

**INVESTIGATION INTO CIVILIAN  
CASUALTIES RESULTING FROM AN  
ENGAGEMENT ON 12 JULY 2007 IN  
THE NEW BAGHDAD DISTRICT OF  
BAGHDAD, IRAQ**

**Report of Investigation UP AR 15-6  
MAJ (b)(6), (b)(3), Investigating Officer  
2ND BRIGADE COMBAT TEAM  
2ND INFANTRY DIVISION (MND-B)**



DEPARTMENT OF THE ARMY  
Headquarters, 2nd Brigade Combat Team  
2nd Infantry Division (MND-B)  
Forward Operating Base Loyalty, Baghdad, Iraq 09390



REPLY TO  
ATTENTION OF

JUL 17 2007

AFZC-B-CDR

MEMORANDUM FOR Commander, MND-B and 1st Cavalry Division

SUBJECT: Legal Review of AR 15-6 – Investigation into Civilian Casualties Resulting from an Engagement on 12 July 2007 in the New Baghdad District Of Baghdad, Iraq

I have reviewed the investigation and recommend you approve the findings and recommendations.

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

COL, IN  
Commanding

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DEPARTMENT OF THE ARMY  
Headquarters, 2nd Brigade Combat Team  
2nd Infantry Division (MND-B)  
Forward Operating Base Loyalty, Baghdad, Iraq 09390



REPLY TO  
ATTENTION OF

AFZC-B-JA

JUL 17 2007

MEMORANDUM FOR Commander, 2BCT/2ID (MND-B)

SUBJECT: Legal Review of AR 15-6 – Investigation into Civilian Casualties Resulting from an Engagement on 12 July 2007 in the New Baghdad District Of Baghdad, Iraq

1. In accordance with AR 15-6, paragraph 2-3, I reviewed the AR 15-6 investigation into the facts surrounding the death and injuries to apparent civilians resulting from the engagement by Apache helicopters on 12 July 2007 in the New Baghdad District of Baghdad, Iraq. This investigation complies with the Commanding General's directive to investigate the death or injury of apparent civilian non-combatants contained in FRAGO 352 to MNC-I OPOD 05-03 (17 Apr 06).
2. The investigation is legally sufficient. The investigation finds by a preponderance of evidence that affiliates of Reuters, Mr. Namir Noor-Eldeen and Mr. Saeed Chmagh, were killed and that two children were injured during the engagement. I make the following determinations:
  - a. The proceedings comply with the legal requirements under AR 15-6 and contain no material errors or violate any individual's substantial rights.
  - b. Sufficient evidence supports the findings.
  - c. The recommendations are consistent with the findings.
3. The approval authority for the investigation is the Commanding General.
4. Point of contact for this legal review is the undersigned at (b)(6), (b)(3) or VOIP (b)(6)  
(b)(6), (b)(3)  
MAJ, JA  
Brigade Judge Advocate



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
2ND INFANTRY DIVISION  
MULTI-NATIONAL DIVISION-BAGHDAD  
CAMP LOYALTY, IRAQ APO AE 09390



AFZC-B-CDR

JUL 13 2007

MEMORANDUM FOR MAJ (b)(6), (b)(3) 2nd Brigade Combat Team, 2nd Infantry Division,  
Multi-National Division-Baghdad, FOB Loyalty, Iraq APO AE 09390

SUBJECT: Appointment as Investigating Officer under AR 15-6

1. You are hereby appointed as an Investigating Officer pursuant to *AR 15-6, Procedures for Investigating Officers and Boards of Officers*, to conduct an investigation into the facts and circumstances surrounding the civilian loss of life during a military engagement by the 1st Air Cavalry Brigade vicinity grid (b)(2)High on 12 July 2007.

2. You will investigate the injuries caused to any apparent civilian noncombatants resulting from the enemy engagement by aviation in the vicinity of Zone 30 in order to comply with FRAGO 352 to MNC-I OPOD 05-03 task 10 (17 Apr 06). Provide a brief narrative description of the events that occurred on or about 0950 hours 12 July 2007. You will limit the areas of your inquiry to—

a. Describe the nature of the injuries of two local national children discovered by 2-16th Infantry Battalion. Make a recommendation whether any condolence or claims payment is warranted.

b. Assess whether Mr. Namir Noor-Eldeen or Mr. Saeed Chmagh was killed during the hostile fire engagement based on all available evidence. Make a finding, if possible, as to their involvement in the engagement.

c. Include in your investigation any photos or operational graphics that are relevant to your findings and recommendations.

3. Your legal advisor is MAJ (b)(6), (b)(3) 2nd Brigade Operational Law Team, VOIP (b6) who will give you an in-brief before you begin your investigation and be available to assist you during the investigation.

4. You may speak with any and all individuals that you believe have information pertinent to your investigation. You will obtain guidance from your legal advisor if in the course of your investigation you determine that completion thereof requires examining the conduct or performance of, or may result in Findings and Recommendations adverse to any person.

5. All witness statements will be sworn and, if possible, submitted on DA Form 2823. If circumstances preclude you from obtaining a sworn statement, or if you obtain a statement

AFZC-B-CDR

SUBJECT: Appointment as Investigating Officer under AR 15-6

telephonically or through an interpreter, you will summarize such a statement in a Memorandum for Record and swear to the accuracy of your summary.

6. Your report will be submitted to this office on DA Form 1574 together with all evidence marked as Exhibits, and an Index to said Exhibits. Your Findings must be based on the evidence you include as Exhibits and your Recommendations must be based on your Findings.

