small arms fire through the window killing him and his 7 year-old daughter (22 May 06).
  - Killing of a pregnant female in an EOF incident (30 May 06).
- During the AR 15-6 Investigation of Operation Iron Triangle, the IO highlighted a number of factors that point to significant issues related to misapplication of the ROE and an unacceptable command climate in this Company and in the Brigade as whole.
- Slides with quotes from Soldiers on these issues are at the conclusion<sub>3</sub> of this brief.

# Personnel Involved



# Key Event Timeline – 9 May 06

(1 of 6)



# Key Event Timeline – 9 May 06

(2 of 6)

SGT [redacted] reports this to LT [redacted]. He tells [redacted] "Roger, engage." [redacted] and [redacted] fire several shots short and long (on purpose).

The men near the truck lay down. LT [redacted] goes there by vehicle and detains the men.

SGT [redacted] stays at 2<sup>nd</sup> OBJ. LT [redacted] and his element (incl. SPC [redacted] and PFC [redacted]) move to 3<sup>rd</sup> OBJ (Gas Station Complex).

GAC reaches the Gas Station Complex. An "informant" has told them there are AQ in the station and the buildings nearby. Informant is one of the people they have recently detained.



# Key Event Timeline – 9 May 06

(3 of 6)

SPC [redacted] PFC [redacted]  
SGT [redacted] and other 2  
PLT Soldiers dismount.  
They observe an Iraqi  
man sitting on the curb.  
He is unarmed. They  
report this to LT [redacted]

LT [redacted] tells them over  
the radio: "Kill him. Kill that  
guy right there!" The  
Soldiers do not comply with  
the order because the man  
is not a threat. They detain  
him instead.

The dismounted Soldiers  
proceed inside the gas  
station. There are 5-6 Iraqi  
men standing around  
talking and working. They  
pose no threat to CF. LT  
[redacted] tells the dismounts:  
"Kill them all."

The dismounted Soldiers do  
not comply with LT [redacted]  
order. They order the men  
to lay down—they comply  
without any resistance. All  
are detained without  
incident

# Key Event Timeline – 9 May 06

(4 of 6)

The dismounted Soldiers hear *outgoing* fire outside near the GAC vehicles. They exit the gas station and see 2 PLT members at a wall firing into the market and building area across the street.

SGT [redacted] reaches the wall. He observes the market area and does not see any enemy. He tells LT [redacted] "if there are kids over there I am going to kick somebody's ass." LT [redacted] replies "Fuck them. They're all collateral damage."

During the firing a semi-truck with a tanker moves parallel to the line of fire. The truck stops and its driver exits. He raises his hands and lays down in front of the truck.

SGT [redacted] calls cease fire. SPC [redacted] is still observing the man in the street laying in front of his truck. Fire starts again. SPC [redacted] hears M4s and a SAW fire on the man. He sees the rounds strike the man's body.

# Key Event Timeline – 9 May 06

(5 of 6)

SPC [redacted] and PFC [redacted] go back to the gas station to finish clearing it. They find nothing. [redacted] and [redacted] are sent to sweep the area near the semi-truck. They roll the man in the street over and see he is dead. They notice another LN male is in the truck with a head wound

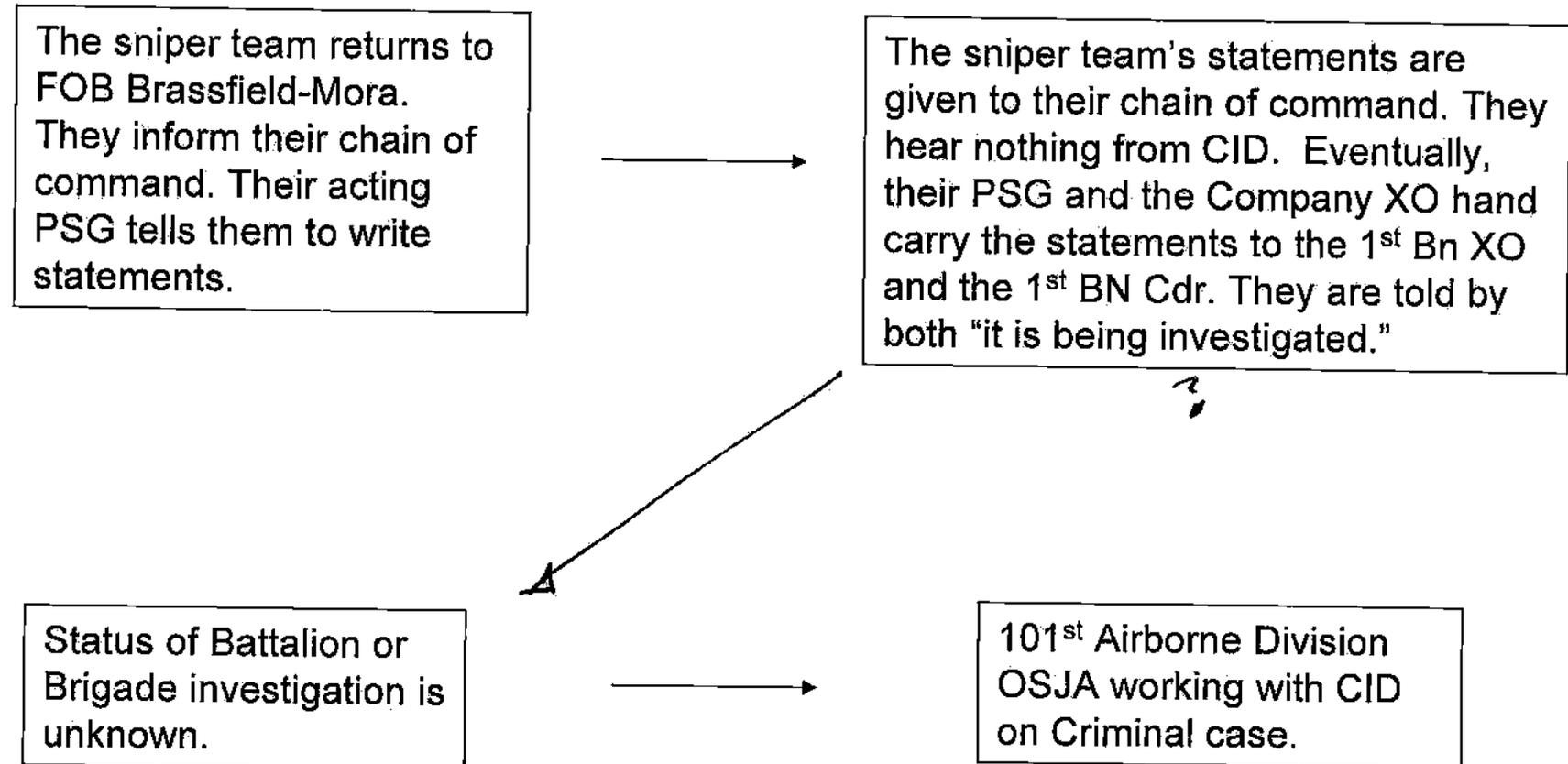
When they return to the gas station, SPC [redacted] and PFC [redacted] see two Iraqi males 50-60 years-old who are wounded. All of the wounded LNs are eventually medivaced by air.

