

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
48th Military Police Detachment (CID) Rear
6525 Specker Avenue, Fort Carson, Colorado 80913-0913

23 Jun 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - CORRECTED FINAL/SSI -
0326-2004-CID056-76236 - 5H9C1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 APR 2004, 1030 - 11 APR 2004, 1200; VICINITY GRID COORDINATE 38S
MB180798, SOUTH OF CAMP FALLUJAH, IRAQ

DATE/TIME REPORTED: 11 AUG 2004, 1000

INVESTIGATED BY:

SA [REDACTED]

SA [REDACTED]

SA [REDACTED]

b7C-1, b6-1, b2
b7C-1, b6-1, b2
b7C-1, b6-1, b2

SUBJECT:

1. NONE, ; [DEATH BY HOSTILE FIRE] (NFI)

VICTIM:

1. UNKNOWN IRAQI, ; MALE; [DEATH BY HOSTILE FIRE] (NFI)

INVESTIGATIVE SUMMARY:

About 1000, 11 Aug 04, this office was notified by Military Police Investigations (MPI), Office of the Provost Marshal, Fort Carson, CO (FCCO) 80913, of an undetermined death of an Iraqi male who was killed in Iraq by an American soldier. The Iraqi was in surrender status.

~~Investigation established probable cause to believe that SSG [REDACTED]~~

~~[REDACTED] 706th Transportation Company (TC), Mansfield, OH, did not commit the offense of murder and the offense of murder was not committed as initially alleged. This incident was within the US Central Command's rules of engagement policy; therefore, it was declared a~~

b7C-5, b6-5

b7C-5, b6-5

1

020318

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

[REDACTED]

00 001

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

lawful hostile engagement.

Investigation established that on 11 Apr 04, the 706th TC, deployed to Taji, Iraq, where they were involved in a hostile engagement when an Iraqi insurgent force ambushed the 706th TC's convoy. The convoy members engaged the Iraqi force wherein all Iraqi's were killed except a small force who barricaded themselves inside a building/bunker.

Subsequent to the cease fire, one of the Iraqi soldiers exited the building and presented a white flag at the end of his weapon with the muzzle pointed in the air, as if he were surrendering. Subsequent to the surrendering process, the Iraqi lowered his weapon and fired upon the convoy members. Several members of the convoy then returned fire killing the Iraqi.

The investigation also disclosed upon several interviews of the convoy members that SSG [REDACTED] did not engage the surrendering Iraqi as his weapon had malfunctioned. b7c-5, 66-5

Further investigation also established that 1st Calvary Division responded to this incident to assist the 706th TC and captured two Iraqi's who were released to the Prisoner of War (POW) collection point.

On 28 Oct 04, SSG [REDACTED] was interviewed wherein he denied he had shot at or killed the above surrendering Iraqi. He related his unit engaged the Iraqi force when his unit was ambushed during a convoy. b7c-5, 66-5

Between 20 - 24 Apr 04, the 593rd Corps Support Group conducted a commander's inquiry regarding this incident confirming the above events.

Further, on 20 Jun 05, during an administrative review of this file, it was disclosed the synopsis of this report did not fully explain why SSG [REDACTED] did not commit the offense of murder and the offense or murder was not committed as alleged. This corrected report was submitted to rectify the incident dates and the synopsis of this report and to change the offense code undetermined manner of death to death by hostile fire. b7c-5, 66-5

STATUTES:

None (Hostile Fire)

EXHIBITS/SUBSTANTIATION:

Attached:

2

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

020319

00 002

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

b7C-1, 66-1

1. Agent's Investigation Report (AIR) of SA [REDACTED] 30 Aug 04, detailing the basis for investigation, interview of MSG [REDACTED] and unit coordination's. b7C-4, 66-4

2. Sworn Statement of MSG [REDACTED] 11 Aug 04, detailing his conversation with SSG [REDACTED] b7C-4, 66-4

3. AIR of SA [REDACTED] 16 Aug 04, detailing receipt of the Request for Assistance (RFA), unit coordination's and interview of WO1 [REDACTED] b7C-5, 66-5
b7C-1, 66-1

