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Date: 29 October 2006

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Officer MNC-I

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Iraq

Date: 7 July 2006)

Subject: Response to MNC-I Concerns Re: COL [REDACTED] (b)(3), (b)(6)

Ability to Remain in Command Following Allegations of  
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Date: N/A

Subject: N/A

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Date: 9 July 2006

U Subject: ~~{SECRET}~~ {S} SIR- LOAC Violation by 3 BCT 101AA  
during OPERATION IRON TRIANGLE

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Date: 9 July 2006

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Date: 2 August 2006

Subject: {U} ABC World News Tonight-Article 32 hearing/Thar  
Thar

Pages: 2

TAB K- Document: Memorandum for Commander, Multi-National Corps-  
Iraq

Date: 7 July 2006

Subject: Response to MNC-I Concerns Re: COL [REDACTED] (b)(3), (b)(6)

Ability to Remain in Command Following Allegations of  
Subordinate Misconduct During Operation Iron Triangle

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# TAB A



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

FICI-JA-AL

29 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 reflective of internal deliberative process and, as such, are exempt from release under FOIA Exemption 2, which exempts from release records related solely to the internal agency practices.
3. Point of contact is the undersigned at (b)(6), (b)(3) @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

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Thursday, July 20, 2006 1:39 PM  
**To:** Chiarelli Peter W LTG MNC-I CG  
**Cc:** (b)(3), (b)(6) COL MNC-I SJA Staff Judge Advocate; (b)(3), (b)(6)  
 (b)(3), (b)(6) LTG MNC-I V CORPS PAO; (b)(6) GS-15 MNC-I CMD GRP  
 POLAD; (b)(3), (b)(6) COL MNC-I Deputy Chief of Staff  
**Subject:** [U] Iron Triangle investigations - AKA Thar Thar - word is out in the media  
**Categories:** UNCLASSIFIED, ~~LMDIS~~  
**Classification Caveat:** ~~LMDIS~~ U  
**Classification Classification:** UNCLASSIFIED

**Classification:** UNCLASSIFIED//~~LMDIS~~

Sir,

As we discussed in your office.

New developments on the "Iron Triangle" investigations. As per coordination with JAG, I will be referring to this case from now on as "Thar Thar" after the canal in the same area.

Word is starting to leak out on this. See the query from AP that came in this morning:

Good morning, sir. My name is (b)(6) and I am an AP reporter based in El Paso, Texas. I am writing to request a comment about the above referenced case as I am writing a story about the incident that is scheduled to move on the wire sometime Thursday afternoon, MST. Specifically, I am writing about the soldiers' claims that they were told prior to the May 9 assault on the island near the Muthana Chemical Complex that they were to "kill all military age males" in the area. I can be reached at this e-mail address or either of the below telephone numbers day or night. Thank you very much for your help with this request for comment.

As you can see, her information is pretty close. Additionally, the art. 32 on the four charged with killing the three detainees will have their Art. 32 hearing on 1 August. All four will go at once, so all the info on the case will come out then. Typically, these hearings are open to the media, as part of providing transparency to the military justice process.

I will discuss with MG Caldwell and am working with 101<sup>st</sup> to develop PAG on this, which will be reviewed by JAG before it goes out. In the meantime, our responses to questions on this will be that the investigation continues, and we don't want to talk about any details regarding it, as that could later prejudice the findings.

V/r,

**MAJ** (b)(3), (b)(6)  
 Deputy Public Affairs Officer  
 Multinational Corps-Iraq  
 Camp Victory, Baghdad  
 Office: DSN (b)(6) /From the U.S., (b)(6) then dial (b)(6) /  
 Iraqi Cell: (b)(6) /From the U.S., dial (b)(6) /

*NOTICE: This communication contains information intended for the addressees only, in the conduct of official business of the United States Government, and which may be exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552. If you received this communication in error, please do not print, copy, forward, disseminate, or otherwise use the information. Please immediately notify the sender and delete the copy received.*

10/22/2006

**Classification:** UNCLASSIFIED//~~LIMDIS~~

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10/22/2006

**From:** (b)(3), (b)(6) (b)(6) @us.army.mil]

**Sent:** Wednesday, August 02, 2006 8:00 PM

**To:** Chiarelli Peter W LTG MNC-I CG

**Subject:** RE: [U] ABC World News Tonight - Article 32 hearing/Thar Thar

Sir, Thank you. Suspect it could have come from multiple sources. We have sent a proposed press release to your PAO.

Air Assault

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

**From:** Chiarelli Peter W LTG MNC-I CG [mailto:(b)(6)@iraq.centcom.mil]

**Sent:** Wednesday, August 02, 2006 2:14 PM

**To:** (b)(6)@us.army.mil

**Cc:** (b)(6)@us.army.mil

**Subject:** FW: [U] ABC World News Tonight - Article 32 hearing/Thar Thar

**Importance:** High

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

This is our analysis.

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

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**From:** (b)(3), (b)(6) LTC MNC-I V CORPS PAO

**Sent:** Wednesday, August 02, 2006 7:28 AM

**To:** Chiarelli Peter W LTG MNC-I CG

**Cc:** (b)(3), (b)(6) COL MNC-I Deputy Chief of Staff

**Subject:** FW: [U] ABC World News Tonight - Article 32 hearing/Thar Thar

**Importance:** High

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

Sir,

Here is an executive summary of an ABC segment that aired last night concerning the Article 32 hearings in MND-N and specifically about COL (b)(3), (b)(6). The details included and wording of the sourcing suggests a Pentagon leak or defense counsel leak, but Mr. (b)(6) went fishing for information/confirmation with COL (b)(3), (b)(6) himself yesterday claiming he had gotten information from an officer on the Corps staff. (b)(6) has been sniffing around for two days trying to get confirmation of a reprimand. Neither (b)(6) nor I would confirm or deny his assertion and basically deflected the question.

v/r,

(b)(6)

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**From:** (b)(3), (b)(6) CDR MNFI STRATEFF COMMS DIV  
**Sent:** Wednesday, August 02, 2006 5:43 AM  
**To:** Caldwell William B MG MNFI DCS STRATEFF  
**Cc:** (b)(3), (b)(6) COL STRATEFF; (b)(3), (b)(6) MAJ MNFI STRATEFF COMDIV - MOC; (b)(3), (b)(6) LtCol MNFI STRATEFF; (b)(3), (b)(6) LTC MNFI STRATEFF COMM DIV; (b)(3), (b)(6) COL MNFI STRATEFF COMMS DIV; (b)(3), (b)(6) CAPTMNC-I PAO JOC PAO; MNC-I PAO Victory Main JOC; (b)(6) @us.army.mil; (b)(6) @us.army.mil; (b)(6) @us.army.mil (b)(6) COL MNF-I SJA Staff Judge Advocate; MOC DL  
**Subject:** [U] ABC World News Tonight - Article 32 hearing/Thar Thar  
**Importance:** High

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

**EXSUM:** ABC World News Tonight ran a two minute segment on the Thar Thar incident specifically focusing on COL (b)(3), (b)(6) alleged actions as Commander of the Soldiers. ABC reporter Jonathan Karl began the segment by giving a brief history of the incident. He then said the Army charged the four U.S. Soldiers with the killing of three Iraqi detainees, while the soldiers claimed they acted in self-defense and were under orders to kill all military age Iraqi men, armed or not. He went on to say, "Military sources familiar with the case say the claim appears to be true and that Soldiers in the unit at least believed their commander, Colonel (b)(3), (b)(6) had issued an order to shoot to kill all Iraqi men in the operation. Colonel (b)(3), (b)(6) has a storied military background; his heroics were portrayed in the film 'Black Hawk Down' in which his unit came under attack in Somali in 1993. Last November in Iraq, Colonel (b)(3), (b)(6) boasted about his unit's insurgent kill record, 'We're absolutely giving the enemy the maximum opportunity to die for his country.' Colonel (b)(3), (b)(6) is under investigation for allegedly urging his men to go on a killing spree and has already been reprimanded. A source familiar with the investigation stated that Colonel (b)(3), (b)(6) kept a 'kill board' tallying the number of Iraqis killed and in some cases gave out commemorative knives to soldiers who killed Iraqi insurgents. Colonel (b)(3), (b)(6) is not commenting on the case but a source close to him told ABC News (b)(3), (b)(6) categorically denies the allegations."

I received further information from U.S. Army PA Office, DC, that PVT (b)(3), (b)(6) participated in a three-way phone interview with his Mother and "ABC Nightline" yesterday, which should air tomorrow (Iraq time: Thursday 1200).

**Query:** U.S. Army PAO (b)(3), (b)(6) immediately received a query from NBC wanting confirmation that COL (b)(3), (b)(6) has already received reprimand related to this incident.

ABC World News Tonight (2:00) P:\Strat Eff\STRATCOM\NewsClips\Network News Clips\ABC WNT Thar Thar.mpg

CDR (b)(3), (b)(6), USN

Multi National Force -Iraq

Strategic Effects

APO AE 09316

DSN (b)(6)

(b)(6)

( Calls within Iraq)

( Calls from USA)

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**TAB C**

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Wednesday, August 02, 2006 7:28 AM  
**To:** Chiarelli Peter W LTG MNC-I CG  
**Cc:** (b)(3), (b)(6) COL MNC-I Deputy Chief of Staff  
**Subject:** FW: [U] ABC World News Tonight - Article 32 hearing/Thar Thar  
**Importance:** High  
**Categories:** ~~FOR OFFICIAL USE ONLY, FOR OFFICIAL USE ONLY, UNCLASSIFIED,~~  
~~FOR OFFICIAL USE ONLY~~ U  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~ U  
**Classification Classification:** UNCLASSIFIED

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

Sir,

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vr,

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

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**Subject:** [U] ABC World News Tonight - Article 32 hearing/Thar Thar  
**Importance:** High

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

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10/22/2006

least believed their commander, Colonel (b)(3), (b)(6) had issued an order to shoot to kill all Iraqi men in the operation. Colonel (b)(3), (b)(6) has a storied military background; his heroics were portrayed in the film 'Black Hawk Down' in which his unit came under attack in Somali in 1993. Last November in Iraq, Colonel (b)(3), (b)(6) boasted about his unit's insurgent kill record, 'We're absolutely giving the enemy the maximum opportunity to die for his country.' Colonel (b)(3), (b)(6) is under investigation for allegedly urging his men to go on a killing spree and has already been reprimanded. A source familiar with the investigation stated that Colonel (b)(3), (b)(6) kept a 'kill board' tallying the number of Iraqis killed and in some cases gave out commemorative knives to soldiers who killed Iraqi insurgents. Colonel (b)(3), (b)(6) is not commenting on the case but a source close to him told ABC News (b)(3), (b)(6) categorically denies the allegations."