The Soldiers all return to FOB Ramagen after the Op. During the AAR, there is a heated discussion about the Op and fire discipline.

The 2<sup>nd</sup> PLT Soldiers gather to write sworn statements. The sniper team offers to provide sworn statements, but they are never asked to do so.

# Key Event Timeline – 9 May 06

(6 of 6)



# ROE Quotes

(1 of 3)

- SGT [REDACTED] HHC 3-187 IN, an attached sniper giving his opinion of OIT, "it got out of control. Part of it was ROE. ***I think the ROE should have been more specific.*** We were briefed that all middle-aged males on the island were hostile and to shoot to kill."
- SFC [REDACTED] HHC 3-187 IN, reported, "Charlie Company has a kill chart in their Command Post. I heard [1SG] [REDACTED] ask one of the platoons what was up and why didn't they have as many kills as the other platoon. ... ***I think they use the ROE as a means to kill people.***"
- SGT [REDACTED] HHC 3-187 IN, "I feel that most of [Charlie] company has been brainwashed throughout the deployment to kill more whenever possible ... ***their ROE has suggested killing locals who don't appear to be a real threat*** such as killing locals who are unarmed but might leave the general area."

# ROE Quotes

(2 of 3)

- SPC [REDACTED] HHC 3-187 IN, an attached sniper describing approaching a gas station during OIT, "I heard 1LT [REDACTED] voice and he said, 'That guy, kill that guy right there!' Since this man was not a threat, he was not engaged." Entering the gas station [REDACTED] saw five or six males and heard 1LT [REDACTED] say, "Kill them, kill them all" or "Kill them, kill everyone in there." The men were instructed to raise their hands, and lie face down and all willingly complied. Later, a man was killed. As [REDACTED] described it, "This man, as it had appeared to me, lay down in front of his vehicle, to show as clearly as possible, that he was not a threat. ... I witnessed the rounds as they splash in front, into, and beyond the body. ... ***I felt that we had initiated fire and that the man in front of the vehicle was murdered.*** ... This objective was suppose to be hostile and the ROE that was given by [REDACTED] or [REDACTED] All military aged males were to be killed. ***This guy did not have a weapon and he was not posing a threat. He was getting out of a vehicle that had been shot up and in doing so he was shot while lying on the ground.*** I am not sure if he was shot prior to but he was shot after he was face down on the ground. ***Based on the ROE they could have killed him. But morally it was wrong.***"

# ROE Quotes

(3 of 3)

• SSG [redacted] HHC 3-187 IN, "***I am disgusted with the battalion.*** The lack of integrity of the senior command group. PFC's in the battalion would make jokes about Charlie Company is the kill company and the senior officers pretend to have no idea about what is going on."

• PFC [redacted] HHC 3-187 IN, a sniper attached to Charlie Company for OIT stated, "Due to what was thought to be a very hot area the roe was, to my knowledge, that ***if any person was identified as an insurgent by two sources that he could be engaged.***" During the operation SGT [redacted] asked LT [redacted] "***what the hell we were shooting at*** and saying that if there were kids hit over there that he was going to kick someone's ass. Lt [redacted] response to that was 'fuck that- ***it's all collateral damage.***" PFC [redacted] stated, "I know this is a war ... but there is a difference between being aggressive and causing harm to people who were not posing a threat. ... ***I felt his [1LT [redacted] orders to kill the man were morally wrong and against a U.S. soldier's values.***"

# **T A B L E**

Page 28 redacted for the following reason:

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(b)(2)High

**TAB F**

Page 30 redacted for the following reason:

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(b)(3), (b)(6), (b)(5) Attorney Work Product

**TAB G**



REPLY TO  
ATTENTION OF

**HEADQUARTERS  
OFFICE OF THE STAFF JUDGE ADVOCATE  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342**

FICI-JA-AL

19 July 2006

MEMORANDUM FOR COL (b)(3), (b)(6) Headquarters, 3<sup>rd</sup> Brigade Combat Team, 101<sup>st</sup> Airborne Division, FOB Speicher, Iraq, APO AE 09349

SUBJECT: Request for Information Under the Freedom of Information Act

1. References:

a. Memorandum, Headquarters, 3<sup>rd</sup> Brigade Combat Team, 101<sup>st</sup> Airborne Division, FOB Speicher, Iraq ATTN: AFZB-KC (Col (b)(3), (b)(6)) 19 July 2006, subject: sab.

b. Annex K to MNF-I memorandum 11-1 (Freedom of Information Act Inquiries), 25 May 2006.