4. Sworn Statement of WO1 [REDACTED] 16 Aug 04, detailing the conversation he overheard between MSG [REDACTED] and SSG [REDACTED] b7C-4, 66-4
b7C-5, 66-5

5. AIR of SA [REDACTED] 28 Oct 04, detailing receipt of RFA results from SA [REDACTED] and interview of SSG [REDACTED] b7C-1, 66-1
b7C-5, 66-5

6. Rights Wavier Certificate and Sworn Statement of SSG [REDACTED] 28 Oct 04, in which he denied killing the Iraqi male. b7C-5, 66-5

7. AIR of SA [REDACTED] 18 Sep 04, detailing receipt of RFA, receipt of commander's inquiry and unit coordination's. b7C-1, 66-1

8. 593rd Corps Support Group Commander's Inquiry, 20-27 April 04, detailing the events that occurred during the ambush of the 706th TC convoy on 11 Apr 04.

9. Findings and Recommendations of 593rd Corps Support Group Commander's Inquiry, 27 Apr 04, detailing the recommendation that every soldier involved in the firefight receive bronze stars for their valor and determination.

10. AIR of SA [REDACTED] 20 Nov 04, detailing receipt of RFA and his efforts to identify the individual captured by convoy members on 11 Apr 04. b7C-1, 66-1

11. Significant Activity Reports, 11-12 Apr 04, detailing the events surrounding the ambush of the 706th TC convoy.

12. Interrogation Report, 27 May 04, detailing the interrogation of the Iraqi individual captured by members of the convoy on 11 Apr 04. b7C-1, 66-1

13. AIR of SA [REDACTED] 20 Dec 04, detailing receipt of RFA, unit coordination's and interviews of SPC [REDACTED] SPC [REDACTED] SPC [REDACTED] SGT [REDACTED] and SGT [REDACTED] b7C-4, 66-4
b7C-4, 66-4

3.

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

020320

00 003

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

14. Sworn Statement of SPC [REDACTED] 3 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *67C-4,66-4*
15. Sworn Statement of SPC [REDACTED] 3 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *67C-4,66-4*
16. Sworn Statement of SPC [REDACTED] 6 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *67C-5,66-5*
17. Sworn Statement of SGT [REDACTED] 8 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *67C-4,66-4*
18. Sworn Statement of SGT [REDACTED] 20 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *67C-5,66-5*
19. AIR of SA [REDACTED] 11 Jan 05, detailing receipt of RFA and interview of SSG [REDACTED] *67C-4,66-4*
20. Sworn Statement of SSG [REDACTED] 11 Jan 05, detailing he did not witness SSG [REDACTED] fire his weapon during the firefight. *67C-5,66-5*
21. AIR of SA [REDACTED] 16 Jan 05, detailing receipt of RFA and interview of SGT [REDACTED] *67C-4,66-4*
22. Sworn Statement of SGT [REDACTED] 15 Jan 05, detailing he did not witness SSG [REDACTED] fire his weapon during the firefight. *67C-1,66-1*
23. AIR of SA [REDACTED] 10 Feb 05, detailing unit and SJA coordination's and name check results of SSG [REDACTED] *67C-5,66-5*

Not Attached: NONE

STATUS: This is a corrected final report. Commander's Report of Disciplinary Action Taken, DA Form 4833 is not required.

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

REPORT PREPARED BY

SA [REDACTED]
Special Agent

67C-1,66-1,62

REPORT APPROVED BY

[REDACTED]
Special Agent-in-Charge

67C-1,66-1

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA
CDR, USACIDC, ATTN: CIOP-ZA, Ft Belvoir, VA 22060
CDR, 6th MP Group (CID), Fort Lewis, WA 98433
CDR, 22d MP Bn, Ft Lewis, WA
Dir, Armed Forces Institute of Pathology, Rockville, MD
CDR, 1ST MOBILIZED BDE, FT CARSON, CO
CHIEF OF STAFF, FT CARSON
CHIEF, CRIMINAL LAW, FORT CARSON, CO
GARRISON COMMANDER, FT CARSON
PMO, FORT CARSON, CO (ATTN: MPR #: 00411-2005-MPC056)
FILE

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

~~015550~~

020322

00 005