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**Query:** U.S. Army PAO, (b)(3), (b)(6) immediately received a query from NBC wanting confirmation that COL (b)(3), (b)(6) has already received reprimand related to this incident.

**ABC World News Tonight (2:00)** [P:\Strat Eff\STRATCOM\NewsClips\Network News Clips\ABC WNT\\_Thur\\_Thur.mpg](P:\Strat Eff\STRATCOM\NewsClips\Network News Clips\ABC WNT_Thur_Thur.mpg)

**CDR (b)(3), (b)(6), USN**

**Multi National Force -Iraq**

**Strategic Effects**

**APO AE 09316**

**DSN (b)(6)**

(b)(6)

( Calls within Iraq)

( Calls from USA)

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10/22/2006

**TAB D**

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Saturday, July 15, 2006 11:45 PM  
**To:** Campbell Donald BG MNC-I Chief of Staff  
**Subject:** RE: ~~[SECRET]~~ OIT update U  
**Categories:** ~~SECRET~~ U  
**Classification Classification:** ~~SECRET~~ U

**Classification:** ~~SECRET~~ U

Thanks Don.

**Classification:** ~~SECRET~~ U

**From:** Campbell Donald BG MNC-I Chief of Staff  
**Sent:** Saturday, July 15, 2006 10:56 PM  
**To:** Chiarelli Peter W LTG MNC-I CG  
**Subject:** FW: ~~[SECRET]~~ OIT update U

**Classification:** ~~SECRET~~ U

Sir,

FYSA.

v/r,  
Don

BG Don Campbell  
MNC-I Chief of Staff

**Classification:** ~~SECRET~~ U

**From:** (b)(3), (b)(6) LTC MNC-I 10 MP BN Commander  
**Sent:** Saturday, July 15, 2006 5:14 PM  
**To:** Campbell Donald BG MNC-I Chief of Staff  
**Cc:** (b)(3), (b)(6) COL MNC-I PMO Provost Marshal; (b)(3), (b)(6) COL MNC-I SJA Staff Judge Advocate  
**Subject:** ~~[SECRET]~~ OIT update U

**Classification:** ~~SECRET~~ U

Sir:

Below is a short update on investigative activities completed on Iron Triangle:

(b)(3), (b)(6), (b)(1)1.4c

Page 17 redacted for the following reason:

-----

(b)(1)1.4c, (b)(3), (b)(6)

# **T A B L E**

**Chiarelli Peter W LTG MNC-I CG**

**From:** Campbell Donald BG MNC-I Chief of Staff  
**Sent:** Sunday, July 09, 2006 10:03 AM  
**To:** Chiarelli Peter W LTG MNC-I CG  
**Cc:** (b)(3), (b)(6) COL MNC-I Deputy Chief of Staff  
**Subject:** FW: [UNCLASSIFIED//~~LIMDIS~~] OIT update  
**Categories:** //LIMDIS, UNCLASSIFIED//~~LIMDIS~~  
**Classification:** UNCLASSIFIED//~~LIMDIS~~

**Classification:** UNCLASSIFIED//~~LIMDIS~~

Sir,

Believe you already have this.

v/r,  
 Don

**BG Don Campbell**  
**MNC-I Chief of Staff**

**Classification:** UNCLASSIFIED//~~LIMDIS~~

**From:** (b)(3), (b)(6) LTC MNC-I 10 MP BN Commander  
**Sent:** Sunday, July 09, 2006 10:47 AM  
**To:** Campbell Donald BG MNC-I Chief of Staff  
**Cc:** (b)(3), (b)(6) COL MNC-I PMO Provost Marshal; (b)(3), (b)(6) COL MNC-I SJA Staff Judge Advocate;  
 (b)(3), (b)(6) COL; (b)(3), (b)(6) MAJ MNCI 10th MP BN Executive Officer; (b)(3), (b)(6) CSM  
 MNCI 10th MP BN Command SGT Major  
**Subject:** [UNCLASSIFIED//~~LIMDIS~~] OIT update

**Classification:** UNCLASSIFIED//~~LIMDIS~~

Sir;

Our agents spent a good portion of the day yesterday reviewing all the additional statements and new allegations to break out the separate incidents. Based on their review, we will be looking into the following further allegations:

- 1SG (b)(3), (b)(6) C Co, 3-187 IN  
 Allegedly placed a dead Iraqi male on the hood of a HMMWV and drove him to family members, opened the body bag, removed the Iraqi's hand from the bag, and "slapped a local national with it and told them this would happen to you if you don't stop." This is alleged to have occurred at a different time than the allegations surrounding 1LT (b)(3), (b)(6)
- 1LT (b)(3), (b)(6) C Co, 3-187 IN  
 Allegedly knocked a zip tied detainee to the ground resulting in his jaw being broken. The detainees hands were zip tied behind his back when shoved to the ground and the 1LT claimed he was resisting when he was not. This is alleged to have occurred at a different time than the allegations surrounding 1LT (b)(3), (b)(6)
- Soldiers allegedly shot into a truck, killing the occupants. After the vehicle stopped,

7/9/2006

Soldiers allegedly shot out the tires to make it appear the truck was approaching in a threatening manner and would not stop.

- There is an allegation that a father and his seven year old daughter were killed in a separate incident. We are working to get further details on this.
- Soldiers at a checkpoint allegedly shot a van as it was approaching. Inside the van was a pregnant woman who was being taken to a local hospital and the road the checkpoint was on was adjacent to the road leading towards the hospital. This incident allegedly occurred back in the February timeframe; believe the unit has an AR 15-6 inquiry on it.
- Sworn statements allege that one dead Iraqi's body (either on this objective or elsewhere – this is unclear) was cut in half by a Soldier with a SAW.

Some of these incidents were reported a couple days ago to the 101<sup>st</sup> SJA, also, so you and CG may have already seen on traffic from COL (b)(3), (b)(6)

We also worked coordination efforts yesterday to conduct an over flight of the different objective areas in order to get photos of the scenes.

I have a senior agent (CW4) enroute from Arifjan to Tikrit to conduct the review of the AR 15-6 inquiries.

ATW!

v/r,

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

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

LTC, MP

Commander, 10th MP Bn (CID) (ABN)

Camp Victory, Baghdad, Iraq

APO AE 09342

**Classification: UNCLASSIFIED//~~LIMDIS~~**

**TAB F**

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ  
APO AE 09393

REPLY TO  
ATTENTION OF

AFZB-CG

7 July 2006

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

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

1. Purpose: To provide insight into the command climate established by COL (b)(3), (b)(6) in the 3d BCT prior to and during Operation Iron Triangle which may have contributed to the deaths of noncombatants.

2. To achieve this purpose, two specific questions must be answered. Did COL (b)(3), (b)(6) exercise due diligence in his comments to troops in preparation for Operation Iron Triangle? Through his words or deeds did he, purposefully or inadvertently, create the conditions within his BCT that resulted in the wrongful death of noncombatants?

3. *Did COL (b)(3), (b)(6) exercise due diligence in his comments to troops in preparation for Operation Iron Triangle? Yes.*

a. Due diligence is characterized as using that degree of care that a reasonable and prudent commander would, with the same level of expertise and experience as COL (b)(3), (b)(6) use in addressing a Company of Soldiers prior to the execution of an operation. Reviewing the intelligence available to COL (b)(3), (b)(6) prior to Operation Iron Triangle (OIT), some of the relevant factors he considered prior to talking to his Soldiers included:

- the objective was a sparsely populated area characteristic of AQIZ sanctuaries and training camps and had recently been used by AQIZ;
- 15 significant combat operations had been conducted by OCFI or 3d BCT since 11 February 2006 in the OIT vicinity resulting in 35 EKIA and 62 detained Al Qaeda operatives and foreign fighters; and
- specific information that Al Zarqawi had recently been in the area with 20 to 60 bodyguards to train his forces.

b. Considering the intelligence coupled with COL (b)(3), (b)(6) understanding of the Rules of Engagement as they pertained to Status Based targets, COL (b)(3), (b)(6) comments were not unreasonable. OIT was the Air Assault operation that gave COL (b)(3), (b)(6) the "most concern"

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

(exhibit 25, page 7, MNC-I 15-6) since arriving in country and his comments made clear to the Soldiers executing OIT that they needed to be prepared to fight as they dismounted the helicopters. He told his Soldiers that they, along with the pilots, should expect to receive fire as they reached the objective and that they needed to be ready to return fire as they landed. As the 15-6 IO found, a breakdown in communication caused some Soldiers to believe they had a "new ROE" and that an order to kill all military aged males (MAMs) on the objective was given. No such order was ever given by COL (b)(3), (b)(6). Notwithstanding the apparent breakdown in communication found by the IO in the MNC-I 15-6, the number of detainees taken during OIT as opposed to number of casualties, both KIA and WIA, reveals that COL (b)(3), (b)(6) comments were not misconstrued by his Soldiers. (There were 213 detainees versus 8 KIA during OIT).

4. *Through his words or deeds, did he purposefully or inadvertently create the conditions within his BCT that resulted in the wrongful deaths of noncombatants?* No.

a. There is no evidence that supports a conclusion that there existed a purposeful design to set conditions that would result in death or injury to noncombatants. COL (b)(3), (b)(6) words and deeds set the conditions for an aggressive Air Assault into an objective that COL (b)(3), (b)(6) and his staff believed would be the most challenging and potentially dangerous for his Soldiers since their arrival into the ITO. COL (b)(3), (b)(6) design was to impress upon his Soldiers the difference between OIT and prior operations and to ensure that they were ready for what was expected to be a fight against a determined enemy. "I absolutely set the conditions verbally for them to get off the helicopter and fight." See exhibit 25, page 35, MNC-I 15-6.

b. Similarly, although COL (b)(3), (b)(6) words and deeds arguably raised the aggressive posture of his forces during OIT, I do not believe that it inadvertently set the conditions that resulted in the wrongful death of detainees. I do not believe COL (b)(3), (b)(6) words or actions created the conditions that resulted in the wrongful deaths of noncombatants.