2. Your memorandum (reference a) requesting materials under the Freedom of Information Act (FOIA) was received by this office on 18 July 2006. IAW reference b, your request has been forwarded to the FOIA Manager at United States Central Command (CENTCOM) for review and processing.

3. Paragraph K.1b of reference b provides that: "...if MNF-I or any major subordinate command receives a direct request for FOIA, they are redirected to the CENTCOM FOIA office." As a major subordinate command of MNF-I, this headquarters does not have the authority to release information pursuant to FOIA without proper authorization by both CENTCOM and MNF-I.

4. POC at the CENTCOM FOIA office is MSgt (b)(6), (b)(3) at commercial (b)(6) or via email at (b)(6),(b)(3)@centcom.smil.mil. POC for this memorandum is the undersigned at (b)(6)@iraq.centcom.mil or at DSN (b)(6)

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

CPT, JA  
Operational Law Attorney

**TAB H**



REPLY TO  
ATTENTION OF

**HEADQUARTERS  
OFFICE OF THE STAFF JUDGE ADVOCATE  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342**

FICI-JA-AL

19 July 2006

MEMORANDUM THRU Commander, Multi-National Force-Iraq, ATTN: Knowledge Management Section (FOIA Management Officer), Camp Victory, Iraq, APO AE 09316

FOR Commander, United States Central Command, ATTN: Freedom of Information Act (FOIA) Manager, MacDill AFB, Tampa, FL 33621

SUBJECT: FOIA Request by COL [redacted] (b)(3), (b)(6)

1. References:

a. Memorandum, Headquarters, 3<sup>rd</sup> Brigade Combat Team, 101<sup>st</sup> Airborne Division, FOB Speicher, ATTN: AFZB-KC (Col Steele), 19 July 2006, subject: Request for Release of Materials Under Freedom of Information Act.

b. Annex K to MNF-I memorandum 11-1 (Freedom of Information Act Inquiries), 25 May 2006.

2. This office received a FOIA request from Colonel [redacted] (b)(3), (b)(6) (reference a) on 18 July 2006. IAW reference b, this request has been forwarded to you for review and processing.

3. Colonel [redacted] (b)(3), (b)(6) request has been forwarded to you pursuant to paragraph K.1b of reference b which provides that: "...if MNF-I or any major subordinate command receives a direct request for FOIA, they are redirected to the CENTCOM FOIA office." As a major subordinate command of MNF-I, this headquarters does not have the authority to release information pursuant to FOIA without proper authorization by both CENTCOM and MNF-I. Colonel [redacted] (b)(3), (b)(6) has been contacted by this headquarters regarding the status of his request.

3. Point of contact is the undersigned at [redacted] (b)(6), (b)(3) @iraq.centcom.mil or at DSN [redacted] (b)(6)

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

Encl  
as

CPT, JA  
Operational Law Attorney

# TAB I

so detailed. However, an inspector general is not precluded from assuming temporary command of an organization if he or she—

- (1) Is the next senior regularly assigned Army officer of the organization.
- (2) Is not otherwise ineligible.
- (3) Has been relieved from detail as an inspector general during the period of temporary command.

*i. Program executive officers.* With the exception of the CG, U.S. Army Corps of Engineers and the CG, U.S. Army Space and Missile Defense Command, an officer assigned as a program executive officer (PEO) will not assume command of troops, installations, or activities while so assigned. Requests for exceptions for general officers, other than those specified above, will be submitted to General Officer Management Office, Chief of Staff (DACS-GOM), 200 Army Pentagon, Washington, DC 20310-0200.

*j. Professors at the United States Military Academy.* Officers appointed as permanent professors at the United States Military Academy (USMA) exercise command only in the academic departments of USMA (Section 4334, Title 10, United States Code (10 USC 4334)).

## 2-17. Relief for cause

*a.* When a senior commander loses confidence in a subordinate commander's ability to command due to misconduct, poor judgment, the subordinate's inability to complete assigned duties, or for other similar reasons, the senior commander has the authority to relieve the subordinate commander. Relief is preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate or practical under the circumstances. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval by the first general officer (to include one frocked to the grade of brigadier general) in the chain of command of the officer being relieved is obtained. Any action purporting to finally relieve an officer from any command position prior to the required written approval will be considered for all purposes as a temporary suspension from assigned duties rather than a final relief from command for cause. If a general officer (to include one frocked to the grade of brigadier general) is the relieving official, no further approval of the relief action is required; however, AR 623-105 and AR 623-205 concerning administrative review of relief reports remain applicable.

*b.* If a relief for cause is contemplated on the basis of an informal investigation under AR 15-6, the referral and comment procedures of that regulation must be followed before initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending completion of the procedural safeguards contained in AR 15-6. Any action purporting to initiate or direct a relief for cause on the basis of an informal investigation under AR 15-6 taken prior to completion of the procedural safeguards of AR 15-6 will be considered for all purposes as a temporary suspension from assigned duties.

## 2-18. Noncommissioned officer support channel

*a.* The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and supervision from the command sergeant major to first sergeant and then to other NCOs and enlisted personnel of the units. Commanders will define responsibilities and authority of their NCOs to their staffs and subordinates. This NCO support channel will assist the chain of command in accomplishing the following—

- (1) Transmitting, instilling, and ensuring the efficacy of the professional Army ethic (see FM 22-100 for an explanation of the professional Army ethic).
- (2) Planning and conducting the day-to-day unit operations within prescribed policies and directives.
- (3) Training of enlisted Soldiers in their MOS as well as in the basic skills and attributes of a Soldier.
- (4) Supervising unit physical fitness training and ensuring that unit Soldiers comply with the weight and appearance standards of AR 600-9 and AR 670-1.
- (5) Teaching Soldiers the history of the Army, to include military customs, courtesies, and traditions.
- (6) Caring for individual Soldiers and their families both on and off duty.
- (7) Teaching Soldiers the mission of the unit and developing individual training programs to support the mission.
- (8) Accounting for and maintaining individual arms and equipment of enlisted Soldiers and unit equipment under their control.
- (9) Administering and monitoring the NCO professional development program, and other unit training programs.
- (10) Achieving and maintaining courage, candor, competence, commitment, and compassion.

