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:

676-1,66-1,62 670-1,66-1,62 SA 4 SA 675-1,66-1,62 SA

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

676-5,66-5

706th Transportation Company (TC), Mansfield, OH, did not commit the offense 676-5,66-5 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

020318

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive



 $00 \ 001$

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 convoymembers. Several members of the convoy then returned fire killing the Iraqi.

The investigation also disclosed upon several interviews of the convoy members that SSG 47e-5, 66-5 did not engage the surrendering Iraqi as his weapon had malfunctioned.

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 was interviewed wherein he denied he had shot at or killed bre-5,66-5 the above surrendering Iraqi. He related his unit engaged the Iraqi force when his unit was ambushed during a convoy.

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 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.

STATUTES:

None (Hostile Fire)

EXHIBITS/SUBSTANTIATION:

Attached:

2

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

020319



1. Agent's Investigation Report (AIR) of SA and a second 30 Aug 04, detailing the basis for investigation, interview of MSG and unit coordination's. 67 - 4, be 4

2. Sworn Statement of MSG 11 Aug 04, detailing his conversation with SSG

67C-5,66-5 67C-1,66-1

3. AIR of SA 16 Aug 04, detailing receipt of the Request for Assistance (RFA), unit coordination's and interview of WO1 62C-466-4

4. Sworn Statement of WO1 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04, detailing the conversation he overheard between MSG 16 Aug 04 A

5. AIR of SA 28 Oct 04, detailing receipt of RFA results from SA 28 Oc

6. Rights Wavier Certificate and Sworn Statement of SSG was 22 28 Oct 04, in which he denied killing the Iraqi male.

7. AIR of SA 18 Sep 04, detailing receipt of RFA, receipt of commander's inquiry and unit coordination's.

- 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 20 Nov 04, detailing receipt of RFA and his efforts to identify the individual captured by convoy members on 11 Apr 04.
- 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.

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

67C-4,66-4

3

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

020320



Law Enforcement Sensitive

676-4,56-4

14. Sworn Statement of SPC 3 Dec 04, detailing he did not witness SSG shoot a surrendering Iraqi male.

b1C-4,66-4

15. Sworn Statement of SPC 1888 3 Dec 04, detailing he did not witness SSG shoot a surrendering Iraqi male. 676-57

16. Sworn Statement of SPC 6 Dec 04, detailing he did not witness SSG shoot a surrendering traqi male. 676-5.

17. Sworn Statement of SGT 8 Dec 04, detailing he did not witness SSG shoot a surrendering Iraqi male. 67C-5,66-5

18. Sworn Statement of SGT 20 Dec 04, detailing he did not witness SSG

676-466-4

shoot a surrendering Iraqi male. 676-5,66-5

676-4,66-4

19. AIR of SA 11 Jan 05, detailing receipt of RFA and interview of SSG

20. Sworn Statement of SSG 11 Jan 05, detailing he did not witness SSG 20 fire his weapon during the firefight. 676-5, 66-5

67C-4,66-4

21. AIR of SA 16 Jan 05, detailing receipt of RFA and interview of SGT

61C-4,66-4

22. Sworn Statement of SGT 15, 15 Jan 05, detailing he did not witness SSG fire his weapon during the firefight.

23. AIR of SAC 10 Feb 05, detailing unit and SJA coordination's and name check results of SSG 10 Feb 05.

Not Attached: NONE

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

4

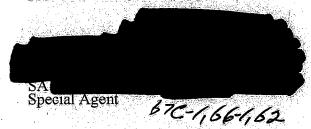
FOR OFFICIAL USE ONLY Law Enforcement Sensitive

015549

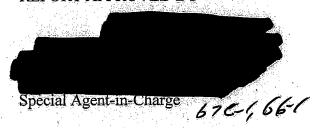
020321

Law Enforcement Sensitive

REPORT PREPARED BY



REPORT APPROVED BY



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)

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

020322