5. COL (b)(3), (b)(6) the Leader:

a. COL (b)(3), (b)(6) is a standard bearer who holds himself and his Soldiers to high standards. He knows the Art of warfighting, clearly understands the horrors of war, and continuously reinforces to his Soldiers the importance of adhering to the Laws of Armed Conflict. He built a new modular brigade combat team centered on the principles that every Soldier is a warrior, emphasizing expert marksmanship, physical and mental toughness, medical skills, and expertise in battle drills. He also instilled in his Soldiers the Warrior Ethos and the importance of living the Army Values.

b. To understand COL (b)(3), (b)(6) effectiveness, one must consider the totality of his command, the AO he was given, and the many accomplishments achieved in a short period of time. His AO encompasses an area 215 KMs by 115 KMs, roughly 20,000 square kilometers. Within his AO lie the key cities of Tikrit, Samarra, and Baiji. Operations conducted by the BCT have had an immeasurable impact on our understanding of AQIZ and the insurgency, effectively

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

neutralizing the insurgency in SaD Province. Operation Katrina provided an insight into the AQIZ structure previously not understood. In addition to 3d BCT's efforts in neutralizing the insurgency in the three key cities in their AO, the 3d BCT accomplishments in these highly volatile and extremely dangerous areas include:

(1) Iraqi Army in the Lead. His partnership with the 4<sup>th</sup> Iraqi Army Division has resulted in the division progressing from TRA level 4 to TRA level 2 in seven months. Two battalions and one brigade have assumed Iraqi Army in the Lead.

(2) Iraqi Police Services. Police forces that were previously non-existent and/or dysfunctional in Baiji and Samarra are now effectively operating in these volatile cities. The Tikrit police force is at TRA level 2. The number of police recruits in training has increased dramatically.

(3) Reconstruction and Governance. The 3d BCT's efforts in this area have resulted in restructuring of the PRDC and in furthering the transparency of Government. Specific highlights include: Samarra participation in SaD Provincial Council processes; Baiji City Council airing meetings on SaD TV; Tikrit University and Texas A&M partnership; Tikrit Industrial Votech School partnership with Ad Dwar textile mill; functioning vocational school in Kadasia; Al Alam water bottling plant operational in August 06; development of functioning newspaper in Ad Dwar; reestablishment of SaD Corporation factories in FOB Wilson; and facilitation and establishment of PRTs. Finally, he has conducted countless successful SOI engagements, motivating the provincial leaders to accept responsibility for their areas of responsibility and, more importantly, for their people.

(4) Secure Key Infrastructure. Upon arrival into the AO, the BCT(-) was immediately tasked to secure the Al Fatah crossing site to allow Parsons Corporation to complete the passage of oil pipelines across the river, a project that had floundered for months. The BCT has helped build a new Strategic Infrastructure Brigade and partnered with 6 SIB battalions. The 3d BCT, more than any other unit, has been responsible for gaining an understanding of the corruption of the oil industry in Iraq and proposing solutions.

6. Impact on the Unit and the Division. The esprit de corps, cohesiveness, and warfighting spirit of the 3d BCT and its Soldiers is high, allowing its Soldiers to take on the tough missions and prevail under the most difficult of circumstances. I attribute this to the command climate established by COL (b)(3), (b)(6). In my opinion, removal of COL (b)(3), (b)(6) from command will have an immediate and noticeable impact on the Soldiers of the Rakkasans and the leadership of the entire Division.

7. Command Climate. The notable achievements in the 3d BCT AO and the significant progress towards creating a stable and secure environment would not have been possible but for COL (b)(3), (b)(6) leadership and establishment of a positive, team oriented, mission focused command climate.

AFZB-CG

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

8. Recommendation: Based on the foregoing, I do not feel COL (b)(3), (b)(6) relief is justified. I believe that COL (b)(3), (b)(6) should remain in command.

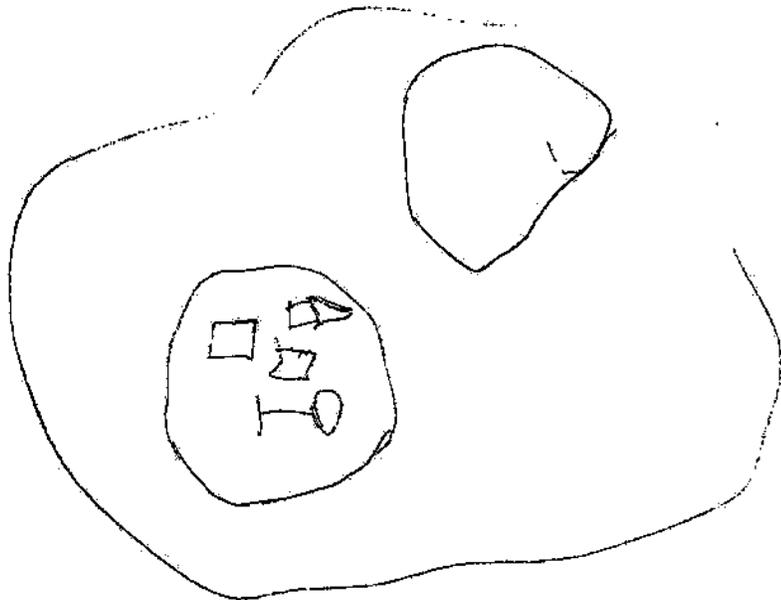
THOMAS R. TURNER  
Major General, USA  
Commanding

**TAB G**

Admonish

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

0



PROBLEMS  
OVER-EMBEDDED  
PRACTICE

COMMAND CREATURE  
CHANGED STORY.

**TAB H**

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Sunday, July 09, 2006 7:07 PM  
**To:** DL MNC-I C3 ~~LHMDIS~~ U  
**Subject:** U ~~[SECRET][S]~~ SIR-LOAC Violation by 3 BCT 101 AA during OPERATION IRON TRIANGLE  
**Categories:** ~~NOFORN, SECRET~~ U  
**Attachments:** 3 BCT LOAC updated 9 July 2006.doc  
**Classification Caveat:** NOFORN U  
**Classification Classification:** ~~SECRET~~ U

**Classification:** ~~SECRET~~ U

Sir,

The attached SIR details events of alleged LOAC Violations by members of 3 BCT 101 AA while conducting OPERATION IRON TRIANGLE. Several allegations were made and a CID investigation is pending. This report is provided for your information and situational awareness.

V/R

(b)(3), (b)(6)  
 LT USN  
 MNC-I, CJ3 Ops  
 Battle Captain  
 DSN: (b)(6)  
 VOIP: (b)(6)

**Classification:** ~~SECRET~~ U

**From:** MNC-I C3BTLMAJ  
**Sent:** Sunday, July 09, 2006 6:57 PM  
**To:** MNC-I C3 Watch Officer  
**Cc:** MNC-I C3 CURRENTOPSOIC  
**Subject:** FW: ~~[SECRET]~~ FW: [S] Updated LOAC SIR U

**Classification:** ~~SECRET~~ U  
~~LHMDIS~~

Respectfully,  
 (b)(3), (b)(6) Jr.  
 MAJ, FA  
 MNC-I C3 Battle Major  
 DSN: (b)(6)  
 VOIP: (b)(6)

**Classification:** ~~SECRET~~ U

**From:** (b)(3), (b)(6) MAJ MNC-I SJA Operational Law Chief  
**Sent:** Sunday, July 09, 2006 6:42 PM  
**To:** MNC-I C3 CURRENTOPSOIC; MNC-I C3BTLMAJ

10/22/2006

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Sunday, September 03, 2006 9:27 PM  
**To:** Chiarelli Peter W.LTG MNC-I CG  
**Cc:** Campbell Donald BG MNC-I Chief of Staff  
**Subject:** [U] LA Times Article - Thar Thar  
**Categories:** UNCLASSIFIED, ~~FOR OFFICIAL USE ONLY~~ U  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~ U  
**Classification Classification:** UNCLASSIFIED

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

Sir,

Here is the first article I have seen that links the news on the Thar Thar recommendation for the death penalty to actions and orders by COL (b)(3), (b)(6). More articles like this could prompt COL (b)(3), (b)(6) to come out fighting earlier than he may have planned if the publicity gets bad enough. If you remember during the Article 32 hearings, most of the articles focused on the accusations against him rather than the hearings themselves. It could go the same way with these stories. I have my guys watching Rendon Alerts for any articles with his name in them.

*vtr*

(b)(6)

## 4 Soldiers Eligible for Execution if Convicted

By Ricardo Alonso-Zaldivar  
 Times Staff Writer

September 3, 2006

WASHINGTON — Four U.S. soldiers accused of murdering three detainees during a raid in Iraq in May are eligible to receive the death penalty if convicted, a military investigator has determined.

In a report summarizing the military equivalent of a grand jury investigation, Lt. Col. (b)(3), (b)(6) (b)(3), (b)(6) concluded that four members of the 101st Airborne Division deliberately killed the detainees and then tried to cover up by making it look as if the prisoners had attempted to escape.

The four soldiers, Staff Sgt (b)(3), (b)(6) Spc. (b)(3), (b)(6) Pfc. (b)(3), (b)(6) and Spc (b)(3), (b)(6) say they are innocent, and lawyers for two of the men called the death penalty eligibility egregious.

"They are trying to say these are just rogue soldiers and this has nothing to do with battle stress or orders. We disagree." Michael Waddington (b)(3), (b)(6) civilian lawyer, said Saturday.

The three men who were killed have not been identified. They are referred to only as "detainees of apparent Middle Eastern descent" in the investigator's 10-page report.

A copy of the report, dated Aug. 31, was obtained by The Times on Saturday. Army spokesmen in Iraq and Washington declined to comment. The report findings were first disclosed Saturday by the Associated Press.

10/22/2006

At least 20 U.S. service members have been charged in connection with the deaths of Iraqis in the war. Most cases have resulted in acquittals or conviction on lesser charges.

Military executions are rare. The last soldier to be put to death — for rape and attempted murder of a child while the soldier was stationed in Europe — was hanged in 1961.

The final decision to carry out a military death sentence must be affirmed by the president. In 1997, then-President Clinton authorized life in prison without parole as an alternative to death.

Among the few on military death row at Ft. Leavenworth, Kan., is ex-Army Sgt. (b)(3), (b)(6) convicted of killing two service members and wounding 14 in an attack on his own base at the start of the Iraq war.

The killing of the three detainees has raised questions that go beyond the four accused soldiers. The military is also investigating whether Col. (b)(3), (b)(6) commander of the 101st Airborne Division's 3rd Brigade, encouraged unrestrained violence and condoned a culture of racism among his troops. Investigators have said that (b)(3), (b)(6) handed out knives to his soldiers as rewards for killing insurgents.

All four of the accused were members of his brigade.