*b.* Pam 611-21 and FM 7-22.7 contain specific information concerning the responsibilities, command functions, and scope of NCO duties.

(1) *Sergeant Major of the Army.* This is the senior sergeant major grade and designates the senior enlisted position of the Army. The sergeant major in this position serves as the senior enlisted adviser and consultant to the Chief of Staff, Army.

(2) *Command sergeant major.* This position title designates the senior NCO of the command at battalion or higher levels. He or she carries out policies and standards, and advises the commander on the performance, training,

**TAB J**

Pages 38 through 39 redacted for the following reasons:

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(b)(3), (b)(6), (b)(5) Attorney Work Product  
(b)(5) Attorney Work Product

**TAB K**



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

REPLY TO  
ATTENTION:

FICI-CG

JAN 29 2006  
---

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Relief for Cause Pursuant to AR 600-20

1. REFERENCES.

- a. Army Regulation 600-20, Army Command Policy, 13 May 2002.
- b. Memorandum, MNC-I, 29 Jan 06, subject: Withholding Authority to Dispose of Misconduct Involving Officers, Warrant Officers, and Senior Noncommissioned Officers in the Grade of E8 and Above.
- c. Army Regulation 15-6, Procedure for Investigating Officers and Boards of Officers, 30 September 1996.

2. APPLICABILITY. This policy applies to all units, personnel and activities under the general court-martial convening authority of the Commander, MNC-I.

3. POLICY.

a. I am withholding and re-designating the authority for relief for cause actions per paragraphs 3.b.(1) and (2). Commanders retain the authority to temporarily suspend subordinate commanders pending final action by the proper relief authority. Commanders should consider temporary suspension only after they have endeavored to correct the subordinate's behavior using positive leadership methods such as counseling and mentoring, or when the conduct is so egregious that such measures are inappropriate. Commanders will immediately notify me when temporarily suspending any subordinate commander enumerated in paragraphs 3.b.(1) and (2).

b. The final relief for cause authorities are:

(1) MNC-I Commander: battalion level commanders and above; and command sergeants-major.

(2) First General Officer in the Chain of Command: all other relief for cause actions for personnel in the grade of E8 and above.

FICI-CG

SUBJECT: Relief for Cause Pursuant to AR 600-20

c. Commanders must follow the due process requirements outlined in AR 15-6, paragraph 1-8c and AR 600-20, paragraph 2-17b, prior to submitting the request for relief to the appropriate approval authority.

d. This policy will remain in effect until superseded or rescinded.



PETER W. CHIARELLI  
Lieutenant General, USA  
Commanding

DISTRIBUTION:

A

# TAB L

Pages 44 through 47 redacted for the following reasons:

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(b)(3), (b)(5) Attorney Work Product, (b)(6)  
(b)(5) Attorney Work Product  
(b)(5) Attorney Work Product, (b)(3), (b)(6)

**TAB M**

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

**LTC MNC-I SJA Deputy Staff Judge Advocate**

**From:** (b)(6), (b)(3) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** Monday, August 14, 2006 7:41 AM  
**To:** (b)(6), (b)(3) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Subject:** FW: [U] CO (b)(3), (b)(6)  
**Categories:** UNCLASSIFIED, ~~FOR OFFICIAL USE ONLY~~ U  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~ U  
**Classification Classification:** UNCLASSIFIED

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~ U

These guys are out of control!!

V/R

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

**From:** (b)(6), (b)(3) [mailto:(b)(6)@us.army.mil]  
**Sent:** 14 August, 2006 12:00 AM  
**To:** (b)(6), (b)(3) LTC MNC-I SJA TDS Regional Defense Counsel  
**Cc:** (b)(6)@us.army.mil; (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Subject:** RE: [U] CO (b)(3), (b)(6)

Sir,

CO (b)(3), (b)(6) has been listed as a subject in CID Report of Investigation 0086-06-CID469-75547 for the following offenses:

Dereliction of Duty  
 Obstruction of Justice  
 False Official Statement

I respectfully request that your client arrange an appointment to come to the CID office for standard administrative processing (Fingerprinting and Photographing) pursuant to being listed as a subject in a CID report IAW CIDR 195-1, paragraph 5-13b. This will be conducted with all due consideration and respect commensurate with your client's rank and position.

Very respectfully,

CW3 (b)(6), (b)(3) US Army CID

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~ U

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**From:** (b)(6), (b)(3) LTC MNC-I SJA TDS Regional Defense Counsel [mailto:(b)(6)@iraq.centcom.mil]  
**Sent:** Sunday, July 16, 2006 5:08 PM  
**To:** (b)(6)@us.army.mil  
**Subject:** [U] CO (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~ U

**From:** (b)(6), (b)(3) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** 16 July, 2006 4:02 PM

9/27/2006

To: (b)(6), (b)(3) MP CID Units FSO/AOPS  
Cc: (b)(6) @us.army.mil; (b)(6)  
Subject: [U] RE: COL (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~ U

Will, thanks for the note.

Break

SA (b)(6), (b)(3) COL (b)(3), (b)(6) represented by counsel. Please contact me directly with any questions or concerns.  
Thanks.

V/R

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

LTC (b)(6), (b)(3)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office:  
(b)(6) Mobile  
(b)(6) @us.army.mil

Defending Those Who Defend America!

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**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~ U

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**TAB N**

# Roll-Up of Incidents Involving 3 BCT 101<sup>st</sup> Airborne Division (AA)



**OSJA  
MNC-I  
14 June 2006**

Pages 53 through 64 redacted for the following reasons:

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(b)(5) Attorney Work Product

# TAB 0

Pages 66 through 67 redacted for the following reasons:

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(b)(3), (b)(5) Attorney Work Product, (b)(6)

**TAB P**

Pages 69 through 70 redacted for the following reasons:

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(b)(3), (b)(5) Attorney Work Product, (b)(6)

Review of DoD Information for Public Release” apply.

**TAB Q**



REPLY TO  
ATTENTION OF

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

FICI-JA-AL

MEMORANDUM FOR COL (b)(3), (b)(6) 3d Brigade Combat Team, 101<sup>st</sup> Airborne  
Division (AA)

SUBJECT: Temporary Suspension from Command

1. You are temporarily suspended from command of the 3d Brigade Combat Team, 101<sup>st</sup> Airborne Division (AA) pursuant to AR 600-20, para 2-17a. I have lost confidence in your professionalism and ability to command this Brigade.
2. This suspension is based on your judgment and actions taken during Operation Iron Triangle as outlined in the AR 15-6 investigation performed by BG Maffey, 4ID, ADC(M). In accordance with AR 15-6 para, 1-8c(1)&(2), you are being provided the documents that were used as the basis for this suspension and will be relied upon by me to determine if I should take final action to relieve you.
3. You have seven days from the date you acknowledge receipt of this memorandum to provide matters on your behalf. Any responsive documents you wish to submit should be forwarded to me through the MNC-I Office of the Staff Judge Advocate.
4. Point of contact for this action is COL (b)(6), (b)(3) at (b)(6)

PETER W. CHIARELLI  
Lieutenant General, USA  
Commanding

**TAB R**

FICI-CG

MEMORANDUM FOR Commander, MNC-I, APO AE 09342

SUBJECT: Relief for Cause

1. \_\_\_\_\_ I understand that I have seven calendar days from the date of this acknowledgement of receipt to submit matters in my behalf concerning the subject issue.
2. \_\_\_\_\_ I understand that if I fail to submit matters within seven calendar days, a final decision may be made without any input from me.
3. \_\_\_\_\_ I (do) (do not) intend to make a statement in rebuttal or to submit matters on my behalf.

\_\_\_\_\_  
DATE

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

COL, IN  
Respondent

On \_\_\_\_\_, the above-named individual was served the attached AR 15-6 and temporary suspension memo.

\_\_\_\_\_  
(Signature of Serving Official)