(b)(3), (b)(6) a storied officer who led the Somalia rescue mission recounted in the book and movie "Black Hawk Down," has been issued an administrative reprimand. He denies the accusations and is fighting the disciplinary action against him.

The May 9 raid targeted insurgents believed to be operating on an island near Samarra, in the vicinity of a chemical complex. According to testimony at the investigative hearing, the U.S. soldiers taking part in the raid believed they were under orders to kill all military-age men. The three detainees who were killed had been taken into custody and bound with plastic handcuffs.

Pfc. (b)(3), (b)(6) testified that the four accused soldiers had taken the detainees out of a house they were searching and had indicated they were going to kill them (b)(3), (b)(6) who had already shot and killed one man standing in a window, said he remained behind.

(b)(3), (b)(6) testified that he heard gunfire. He said one of the accused soldiers told him the detainees had broken free and attacked, forcing them to shoot. The same soldier later told him that the escape story was made up. (b)(3), (b)(6) testified (b)(3), (b)(6) also said he was threatened and pressured to keep quiet about the incident.

The investigator's report charged the accused soldiers with "staging the murder scene" to make it look as if the detainees had cut (b)(3), (b)(6) with a knife and hit (b)(3), (b)(6) as they purportedly tried to escape.

(b)(3), (b)(6) civilian lawyer, Paul Bergrin, suggested it was (b)(3), (b)(6) who was not telling the truth.

(b)(3), (b)(6) was cut and stabbed; (b)(3), (b)(6) was hit in the face," Bergrin said Saturday. "The detainees cut themselves free while in the course of trying to escape. Using reasonable and necessary force, [the accused soldiers] shot and killed three detainees who were known terrorists."

Bergrin said his client and the other soldiers were being prosecuted "because of the political climate," and he said they would be acquitted at court-martial, which is expected to take place at Ft. Campbell, Ky., the home base of the 101st Airborne.

The four have been jailed in Kuwait since their arrests.

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10/22/2006

# TAB I

156 IO =

(b)(6) (b)(6) Page 1 of 2

(b)(6) (b)(6)

MNF-  
?

Chiarelli Peter W LTG MNC-I CG

**From:** Campbell Donald BG MNC-I Chief of Staff  
**Sent:** Sunday, July 09, 2006 9:28 PM  
**To:** Chiarelli Peter W LTG MNC-I CG  
**Subject:** FW: [U] FW: BC  
**Categories:** ~~LIMDIS~~, UNCLASSIFIED, ~~LIMDIS~~  
**Classification Caveat:** ~~LIMDIS~~  
**Classification Classification:** UNCLASSIFIED

**Classification:** UNCLASSIFIED//~~LIMDIS~~

Sir,

New info on LTC (b)(3), (b)(6); changes from the CID Agent's previous report.

v/r,  
Don

**BG Don Campbell**  
**Chief of Staff**  
**MNC-I**

**Classification:** UNCLASSIFIED//~~LIMDIS~~

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**From:** (b)(3), (b)(6) LTC MNC-I 10TH MP BN Commander  
**Sent:** Sunday, July 09, 2006 7:55 PM  
**To:** Campbell Donald BG MNC-I Chief of Staff  
**Cc:** (b)(3), (b)(6) COL MNC-I Provost Marshal; (b)(3), (b)(6) COL MNC-I SJA Staff Judge Advocate  
**Subject:** [U] FW: BC

**Classification:** UNCLASSIFIED//~~LIMDIS~~

Sir,

Short update below on interview with the Bn Cdr, LTC (b)(3), (b)(6) (still ongoing.) This contradicts our earlier interpretation that he may have been negligent/derelict in reporting.

ATWI

v/r,  
(b)(3), (b)(6)

(b)(3), (b)(6)  
LTC, MP  
Commander, 10th MP Bn (CID) (ABN)  
Camp Victory, Baghdad, Iraq  
APO AE 09342

7/9/2006

**Classification:** UNCLASSIFIED//~~LIMDIS~~

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**From:** (b)(3), (b)(6) [mailto:(b)(6)@us.army.mil]  
**Sent:** Sunday, July 09, 2006 7:24 PM  
**To:** (b)(3), (b)(6) CW4 MNCI 10th MP BN Criminal Intell Coordinator  
**Cc:** (b)(3), (b)(6) LTC MNC-I 10TH MP BN Commander  
**Subject:** BC

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

Please check my fire on LTC (b)(3), (b)(6)'s knowledge of the LOAC being possibly negligence.

After advising him, I've determined that considering the circumstances of him becoming aware (was on leave during OIT, came back, heard about the commander's inquiry, heard about the Brigade 15-6 (conducted by another Bn's officer, which was the On Scene Bn Ground Commander for OIT), heard about the CID investigation: he figured the issue was being investigated by somebody and it wasn't his lane to poke into the IO's or CID's business.) I don't believe there is dereliction or obstruction; he counseled 1LT (b)(3), (b)(6) as a senior leader, and assumed his belated knowledge of the sniper's statements was old news, and had already been conveyed to at least one of the three investigations.

He has mentioned "K/K" missions, which we have discussed the legality of with SJA.

Talking to Mr (b)(6) and his crew, LTC (b)(3), (b)(6) is the straightest of arrows, and his explanation is very credible to me.

I'm going back into the interview, but will try to call to discuss.

v/r

CW3 (b)(3), (b)(6)

7/9/2006

**TAB J**

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Wednesday, August 02, 2006 10:31 AM  
**To:** Casey George GEN MNF-I CG  
**Cc:** (b)(6), (b)(3) CAPT MNFI STRATEFF; Chiarelli Peter W LTG MNC-I CG (b)(6), (b)(3) COL MNFI CMD GRP (CIG) (b)(6), (b)(3) CAPT MNFI STRATEFF; Fry Robert Lt Gen GBR MNFI DCG (b)(6), (b)(3) MAJ MNF-I CG Aide-de-Camp (b)(6), (b)(3) COL MNF-I CMD GRP XO; Moore Thomas L MAJGEN MNF-I Chief of Staff  
**Subject:** [U] ABC World News Tonight - Article 32 hearing/Thar Thar  
**Importance:** High  
**Categories:** ~~FOR OFFICIAL USE ONLY, UNCLASSIFIED, LIMDIS~~  
**Classification Caveat:** ~~LIMDIS~~  
**Classification Classification:** UNCLASSIFIED

**Classification:** UNCLASSIFIED//~~LIMDIS~~

Sir – follow up to my comment this morning. Our media analysis folks provided the following:

**EXSUM:** ABC World News Tonight ran a two minute segment on the Thar Thar incident specifically focusing on COL (b)(3), (b)(6) alleged actions as Commander of the Soldiers. ABC reporter Jonathan Karl began the segment by giving a brief history of the incident. He then said the Army charged the four U.S. Soldiers with the killing of three Iraqi detainees, while the soldiers claimed they acted in self-defense and were under orders to kill all military age Iraqi men, armed or not. He went on to say, "Military sources familiar with the case say the claim appears to be true and that Soldiers in the unit at least believed their commander, Colonel (b)(3), (b)(6) had issued an order to shoot to kill all Iraqi men in the operation. Colonel (b)(3), (b)(6) has a storied military background; his heroics were portrayed in the film 'Black Hawk Down' in which his unit came under attack in Somali in 1993. Last November in Iraq, Colonel (b)(3), (b)(6) boasted about his unit's insurgent kill record, 'We're absolutely giving the enemy the maximum opportunity to die for his country.' Colonel (b)(3), (b)(6) is under investigation for allegedly urging his men to go on a killing spree and has already been reprimanded. A source familiar with the investigation stated that Colonel (b)(3), (b)(6) kept a 'kill board' tallying the number of Iraqis killed and in some cases gave out commemorative knives to soldiers who killed Iraqi insurgents. Colonel (b)(3), (b)(6) is not commenting on the case but a source close to him told ABC News (b)(3), (b)(6) categorically denies the allegations."

Received further information from Army PA Office, DC, that PVT (b)(3), (b)(6) participated in a three-way phone interview with his Mother and "ABC Nightline" yesterday, which should air tomorrow (Iraq time: Thursday 1200).

Query: U.S. Army PAO (b)(3), (b)(6) immediately received a query from NBC wanting confirmation that COL (b)(3), (b)(6) has already received reprimand related to this incident.

ABC World News Tonight (2:00) P:\Strat Eff\STRATCOM\NewsClips\Network News Clips\ABC WNT Thar Thar.mpg

V/r (b)(6), (b)(3)

10/22/2006

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10/22/2006

# TAB K

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ  
APO AE 09393

REPLY TO  
ATTENTION OF

AFZB-CG

7 July 2006

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

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

1. Purpose: To provide insight into the command climate established by COL (b)(3), (b)(6) in the 3d BCT prior to and during Operation Iron Triangle which may have contributed to the deaths of noncombatants.
2. To achieve this purpose, two specific questions must be answered. Did COL (b)(3), (b)(6) exercise due diligence in his comments to troops in preparation for Operation Iron Triangle? Through his words or deeds did he, purposefully or inadvertently, create the conditions within his BCT that resulted in the wrongful death of noncombatants?
3. Did COL (b)(3), (b)(6) exercise due diligence in his comments to troops in preparation for Operation Iron Triangle? Yes.
  - a. Due diligence is characterized as using that degree of care that a reasonable and prudent commander would, with the same level of expertise and experience as COL (b)(3), (b)(6) use in addressing a Company of Soldiers prior to the execution of an operation. Reviewing the intelligence available to COL (b)(3), (b)(6) prior to Operation Iron Triangle (OIT), some of the relevant factors he considered prior to talking to his Soldiers included:
    - the objective was a sparsely populated area characteristic of AQIZ sanctuaries and training camps and had recently been used by AQIZ;
    - 15 significant combat operations had been conducted by OCFI or 3d BCT since 11 February 2006 in the OIT vicinity resulting in 35 EKIA and 62 detained Al Qaeda operatives and foreign fighters; and
    - specific information that Al Zarqawi had recently been in the area with 20 to 60 bodyguards to train his forces.
  - b. Considering the intelligence coupled with COL (b)(3), (b)(6) understanding of the Rules of Engagement as they pertained to Status Based targets, COL (b)(3), (b)(6) comments were not unreasonable. OIT was the Air Assault operation that gave COL (b)(3), (b)(6) the "most concern"

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

(exhibit 25, page 7, MNC-I 15-6) since arriving in country and his comments made clear to the Soldiers executing OIT that they needed to be prepared to fight as they dismounted the helicopters. He told his Soldiers that they, along with the pilots, should expect to receive fire as they reached the objective and that they needed to be ready to return fire as they landed. As the 15-6 IO found, a breakdown in communication caused some Soldiers to believe they had a "new ROE" and that an order to kill all military aged males (MAMs) on the objective was given. No such order was ever given by COL (b)(3), (b)(6). Notwithstanding the apparent breakdown in communication found by the IO in the MNC-I 15-6, the number of detainees taken during OIT as opposed to number of casualties, both KIA and WIA, reveals that COL (b)(3), (b)(6) comments were not misconstrued by his Soldiers. (There were 213 detainees versus 8 KIA during OIT).