PETER W. CHIARELLI  
LIEUTENANT GENERAL, USA  
COMMANDING

# TAB S

# Operation Iron Triangle Update



**OSJA  
MNC-I  
6 July 2006**

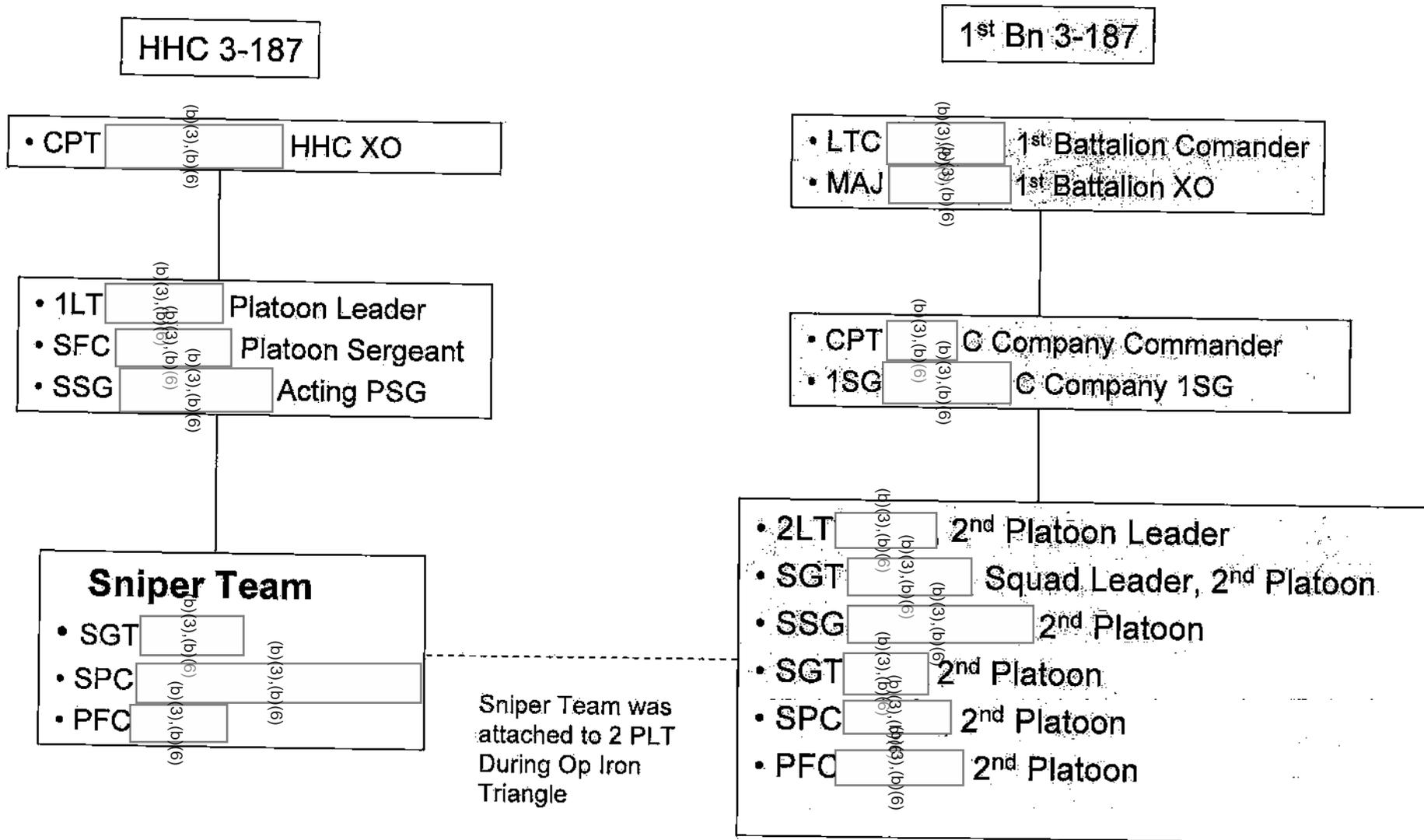
# BLUF

- New allegations have surfaced regarding possible crimes/LOAC violations committed by C Company, 1<sup>st</sup> Battalion, 3-187 BCT, 101<sup>st</sup> Airborne Division.
- Incidents are alleged to have taken place on 9 May 2006 during Operation Iron Triangle (Thar-Thar Canal).
- Allegations include:
  - Killing of an unarmed Iraqi man who posed no threat to Soldiers.
  - Illegal orders issued by a Commissioned officer to kill noncombatants.
  - Wounding of at least three noncombatants due to indiscriminate fire.
  - Possible collusion during preparation of sworn statements regarding the operation.
  - Failure to report or investigate possible crimes/LOAC violations by the unit chain of command.
- Additional information has also surfaced that, if proven, tends to support previous allegations regarding command climate in C Company and in 3-187 BCT.

# Background

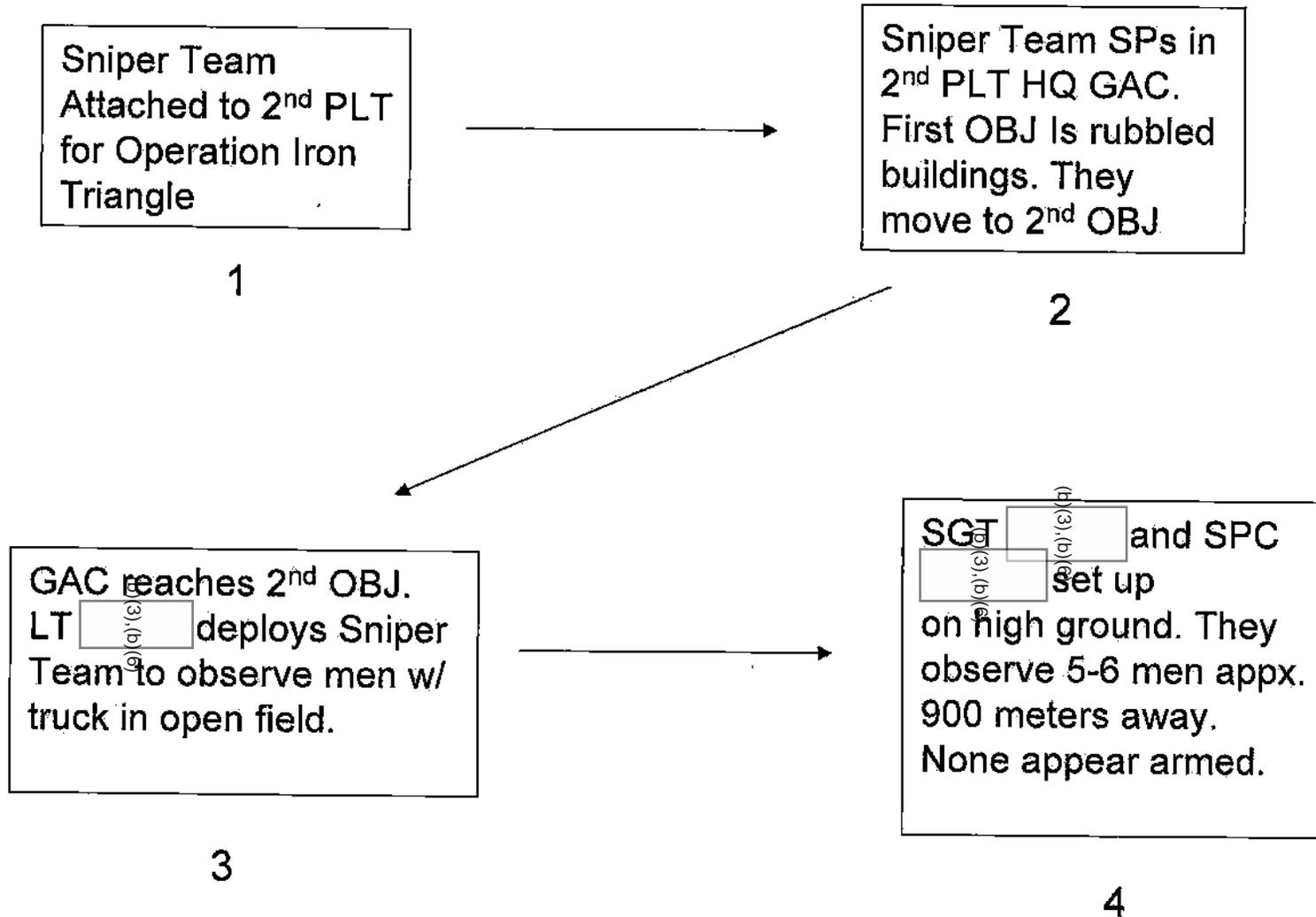
- In addition to the allegation outline on the previous slide, Soldiers from C Company, 1<sup>st</sup> Battalion, 3-187 BCT have been involved in the following incidents during their tenure in Iraq:
  - Allegedly strapping enemy KIA to the hood of a HUMVEE and driving through the city of Samara (o/a 15 February 2006)
  - Alleged murder of detainees during Operation Iron Triangle (9 May 06).
  - Kill/Capture mission in Samara where suspected AQIZ operative was engaged with small arms fire through the window killing him and his 7 year-old daughter (22 May 06).
  - Killing of a pregnant female in an EOF incident (30 May 06).
- During the AR 15-6 Investigation of Operation Iron Triangle, the IO highlighted a number of factors that point to significant issues related to misapplication of the ROE and an unacceptable command climate in this Company and in the Brigade as whole.
- Slides with quotes from Soldiers on these issues are at the conclusion<sub>3</sub> of this brief.