4. *Through his words or deeds, did he purposefully or inadvertently create the conditions within his BCT that resulted in the wrongful deaths of noncombatants?* No.

a. There is no evidence that supports a conclusion that there existed a purposeful design to set conditions that would result in death or injury to noncombatants. COL (b)(3), (b)(6) words and deeds set the conditions for an aggressive Air Assault into an objective that COL (b)(3), (b)(6) and his staff believed would be the most challenging and potentially dangerous for his Soldiers since their arrival into the ITO. COL (b)(3), (b)(6) design was to impress upon his Soldiers the difference between OIT and prior operations and to ensure that they were ready for what was expected to be a fight against a determined enemy. "I absolutely set the conditions verbally for them to get off the helicopter and fight." See exhibit 25, page 35, MNC-I 15-6.

b. Similarly, although COL (b)(3), (b)(6) words and deeds arguably raised the aggressive posture of his forces during OIT, I do not believe that it inadvertently set the conditions that resulted in the wrongful death of detainees. I do not believe COL (b)(3), (b)(6) words or actions created the conditions that resulted in the wrongful deaths of noncombatants.

5. COL (b)(3), (b)(6) the Leader:

a. COL (b)(3), (b)(6) is a standard bearer who holds himself and his Soldiers to high standards. He knows the Art of warfighting, clearly understands the horrors of war, and continuously reinforces to his Soldiers the importance of adhering to the Laws of Armed Conflict. He built a new modular brigade combat team centered on the principles that every Soldier is a warrior, emphasizing expert marksmanship, physical and mental toughness, medical skills, and expertise in battle drills. He also instilled in his Soldiers the Warrior Ethos and the importance of living the Army Values.

b. To understand COL (b)(3), (b)(6) effectiveness, one must consider the totality of his command, the AO he was given, and the many accomplishments achieved in a short period of time. His AO encompasses an area 215 KMs by 115 KMs, roughly 20,000 square kilometers. Within his AO lie the key cities of Tikrit, Samarra, and Baiji. Operations conducted by the BCT have had an immeasurable impact on our understanding of AQIZ and the insurgency, effectively

# TAB L

**Chiarelli Peter W LTG MNC-I CG**

**Sent:** Thursday, August 03, 2006 10:55 PM  
**To:** Chiarelli Peter W LTG MNC-I CG  
**Subject:** [U] Media Items of Interest  
**Categories:** UNCLASSIFIED, ~~FOR OFFICIAL USE ONLY~~  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~  
**Classification Classification:** UNCLASSIFIED

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

Sir,

Here are some items of media interest from today concerning Thar Thar, Haditha and Ramadi. In the testimony Rumsfeld gave today in front of the Armed Services Committee, several Senators quoted you extensively from the LA Times article last week in grilling Secretary Rumsfeld (especially the "In 33 years of service, I've never done an exercise that requires me to stop sectarian violence in a city of 7 million).

*u/r*

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

**USA Today (2.2 million readers)**

- **Official Says Indications Are Haditha Deaths Were Deliberate**—Staff and wire reports  
 An initial U.S. military investigation supports allegations that Marines deliberately shot 24 Iraqi civilians in Haditha last November, a Pentagon official told the Associated Press on Wednesday. Marine Corps and Navy prosecutors are now reviewing the evidence to determine whether to recommend criminal charges. That decision may be weeks away, and the lawyers may ask for further investigation, said the Pentagon official and two other sources. The three officials discussed the matter with the AP on condition they not be identified because the case — among the most sensational of several involving Iraqi civilian deaths — has not yet produced charges. (b)(6) a spokesman for the Naval Criminal Investigation Service, said most of the service's work has been done, but that the investigation is ongoing. A final decision on pressing charges will come from the commander of the Marines' parent unit, the 1st Marine Expeditionary Force at Camp Pendleton in California. Investigators interviewed Marines in Iraq and Iraqis in Haditha and collected evidence from the scene of the killings. They didn't get permission to exhume the bodies of the 24 victims, the officials said. The case is one of several involving allegations of unjustified killings of Iraqi civilians that have emerged this year. The Marines initially reported after the Nov. 19, 2005, killings at Haditha that 15 Iraqi civilians had been killed by a makeshift roadside bomb and in crossfire between Marines and insurgent attackers. Based on accounts from survivors and human rights groups, Time magazine reported in March that the killings were deliberate acts by the Marines. A parallel investigation is examining whether officers in the Marines' chain of command tried to cover up the events. Marine Gen. Peter Pace, chairman of the Joint Chiefs of Staff, said Wednesday that the 3,000- to 4,000-page report for that investigation is being reviewed by Army Gen. George Casey, the top commander in Iraq. (b)(6) the attorney for a Marine officer reassigned after the Haditha incident, said it is no surprise that investigators determined the Marines acted deliberately. "Nobody has said the Marines didn't intend" to use fragmentation grenades and kill people with them, he said. "The question is whether or not it was a premeditated murder of civilians." Attorney (b)(6) (b)(6) representing Staff Sgt. (b)(3), (b)(6) one of the Marines involved in the Haditha incident, said it was wrong for military officials to discuss it publicly at this time.

**The New York Times (1.1 million readers)**

10/22/2006

• **G.I.'s Say Officers Ordered Killing Of Young Iraqi Men**—By Paul Von Zielbauer

Four American soldiers from an Army combat unit that killed three Iraqis in a raid in May testified Wednesday that they had received orders from superior officers to kill all the military-age men they encountered. The soldiers gave their accounts at a military hearing here to determine if four colleagues should face court-martial on charges that they carried out a plan to murder the three Iraqis, whom they had seized after an assault on what they were told was an insurgent stronghold northwest of Baghdad. Their testimony gave credence to statements from two defendants that an officer had told their platoon to "kill all military-age males" in the assault, regardless of any threat they posed. That officer, Col. (b)(3), (b)(6) has declined to testify, an unusual decision for a commander. The four soldiers charged in the case, from Company C, Third Battalion Combat Team of the 101st Airborne Division, said they had fired on the three Iraqis after they broke loose from plastic handcuffs, attacked two soldiers and tried to escape. Military prosecutors accused the unit's leader, Staff Sgt. (b)(3), (b)(6) of orchestrating a scheme to cut the men's handcuffs, shoot them as they fled and then have two soldiers inflict injuries on each other to cast the killings as self-defense. Sergeant (b)(3), (b)(6) and three other soldiers — Pfc. (b)(3), (b)(6) Specialist (b)(3), (b)(6) and Specialist (b)(3), (b)(6) — are charged with murdering the three Iraqis. In his testimony on Wednesday, Pfc. (b)(3), (b)(6) of Company C said that on May 8, the night before the raid, Colonel (b)(3), (b)(6) told soldiers to "kill all of them." Three other soldiers gave similar testimony. First Lt. (b)(3), (b)(6) said Colonel (b)(3), (b)(6) had told 100 soldiers before the raid, "We're going to hit the ground shooting and kill all the Al Qaeda in Iraq insurgents." Under cross-examination, Pfc. (b)(3), (b)(6) said Company C soldiers had been told that their rules of engagement were to "kill all military-age males that were not actively surrendering." Capt. (b)(3), (b)(6) who had recommended that charges be brought against the four defendants, told military prosecutors, "We were to kill or engage any males on the island that were military-age." The only exceptions, he said, were any men "actively surrendering" or men who could not be killed without harming civilians. But Capt. (b)(3), (b)(6) also said Colonel (b)(3), (b)(6) had told his men not to kill indiscriminately. "Colonel (b)(3), (b)(6) specifically said during our combined arms rehearsal that we're not just going to the island and shoot everyone," Captain (b)(3), (b)(6) said. "Make sure you have well-aimed shots. Make sure you're killing people that need to be killed." The four soldiers' accounts on Wednesday varied slightly, about what the orders for engaging the enemy were, or who issued them. Taken together, though, they reinforced accusations that ranking officers had approved broad use of deadly force. "We are now talking about the possibility of command responsibility, not just unlawful orders and simple murder," said Gary D. Solis, a former military judge and prosecutor who teaches the law of war at Georgetown University. Colonel (b)(3), (b)(6) who led the 1993 mission in Somalia later made famous in the book and film "Black Hawk Down," has a reputation for aggressive measures. In Iraq, as a commander involved in harrowing assaults against insurgents, he inspired the use of "kill boards" to track how many Iraqis each soldier had killed over time. On the bottom of Company C's kill board, Private (b)(3), (b)(6) said, was a phrase to inspire soldiers in combat: "Let the bodies hit the floor." Three other Company C soldiers also testified Wednesday about directives they said they had received from senior officers urging them to kill Iraqi men during the raid. After the May 9 episode, according to testimony on Wednesday, Specialist (b)(3), (b)(6) and Sergeant (b)(3), (b)(6) threatened at least one soldier, and Private (b)(3), (b)(6) admitted to staging the Iraqi detainees' escape as a pretext to kill them. Private (b)(3), (b)(6) said Specialist (b)(3), (b)(6) had approached him and said that "if he goes to jail, that he'll kill me." Around the same time, Private (b)(3), (b)(6) said, Sergeant (b)(3), (b)(6) told him "that if I say anything, he'd kill me."

**Los Angeles Times (851,832 million)**

• **Officers Allegedly Pushed 'Kill Counts'**—By Borzou Daragahi and Julian E. Barnes

Military prosecutors and investigators probing the killing of three Iraqi detainees by U.S. troops in May believe the unit's commanders created an atmosphere of excessive violence by encouraging "kill counts" and possibly issuing an illegal order to shoot Iraqi men. At a military hearing Wednesday on the killing of the detainees near Samarra, witnesses painted a picture of a brigade that operated under loose rules allowing wanton killing and tolerating violent, anti-Arab racism. Some military officials believe that the shooting of the three detainees and the killing of 24 civilians in November in Haditha reveal failures in the military chain of command, in one case to establish proper rules of engagement and in the other to vigorously investigate incidents after the fact. "The bigger thing here is the failure of the chain of command," said a Defense Department official familiar with the investigations. As allegations of U.S. troop misconduct in Iraq have mounted, the military's defenders have maintained that most were isolated incidents and that officers and investigators working within the military justice system had succeeded in ferreting out the truth. The military's primary report on the Haditha incident, completed this year, does not explicitly accuse the Marine command in Iraq of a cover-up. But the investigation cites several instances of information being ignored or evidence being destroyed, including log entries from the day the killings took place. The Defense official, who has reviewed the report, spoke on condition of anonymity because the findings have not been released. Initial findings of

investigators looking into the Samarra incident may be even more troubling. Military officials are investigating Army Col. (b)(3), (b)(6) the commander of the 101st Airborne Division's 3rd Brigade, whose soldiers are accused of killing the three Iraqi detainees. Investigators are trying to determine whether Steele issued an illegal order to "kill all military aged males" and encouraged unrestrained killing by his troops. On Wednesday, a military court heard testimony from a witness who suggested that a culture of racism and unrestrained violence pervaded the unit. The account of Pfc. (b)(3), (b)(6) and other witnesses bolstered the findings of investigators who say the brigade's commanders led soldiers to believe it was permissible to kill Iraqi men. Military prosecutors allege that four U.S. soldiers killed three unarmed Iraqi detainees during the May 9 raid. If convicted on charges of premeditated murder, Pfc. (b)(3), (b)(6) Spc. (b)(3), (b)(6) (b)(3), (b)(6) Staff Sgt. (b)(3), (b)(6) and Spc. (b)(3), (b)(6) could face the death penalty.

Wednesday's hearing was held at the 101st Airborne headquarters near Tikrit, Iraq, and is a preliminary investigation, equivalent to a civilian grand jury. The hearing is scheduled to continue today. (b)(3), (b)(6) said that just before "Operation Iron Triangle" began on an island in Tharthar Lake near Samarra, (b)(3), (b)(6) and other officers ordered them to "engage and kill all military age men." The Defense official familiar with the investigation said that even if (b)(3), (b)(6) did not issue a verbal order, many in the brigade believed that was what the commander wanted. A spokeswoman said the military could not respond to the specific allegations against (b)(3), (b)(6) until the investigation was completed. A senior military officer has sent a potentially career-ending reprimand to (b)(3), (b)(6) an officer who once commanded a Ranger company sent into Mogadishu, Somalia, on a rescue mission that was recounted in the book and movie "Black Hawk Down." However, the administrative action is not final because (b)(3), (b)(6) has signaled that he is going to fight the accusations and the reprimand. (b)(3), (b)(6) has refused to testify in the case of the four soldiers, citing his right against self-incrimination, unless he is given immunity, prosecutors said. The colonel has a reputation as a tough but potentially reckless commander. Investigators have found that (b)(3), (b)(6) handed out knives to U.S. troops as rewards for killing insurgents, a defense official said. The investigation of (b)(3), (b)(6) was first reported Tuesday by ABC News. Before the Tharthar raid, (b)(3), (b)(6) and (b)(3), (b)(6) had not yet notched a kill on a brigade chart nor earned their knives from (b)(3), (b)(6) the defense official said. The primary prosecution witness Wednesday was (b)(3), (b)(6) who testified under a grant of immunity. (b)(3), (b)(6) has admitted making several false statements to investigators, and defense lawyers are likely to challenge his credibility. (b)(3), (b)(6) depicted a unit that had embraced a violent ethos and was routinely hostile to ordinary Iraqis. Commanders encouraged soldiers to compete to rack up "enemy kills," he said. A board at their headquarters that showed the numbers of Iraqis killed served to reinforce the message. "Let the bodies hit the floor," read a phrase at the bottom of the board. "That's another terrorist down," (b)(3), (b)(6) quoted (b)(3), (b)(6) as telling soldiers after they killed someone. "Good job." Soldiers referred to ordinary Iraqis derogatorily as "hajis," a reference to Muslims who have made the hajj pilgrimage to Mecca, and considered the 10 or so Iraqi army soldiers and interpreters working for their unit as mostly "terrorists," (b)(3), (b)(6) said. Under questioning, (b)(3), (b)(6) acknowledged saying that even before he arrived in Iraq, he asserted that "every man, woman and child in Iraq deserves to die." On May 8, the day before the raid, (b)(3), (b)(6) reportedly addressed a group of about 100 soldiers. "We're going in tomorrow," he told them, according to 1st Lt. (b)(3), (b)(6) another prosecution witness. "We're going to hit the ground shooting, and kill all the Al Qaeda in Iraq insurgents." The rules of engagement were unambiguous, (b)(3), (b)(6) said, and came down "several times" via Capt. (b)(3), (b)(6) who also has requested immunity.

### The Washington Post (724,242 readers)

- **In Ramadi, Steel Nerves Needed For Night Ride**—By Ann Scott Tyson

A red sun sinks behind a dusty row of tents at Camp Ramadi, and another shift begins for the dogged crew of soldiers and Marines who nightly scour this city's streets for bombs. Finding them is never a problem — the trick is to make sure they don't blow up first. Insurgents planted more than 240 bombs on Ramadi's roads over 30 days from mid-June to mid-July. Half of the bombs were spotted and destroyed; the other half found their targets. Across the country, the devices are the biggest killer of U.S. forces. Many streets in this insurgent stronghold in western Iraq are so laced with hidden explosives that American troops are routinely ordered not to drive on them. But it is imperative for the U.S. military to keep open the main highway running through the city. So as darkness descended one night last month, a few dozen men readied their gear and steeled their nerves for the ride down Route Michigan. "Did you shake off what happened last time?" a Marine commander asks the men huddled around him. "Oorah," they reply. On their previous mission, four Marines were wounded when a suicide bomber in a black BMW detonated his car beside one of their vehicles. That was considered fortunate. "Maybe it's all your hard work. Or maybe someone's looking out for us. Bottom line, we got lucky," the commander says. He pauses to look around at the faces of his men. "Who has a prayer?" A Marine steps forward, and everyone bows their heads. "Dear Lord, we come before you as

your humble servants. This night, once again, as we go out on your business, bring us home safe." No one says a word as the convoy lurches forward. Weapons are loaded, with the cold ring of metal on metal, and at 10:45 p.m. the vehicles crawl out the gate. Crawling ahead are the monstrous bomb-clearing vehicles of the Army's 54th Engineer Battalion, with their long robotic arms and powerful light beams. Just four days earlier, three soldiers from that battalion were killed and another fatally wounded when a massive bomb ripped into their vehicle along this route. Marines from an artillery unit, Tango Battery of 5th Battalion, 11th Marine Regiment, follow in Humvees to provide security and fight off any attackers. Lately, they say, violence has spiked as U.S. troops push deeper into Ramadi and insurgents lash back. "We've just knocked the beehive out of the tree," explains 1st Sgt. (b)(3), (b)(6) of Oceanside, Calif. Half an hour passes as the convoy inches along Michigan. Then it suddenly halts. The Army crew has spotted a pressure-plate bomb ahead — an improvised explosive device that is detonated by the weight of a passing vehicle — and decides to destroy it in place. "The insurgents like to place IEDs out here, and when we stop to clear it, they like to attack," says Sgt. (b)(3), (b)(6) of San Diego, who commands the last Humvee in the convoy. Five minutes later, a voice crackles over the radio with a warning: A nearby patrol saw two men planting a bomb and shot at them, but they ran off. The tension mounts as 45 more minutes drag by with no movement. By now, everyone is drenched in sweat. "Stay low in the gun," Maningat calls up to machine gunner Lance Cpl. (b)(3), (b)(6) of New York. Then a yellow light flashes, illuminating the pockmarked buildings along Michigan and a street strewn with glass and debris. The sound of a deep thud is heard. "That was pretty big (b)(3), (b)(6) says of the destroyed bomb.

- **Murtha Denies Libeling Marine**--By Josh White, Washington Post Staff Writer  
Rep. John P. Murtha (D-Pa.) said he does not blame a Marine for "lashing out" against him by filing a defamation lawsuit yesterday, but the congressman said his comments about the questionable killings of two dozen civilians in Haditha, Iraq, were merely meant to attack the nation's strategy in the war. Murtha was the object of a libel lawsuit filed in federal court in Washington in which Staff Sgt. (b)(3), (b)(6) alleges that the lawmaker tarnished the Marine's reputation when he spoke publicly about the Haditha slayings after private Defense Department briefings on the case. Murtha characterized the incident by saying the Marines killed the civilians "in cold blood." (b)(3), (b)(6) through his attorneys and in the lawsuit, argues that he and members of his unit were following rules of engagement when they used grenades and rifles to clear a group of homes near where a roadside bomb killed one member of his squad in November. "When I spoke up about Haditha, my intention was to draw attention to the horrendous pressure put on our troops in Iraq and to the cover-up of the incident," Murtha said in a written statement, continuing his calls for removal of troops from Iraq. "Our troops are caught in the middle of a tragic dilemma. The military trains them to fight a conventional war and use overwhelming force to protect U.S. lives. I agree with that policy, but when we use force, we often kill civilians. What are the consequences?" (b)(3), (b)(6) lawsuit alleges that Murtha made defamatory statements after receiving inaccurate and false information from Pentagon officials this spring, but Murtha's office yesterday pointed to reports that said Pentagon officials believe evidence collected in the Haditha investigation supports allegations that the Marines "deliberately shot" civilians. Two Defense Department officials said yesterday that the Naval Criminal Investigative Service has wrapped up the initial phase of its investigation and will hand over evidence and interviews to prosecutors, who will continue to work with NCIS agents to gather more information over coming weeks. Marine Corps officials said the decision on whether to charge (b)(3), (b)(6) and other members of his squad with crimes "is not imminent." The two Pentagon officials said evidence collected in the case could lead to potential charges, in part because photographs taken at the scene of the shootings the day they occurred indicate possible wrongdoing. "It's an ugly, ugly scene," said one official, who spoke anonymously because he has not been authorized to discuss the investigation. (b)(6) a civilian attorney for one of the Marines, said yesterday that the Marines have never denied the shootings occurred. "Of course the shootings were deliberate, that's what you do in war — you kill people. The question is, were they justifiable?" (b)(6) said. "This is exactly what I expected from this Pentagon, which is an effort to vilify and isolate these men before they ever have a chance to demonstrate their lack of guilt." (b)(6) and (b)(6) lawyers representing (b)(3), (b)(6) said the libel lawsuit has no political motivation and is instead an effort to clear (b)(3), (b)(6) name. (b)(6) said (b)(3), (b)(6) claims "absolute innocence" and believes he did nothing wrong. "We have never been contacted by any organization, political or otherwise, to suggest any action against Congressman Murtha," (b)(6) and (b)(6) said in a written statement. "This was solely our idea as a means by which to defend Staff Sgt. (b)(3), (b)(6) from the baseless and irresponsible accusations levied by Mr. Murtha."
- **Soldier Testifies About Comrades' Threats**--By Andy Mosher  
An American soldier testified Wednesday that comrades threatened to kill him if he disclosed their roles in the slaying of three Iraqi detainees in May in northern Iraq. Pfc (b)(3), (b)(6) said at a military hearing in Tikrit that Staff Sgt. (b)(3), (b)(6) threatened him on May 10, the day after the Iraqis were shot dead in a raid on a suspected base of the insurgent group al-Qaeda in Iraq near Samarra, about 65 miles