# Personnel Involved



# Key Event Timeline – 9 May 06

(1 of 6)



# Key Event Timeline – 9 May 06

(2 of 6)

SGT [redacted] reports this to LT [redacted]. He tells [redacted] "Roger, engage." [redacted] and [redacted] fire several shots short and long (on purpose).

5

The men near the truck lay down. LT [redacted] goes there by vehicle and detains the men.

6

SGT [redacted] stays at 2<sup>nd</sup> OBJ LT [redacted] and his element (incl. SPC [redacted] and PFC [redacted]) move to 3<sup>rd</sup> OBJ (Gas Station Complex).

7

GAC reaches the Gas Station Complex. An "informant" has told them there are AQ in the station and the buildings nearby. Informant is one of the people they have recently detained.

8

6

# Key Event Timeline – 9 May 06

(3 of 6)

SPC [redacted] PFC [redacted]  
SGT [redacted] and other 2  
PLT Soldiers dismount.  
They observe an Iraqi  
man sitting on the curb.  
He is unarmed. They  
report this to LT [redacted]

9

LT [redacted] tells them over  
the radio: "Kill him. Kill that  
guy right there!" The  
Soldiers do not comply with  
the order because the man  
is not a threat. They detain  
him instead.

10

The dismounted Soldiers  
proceed inside the gas  
station. There are 5-6 Iraqi  
men standing around  
talking and working. They  
pose no threat to CF. LT  
[redacted] tells the dismounts:  
"Kill them all."

11

The dismounted Soldiers do  
not comply with LT [redacted]  
order. They order the men  
to lay down—they comply  
without any resistance. All  
are detained without  
incident

12

7

# Key Event Timeline – 9 May 06

(4 of 6)

The dismounted Soldiers hear *outgoing* fire outside near the GAC vehicles. They exit the gas station and see 2 PLT members at a wall firing into the market and building area across the street.

13

SGT [redacted] reaches the wall. He observes the market area and does not see any enemy. He tells LT [redacted] "*if there are kids over there I am going to kick somebody's ass.*" LT [redacted] replies "*Fuck them. They're all collateral damage.*"

14

During the firing a semi-truck with a tanker moves parallel to the line of fire. The truck stops and its driver exits. He raises his hands and lays down in front of the truck.

15

SGT [redacted] calls cease fire. SPC [redacted] is still observing the man in the street laying in front of his truck. Fire starts again. SPC [redacted] hears M4s and a SAW fire on the man. He sees the rounds strike the man's body.

16

# Key Event Timeline – 9 May 06

(5 of 6)

SPC [redacted] and PFC [redacted] go back to the gas station to finish clearing it. They find nothing. [redacted] and [redacted] are sent to sweep the area near the semi-truck. They roll the man in the street over and see he is dead. They notice another LN male is in the truck with a head wound

17

When they return to the gas station, SPC [redacted] and PFC [redacted] see two Iraqi males 50-60 years-old who are wounded. All of the wounded LNs are eventually medivaced by air.

18

The Soldiers all return to FOB Ramagen after the Op. During the AAR, there is a heated discussion about the Op and fire discipline.

19

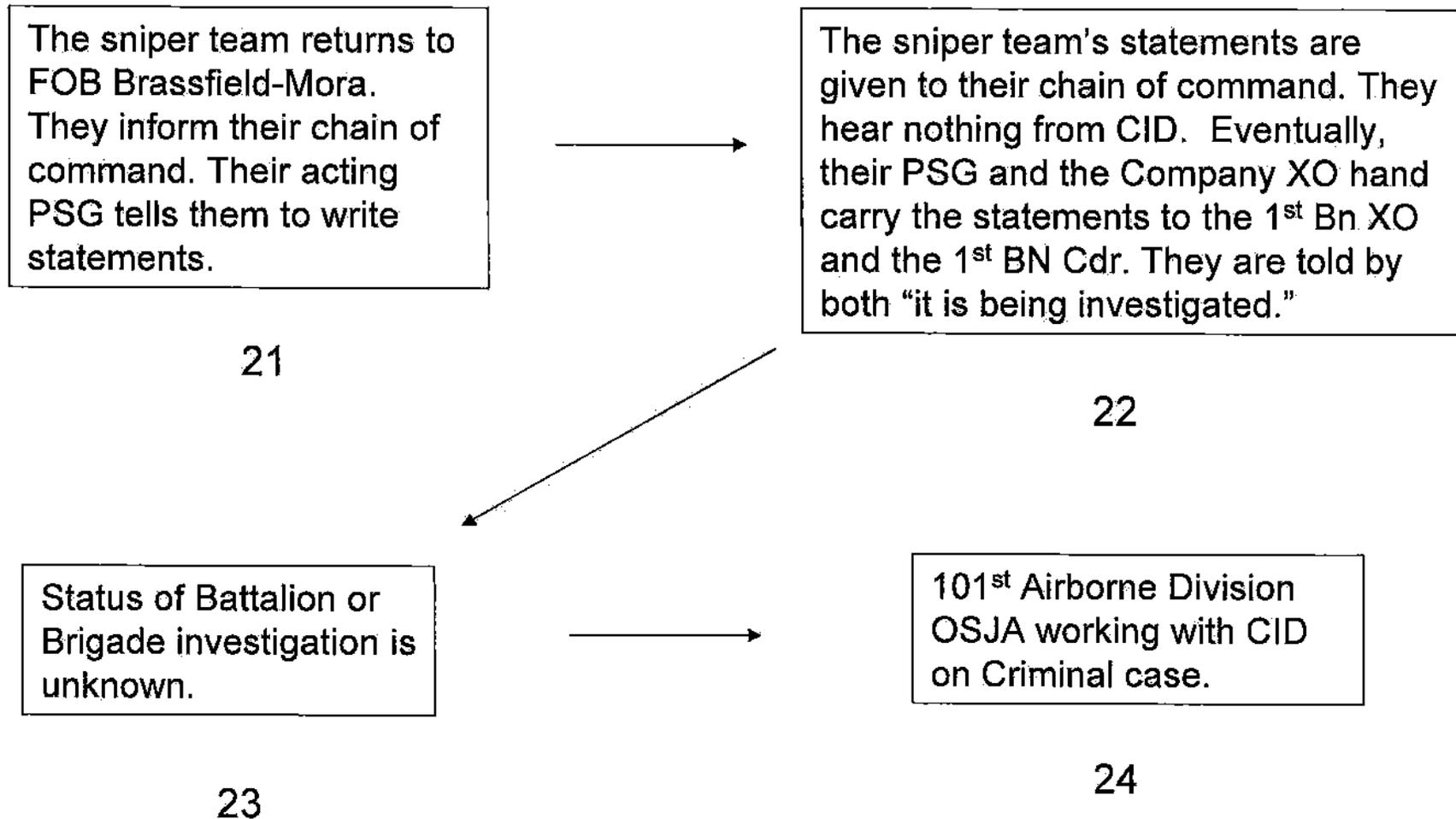
The 2<sup>nd</sup> PLT Soldiers gather to write sworn statements. The sniper team offers to provide sworn statements, but they are never asked to do so.