north of Baghdad. "He said that if I saw anything, he'd kill me." (b)(3), (b)(6) said, according to a pool report. Later that day (b)(3), (b)(6) said, Pfc. (b)(3), (b)(6) told him that (b)(3), (b)(6) "won't have to kill me because he'll kill me." The case is one of several to surface in recent months in which U.S. service members have been accused of wrongfully killing Iraqi civilians, including an alleged massacre in Haditha and charges that five U.S. soldiers raped and murdered a 15-year-old girl near Mahmudiyah. The allegations have prompted strong denunciations from Iraqi leaders and critics of the U.S. military presence here. The testimony came as Iraqi President Jalal Talabani declared that Iraqi forces would assume control over the nation's security by year's end, even as thousands of U.S. soldiers are now flooding into Baghdad to quell sectarian violence and try to return order to the capital. "We are highly optimistic that we will terminate terrorism this year," Talabani said at a news conference. "The Iraqi forces will take over security in all Iraqi provinces by the end of this year gradually, and if God's will, we will take the lead." (b)(3), (b)(6) Spec. (b)(3), (b)(6) and Spec. (b)(3), (b)(6) have all been charged with murder and other offenses in connection with the killing of the three Iraqis. All but (b)(3), (b)(6) are also charged with obstruction of justice for allegedly threatening to kill (b)(3), (b)(6). All of the accused are members of the Army's 3rd Battalion, 187th Infantry Regiment, 101st Airborne Division. (b)(3), (b)(6) delivered his testimony during a so-called Article 32 hearing, after which a military court will rule whether there is sufficient evidence to court-martial the four defendants. (b)(3), (b)(6) a witness for the prosecution, was granted immunity to testify. (b)(3), (b)(6) testified that, during the May 9 raid, (b)(3), (b)(6) told his squad that (b)(3), (b)(6) and (b)(3), (b)(6) were going to kill three detainees who had been handcuffed. (b)(3), (b)(6) and (b)(3), (b)(6) just smiled," said (b)(3), (b)(6) who said he objected to (b)(3), (b)(6). "I told him I'm not down with it. It's murder," he said. Shortly afterward (b)(3), (b)(6) said, he heard the sound of gunfire. The three detainees were dead, he said, and (b)(3), (b)(6) told him that two had broken out of their plastic cuffs. (b)(3), (b)(6) who acknowledged that he killed an "old man" during the raid, also stated that his unit – the 3rd Battalion's C Company – had been told to kill any military-age Iraqis it encountered. Another witness, 1st Lt. (b)(3), (b)(6) testified that soldiers were told "several times" to "positively identify and kill any military-age male on the island" in Tharthar Lake where the raid was carried out. Pfc. (b)(3), (b)(6) however, testified that the soldiers' orders were to "kill all military-age males that were not actively surrendering." The hearing, which opened Tuesday, may continue for several more days. In Baghdad, meanwhile, explosions killed civilians in several neighborhoods Wednesday. The deadliest killed 11 Iraqis in the evening on a makeshift soccer field in west Baghdad, news services reported. Police said the victims, ages 15 to 25, were killed by two bombs buried in the field. In western Iraq's Anbar province, two U.S. service members were killed in combat, the military said. One was a Marine attached to the Army's 1st Armored Division, the other a soldier assigned to the 9th Naval Construction Regiment.

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**TAB M**



*CG, Sir*

(b)(6)



*had his team build  
this after JTA  
suggested. v/r,  
Iron Triangle*

(b)(6)

*6/17*

1. **Purpose:** Review data related to the Iron Triangle.
2. **Process:**
  - a. Did not query 101<sup>st</sup>. Conducted only an internal search. Looked in MNC-I C3 website and found associated storyboards (Tab A). Conducted Fusion Net, M3 and CIDNE search using terms: Muthana, Iron Triangle, Arab Talib (associate village mentioned in a report).
  - b. Need to stress this is be no means a comprehensive rollup of the intelligence to conduct operation. It only represents a query of data. Suspect that if we queried directly to MND or BCT we would receive a more compelling case.

3.

[Redacted content]

(b)(2)High

# INTELLIGENCE

THE INTELLIGENCE -- OR THE PERFORMANCE OF IT THAT OR (b)(3), (b)(6) WAS EXCLUSIVELY ARI, SEEMS TO HAVE DRIVEN YOUR DECISION MAKING . . . . .

I HAVE PULLED THE INTEL AVAILABLE TO US AT CORPS AND FRANKLY IT IS NOT THAT POWERFUL.

PLEASE EXPLAIN YOUR ANALYSIS OF THE AVAILABLE ~~INTEL~~ INTELLIGENCE

TELL US ABOUT THE "SOURCE OVER FLIGHT,

WHY SUCH GREAT WEIGHT PUT ON THE T7 MISSIONS IN THE AREA?

WHAT DID YOU FIND ON (b)(3), (b)(6)?

WHY WASN'T QUALITY AND ANALYSIS OF THE INTEL AN ARI POINT/DISCUSSION?

WOULD YOU MAKE THE SAME DECISIONS  
TODAY GIVEN WHAT YOU KNOW WAS ON  
THE OBJECTIVE?

MAJ (b)(3),(b)(6) . . . . WOULD YOU GIVE THE  
SAME ADVICE TODAY -- CONCERNING  
THE LEGALITY OF DECLARING OBJ (b)(3),(b)(6)  
A "HOSTILE AREA."

## REQUESTS FOR PRE-ASSAULT FIRMS

• I TAKE IT THAT THE PERPONDERANCE OF INTELLIGENCE INDICATING ALL ON DEJ (b)(3),(b)(6) WERE ARI LED TO THE DECISION TO REQUEST PRE-ASSAULT FIRMS

- WHEN DID YOU FIRST REQUEST PRE-ASSAULT FIRMS? WHAT WAS THE RESPONSE?

✓ - WHY DID YOU AND EVERYONE ELSE THINK THE PACKAGE HAD MADE IT TO THE HELDER?

✓ - WHEN DID YOU MAKE THE SECOND REQUEST? WHAT WAS THE RESULT?

✓ - WHEN YOU ASKED MR TURNER TO RECONSIDER HIS DENIAL, WHAT WAS HIS RESPONSE?

- IF MR TURNER DENIED PRE ASSAULT FIRMS AND THEIR PLANNED AND UNPLANNED CONSEQUENCES, WHY DID YOU THINK THAT THE USE OF DIRECT FIRMS -- IN MUCH THE SAME WAY WITH MUCH THE SAME CONSEQUENCES WAS PERMISSIBLE?

- WHEN MR TURNER TURNED DOWN YOUR REQUEST, DID YOU INFORM HIM YOU WOULD MITIGATE HIS DECISION BY DECLARING HAD (b)(3),(b)(6) HOSTILE AREA?

- IF NOT, WHY NOT?

## ~~ACTIONS ON THE OBJECTIVE~~

• I KNOW THAT YOU WERE NOT ON THE SCENE FOR ALL EVENTS, BUT EXPLAIN TO ME WHAT YOU THINK HAPPENED?

- START WITH THE ENGAGEMENT OF THE BOAT.

- HAD YOU WARNED THE RESIDENTS OF (b)(3),(b)(6) NOT TO ATTEMPT TO LEAVE THE AREA.

- DID YOU DROP LEAFLETS, USE LOUD SPEAKER TANKS, ASK TO EMPLOY BOATS IN THE WATER, ETC? DID YOU CONSIDER IT OR ANY OF THESE MITIGATING STRATEGIES?

- SHOULD THE PILOTS HAVE APPLIED EOP MEASURES? MADE A <sup>DOWN</sup> PASS, FIRED WARNING SHOTS?

- DO YOU KNOW FOR CERTAIN THE BOAT'S OCCUPANTS LEFT FROM (b)(3),(b)(6)

• TELL ME ABOUT "THE MAN IN THE WINDOW"?

- DID HE POINT A WEAPON AT YOUR SOLDIERS?

- DID HE HAVE A WEAPON?

• TELL US ABOUT THE ACTIONS YOUR SOLDIERS TOOK WHEN THEY ENTERED THE FIRST HOUSE?

- DID THE MEN BEAR WEAPONS?

- WOULD YOUR SOLDIERS HAVE BEEN WORKING WITHIN THE ROE YOU PROMULGATE HAD THEY ENGAGED THE 3 WOMEN IN THE HOUSE?

- WHAT IF THEY HAD WOUNDED OR KILLED ONE OF THE WOMEN IN THE PROCESS?

## RULES OF ENGAGEMENT (ROE)

- AGAIN, GIVE US YOUR REASONS AND THOUGHT PROCESS - YOUR STATEMENT CONFUSED ME... LET US READ A PORTION (TAB 26, PG 26)

- DID YOU ASK YOUR LAWYER TO GET AN OPINION?

- DID YOU ASK MR [REDACTED] OR BR OATES IF THEY FELT IT WAS JUSTIFIED.

## GOLDIERS UNDERSTANDING OF THE ROE

- WHAT WERE YOUR GOLDIERS UNDERSTANDING OF THE ROE.

- ACCORDING TO THE LOG 2/3/187, YOU GAVE KNIVES TO 3 GOLDIERS WHO HAD RECENT KILLS... EXPLAIN THAT. ANY PROBLEMS W/ THAT?

- SHOW THE GUIDE.