20

9

# Key Event Timeline – 9 May 06

(6 of 6)



# ROE Quotes

(1 of 3)

- **SGT** [REDACTED] HHC 3-187 IN, an attached sniper giving his opinion of OIT, “it got out of control. Part of it was ROE. ***I think the ROE should have been more specific.*** We were briefed that all middle-aged males on the island were hostile and to shoot to kill.”
- **SFC** [REDACTED] HHC 3-187 IN, reported, “Charlie Company has a kill chart in their Command Post. I heard [1SG] [REDACTED] ask one of the platoons what was up and why didn’t they have as many kills as the other platoon. ... ***I think they use the ROE as a means to kill people.***”
- **SGT** [REDACTED] HHC 3-187 IN, “I feel that most of [Charlie] company has been brainwashed throughout the deployment to kill more whenever possible ... ***their ROE has suggested killing locals who don’t appear to be a real threat*** such as killing locals who are unarmed but might leave the general area.”

11

# ROE Quotes

(2 of 3)

- **SPC** [redacted] HHC 3-187 IN, an attached sniper describing approaching a gas station during OIT, "I heard 1LT [redacted] voice and he said, 'That guy, kill that guy right there!' Since this man was not a threat, he was not engaged." Entering the gas station [redacted] saw five or six males and heard 1LT [redacted] say, "Kill them, kill them all" or "Kill them, kill everyone in there." The men were instructed to raise their hands, and lie face down and all willingly complied. Later, a man was killed. As [redacted] described it, "This man, as it had appeared to me, lay down in front of his vehicle, to show as clearly as possible, that he was not a threat. ... I witnessed the rounds as they splash in front, into, and beyond the body. ... ***I felt that we had initiated fire and that the man in front of the vehicle was murdered.*** ... This objective was suppose to be hostile and the ROE that was given by [redacted] or [redacted] All military aged males were to be killed. ***This guy did not have a weapon and he was not posing a threat. He was getting out of a vehicle that had been shot up and in doing so he was shot while lying on the ground.*** I am not sure if he was shot prior to but he was shot after he was face down on the ground. ***Based on the ROE they could have killed him. But morally it was wrong.***"

# ROE Quotes

(3 of 3)

• SSG [redacted] HHC 3-187 IN, "***I am disgusted with the battalion.*** The lack of integrity of the senior command group. PFC's in the battalion would make jokes about Charlie Company is the kill company and the senior officers pretend to have no idea about what is going on."

• PFC [redacted] HHC 3-187 IN, a sniper attached to Charlie Company for OIT stated, "Due to what was thought to be a very hot area the roe was, to my knowledge, that ***if any person was identified as an insurgent by two sources that he could be engaged.***" During the operation SGT [redacted] asked LT [redacted] "***what the hell we were shooting at*** and saying that if there were kids hit over there that he was going to kick someone's ass. Lt [redacted] response to that was 'fuck that- ***it's all collateral damage.***" PFC [redacted] stated, "I know this is a war ... but there is a difference between being aggressive and causing harm to people who were not posing a threat. ... ***I felt his [1LT [redacted]] orders to kill the man were morally wrong and against a U.S. soldier's values.***"

Page 90 redacted for the following reason:

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(b)(2)High

**TAB T**

Pages 92 through 93 redacted for the following reasons:

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(b)(3), (b)(6), (b)(5) Attorney Work Product

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(b)(3), (b)(5)Attorney Work Product, (b)(6)

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10/22/2006

“Clearance of DoD Information for Public Release”, and DoD Instruction 5230.29, “Security and Policy Review of DoD Information for Public Release” apply.

10/22/2006

**TAB U**



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

REPLY TO  
ATTENTION OF

FICI-C2

29 August 2007

MEMORANDUM FOR RECORD

SUBJECT: COI (b)(3), (b)(6) Classification Review

1. After a thorough review of the documents in the COI (b)(3), (b)(6) FOIA Request (Set 1), I have determined that portions of the following documents are properly classified in accordance with Executive Order 12958 and are therefore exempt from release under the Freedom of Information Act, 5 U.S.C. § 552(b)(1); E.O. 12958, as amended; and DoD 5400.7-R, paragraph C3.2.1.1:

a. On the, "Emails" (b)(3), (b)(6) Tab B), the emails are classified under E.O. 12958, § 1.4a. The information in the emails would reveal our tactics and procedures for certain operations.

2. I have also reviewed the emails found in "Tab O". This item is marked secret, however, it does not contain any classified information and is unclassified IAW the MNF-I SCG, 31 MAR 07.

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

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

(b)(3), (b)(6) CPT, CM  
MNC-I Security Manager