### 3/10/ INVESTIGATION AND REPORTING

- Why did you order a 15-b AFTER THE SHOOTING OF THE "INMURGENTS" -- I CALL THEM "DETAINEES" -- AND SO DOES THE LAW... BUT YOU CALLED THEM INMURGENTS.
- Why did you think you did NOT HAVE TO IMMEDIATELY REPORT THE INMURGENTS/DETAINEES DEATHS TO DIU?
- Why did you appoint the XO OF THE BATTALION INVOLVED IN THE INCIDENT.
- DID YOU UNDERSTAND HOW THE STATEMENTS WERE DONE? WAS IT RIGHT?
- Would you do ANYTHING DIFFERENT?

OP ORD SWAY

ENEMY THAT ENGAGE THE TF ARE KILLED

DETAINEES

- 1. 213 DETAINED
- 2. 109 TO BDIFF
- 3. 3 DETAINEES TO TSF

B.S

MAJ [redacted] : pg 27-30 ROE

pg 2 legal REVIEW OF INFORMAL INVESTIGATION — "STATUS RATHER TARGET?" MAJ [redacted]

DID PEOPLE GET A LEGAL OPINION BEFORE DECLARING OBI HOSTILE? [redacted]

No! WAS THERE A LAWYER AT THE  
REHEARAL?

OLD MAN WAS 60 YEARS OLD - HAD DENTURES

3-320FA CSIM

P26

~~SEE~~ (b)(3), (b)(6) : "THERE WERE NO CHARGES  
TO THE ROE"

LTZ (b)(3), (b)(6) - BN ODE, 3-320 - "THERE WERE NO"  
ROE PG 8 - MENTIONED LAWYER BRIEF -  
ING ROE AT ORDON BREF

PVT (b)(3), (b)(6) : NSIR

pg 10

MAJ (b)(3), (b)(6) - 3BAT SIGO  
KILL ALL WAGAS

TS (b)(3), (b)(6) JTAC, DIV - ROE p 13

MAJ [redacted] Bde SZ

OBJECTIVE INTEL PIT  
ROE p9 ~~23~~ — ???

CW3 [redacted] — Bde TARGETING OFFICER

BOAT ENGAGEMENT PG 8  
ROE P12

PFC [redacted] PSD 3d Bde : NSTR

CPT [redacted] Bde WED PLANNER

MAJ [redacted] SJA — THE ENTIRE STATE — WENT

MAJ

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

BGT 33

SOURCE PID'ING W/TEL FLIGHT PL9

ROE 24

PAGE 32

CPT

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

W/CO LOR, 3-187

PG 12 "IT WASN'T ONE OF THE INITIAL SOLID OBJECTIVES"

PG 13 (b)(3), (b)(6) LEARNED FROM "HOT" ON THE BOAT

16 ROE — 29  
19 A  
20 J

Why did they all think that their target had gone to the water

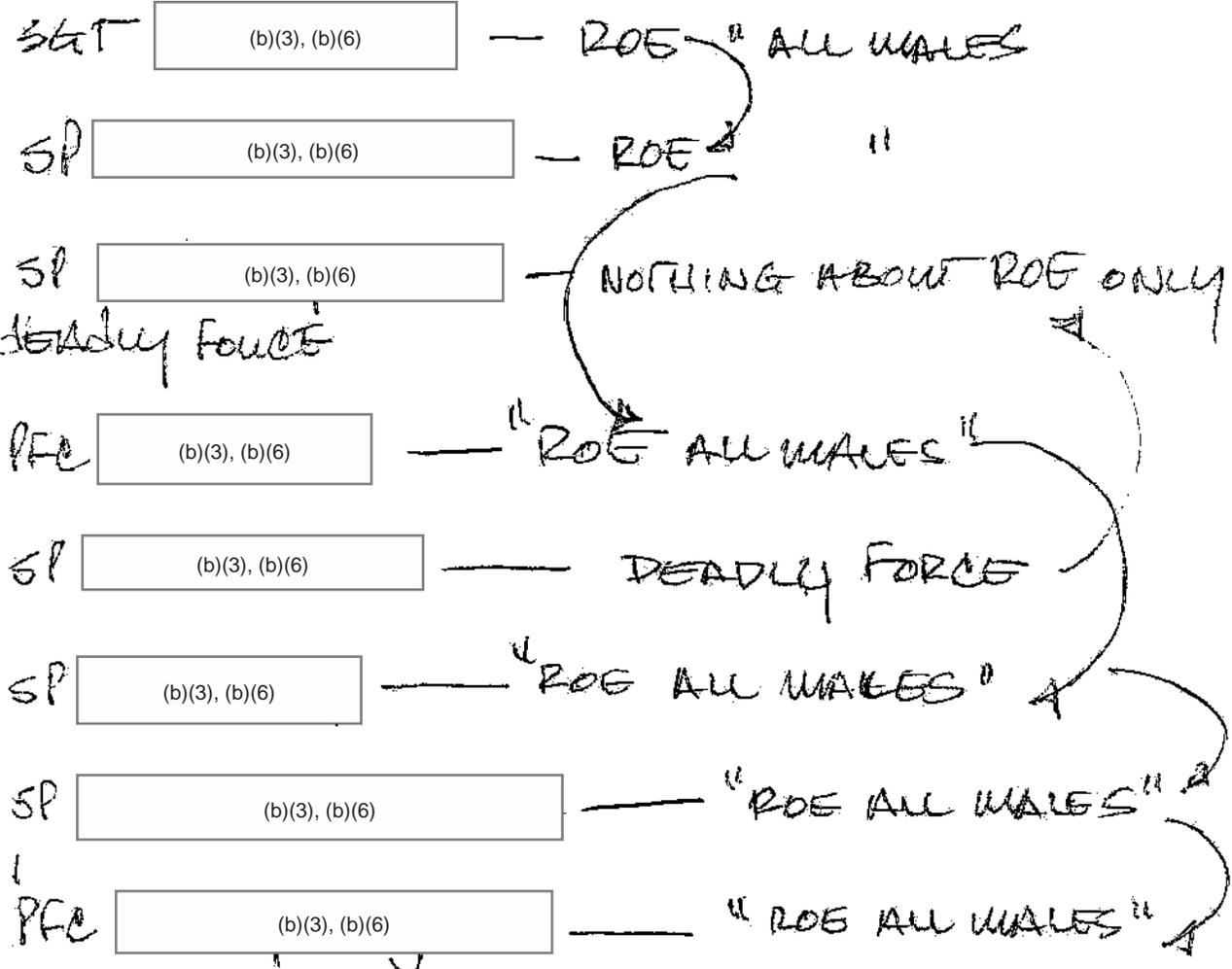
MAJ

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

TAB 23

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

ROE — ALL W/LES HOSTIVE



o ~~preplanned~~ PRE PLANNED TARGETS  
Pg 20; APPOINTS MAJ GULUWAN

CHONG A 15-6 OFFICER FROM THE IN.  
~~CONDUCTING THE OPERATION~~

ROE, Pg 26

Pg 29 — WAFFLES AN ANSWER ABOUT  
HOW HE COMMUNICATED ENGAGEMENT  
CRITERIA

Pg 31 — WHERE STEELE ISSUED THE  
INSTRUCTIONS.

196, C/3-187 ??? Pg 36

Pg 41 "going up immediately"

→ ALL THIS GREAT INTEL AND A FLY OVER  
BY THE SOURCE IS THE PIVOTAL EVENT  
Pg 41

p942 - "I did NOT USE THAT SPECIFIC LANGUAGE."

p45 - ENGAGING THE BOAT

p47 - ENGAGING THE WINDOW MAN & BOAT WERE CORRECT.

~~p48~~  
p49 THE DETAINEES?

p55 NOT DETAINEES, COMBATANTS.



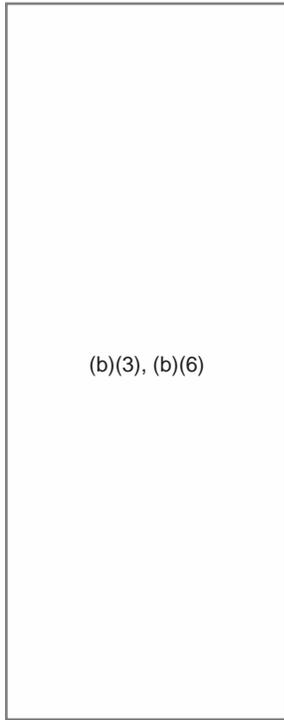
1 SGT FOR INTERVIEW

EXPLOITABLE EVIDENCE DISPOSITION AND  
CHANGES ON ~~DEFENSES~~ MOVED TO TIF

8 (b)(3), (b)(6) 15-6

ANALYSIS OF THE STATEMENTS.

Window DETAILS



✓  
✓  
✓  
✓  
✓

✓  
✓  
(S)  
✓

4 MAY

WARNING ORDER

5 "

FORMAL W.O.

7 PM

ACTUAL RECON

PRE PLANNED MILRS PACKAGE GOES  
UP ON THE EVENING 7TH

9 MAY

- OPERATION IRON TRIANGLE
- CO CDR, CPT (b)(3), (b)(6) (C/3-187)  
ORDERS CDR'S INQUIRY

11 MAY

- CDR'S INQUIRY COMPLETE
- (b)(3), (b)(6) ORDERG 15-6 BY MAJ  
(b)(3), (b)(6) XO, 3-320 FA
- (b)(3), (b)(6) BRIEFS DEBILIMINAZLY  
FINDINGS TO (b)(3), (b)(6)
- (b)(3), (b)(6) GOES ON LEAVE, TELLS  
STAFF INVESTIGATION STAYS IN HOUSE  
UNTIL HE RETURNED FROM LEAVE,  
O/A 1 JUNE

15 MAY

- PVT (b)(3), (b)(6) SENDS EMAIL TO  
RECUZITER - SFC (b)(3), (b)(6)
  - UNKNOWN SOLDIERS SHOT 4 DE-  
TAINEES
  - (b)(3), (b)(6) TOLD TO CUT ZIP  
STRIPS
  - SAID THIS WAS THE SECOND  
TIME THIS HAD HAPPENED  
W/ THIS COMPANY

16 MAY

SFC (b)(3), (b)(6) GOES TO CID FORT  
RUBY

22 MAY

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

GIVE'S DETAILED STATEMENT  
TO CID, CAMP REMAGEN

**TAB N**



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

REPLY TO  
ATTENTION OF

FICI-C2

30 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) OIA Request (Set 2), 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 D), the emails are classified under E.O. 12958, § 1.4a. The information in the emails would reveal information on operations that are still classified.

2. I have also reviewed the emails found in "Tab H". This item is marked secret because of the attachment to the email, however, the attachment is not included and the text of the email 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) @s-iraq.centcom.smil.mil.

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

CPT, CM  
MNC-I Security Manager