7. You are directed to begin your investigation upon receipt of these unsigned orders from your legal advisor. Your complete report will be submitted to this office no later than 19 July 2007. Requests for delays should be made to your legal advisor.

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

COL, IN  
Commanding

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

**SECTION I - APPOINTMENT**

Appointed by (b)(6), (b)(3) COL, IN, Commanding  
(Appointing authority)

on 13 July 2007 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)  
(Date)

**SECTION II - SESSIONS**

The (investigation) (board) commenced at FOB RUSTAMIYAH, Baghdad, Iraq at 2000  
(Place) (Time)  
on 13 July 2007 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and  
(Date) ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 2000 on 13 July 2007  
(Time) (Date)  
and completed findings and recommendations at 2300 on 17 July 2007  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
<sup>1/</sup>	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any?(See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOOTNOTES: <sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
2	Exhibits ( <i>para 3-16, AR 15-6</i> )			
	a. Are all items offered ( <i>whether or not received</i> ) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Are copies, descriptions, or depictions ( <i>if substituted for real or documentary evidence</i> ) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board ( <i>para 3-6b, AR 15-6</i> )?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit ( <i>para 3-16d, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations ( <i>paras 4-1 and 5-2b, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>)</b>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment ( <i>para 5-3b, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Was a quorum present at every session of the board ( <i>para 5-2b, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Was each absence of any member properly excused ( <i>para 5-2a, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were members, witnesses, reporter, and interpreter sworn, if required ( <i>para 3-1, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence ( <i>para 5-2d, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>)</b>				
9	Notice to respondents ( <i>para 5-5, AR 15-6</i> ):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	
	c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	
	(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	
	(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	If any respondent was designated after the proceedings began ( <i>or otherwise was absent during part of the proceedings</i> ):			
	a. Was he properly notified ( <i>para 5-5, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel ( <i>para 5-4c, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Counsel ( <i>para 5-6, AR 15-6</i> ):			
	a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	
	Name and business address of counsel:			
	( <i>If counsel is a lawyer, check here <input type="checkbox"/> </i> )			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. If military counsel was requested but not made available, is a copy ( <i>or, if oral, a summary</i> ) of the request and the action taken on it included in the report ( <i>para 5-6b, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality ( <i>para 5-7, AR 15-6</i> ):			
	a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Was the respondent given an opportunity to ( <i>para 5-8a, AR 15-6</i> ):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Make or have his counsel make a final statement or argument ( <i>para 5-9, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses ( <i>para 5-8b, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it ( <i>para 5-11, AR 15-6</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOOTNOTES: <sup>1/</sup> Explain all negative answers on an attached sheet.				
<sup>2/</sup> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				



**SECTION IV - FINDINGS** (para 3-10, AR 15-6)

The *(investigating officer) (board)* , having carefully considered the evidence, finds:

See attached memorandum.

**SECTION V - RECOMMENDATIONS** (para 3-11, AR 15-6)

In view of the above findings, the *(investigating officer) (board)* recommends:

See attached memorandum.

**SECTION VI - AUTHENTICATION** (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

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

\_\_\_\_\_  
(Recorder)

\_\_\_\_\_  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

**SECTION VII - MINORITY REPORT** (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

APPROVAL

**SECTION VIII - ACTION BY APPOINTING AUTHORITY** (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

I ratify the appointment of the investigating officer, MAJ (b)(6), (b)(3)

The recommendation that:

- (10a) Members of the press be encouraged or required to wear identifying vests or distinctive body armor within the MND-B AOR is (approved) (disapproved) (remanded to the BCT Cdr).
- (10b) Coalition Forces be notified when members of the press are operating in their AORs is (approved) (disapproved) (remanded to the BCT Cdr).
- (10c) Condolence payments be made to families of the two children wounded in this engagement is (approved) (disapproved) (remanded to the BCT Cdr).

I remand the matter to the 2/2ID Cdr for appropriate action.

\_\_\_\_\_  
VINCENT K. BROOKS  
Brigadier General, USA  
Deputy Commanding General (Maneuver)



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2D BRIGADE COMBAT TEAM (2ID)  
MULTINATIONAL DIVISION--BAGHDAD  
FOB LOYALTY, IRAQ APO AE 09390



AFZC-B-IO

17 July 2007

MEMORANDUM FOR Commander, 2nd Infantry Brigade Combat Team, 2nd Infantry Division (MND-B), Baghdad, Iraq

SUBJECT: 15-6 Investigation of Civilian Casualties Resulting from an Engagement on 12 July 2007 in the New Baghdad District of Baghdad, Iraq

1. The purpose of this memorandum is to detail the findings and recommendations of my 15-6 investigation into the presence of noncombatants during an engagement that occurred on the morning of 12 July, 2007 in Zone 30, Mualameen Muhallah, of Tisa Nisan District, East Baghdad, as part of OPERATION ILAAJ (CURE).
2. The appointing authority (Colonel (b)(6), (b)(3) 2BCT Commander) directed me to issue findings and recommendations covering the following areas of inquiry:
  - a. Describe the nature of the injuries of two local national children discovered by 2-16th Infantry Battalion. Make a recommendation whether any condolence or claims payment is warranted.
  - b. Assess whether Mr. Namir Noor-Eldeen or Mr. Saeed Chmagh (Employees of Reuters News Corporation), were killed during the hostile fire engagement based on all available evidence.
  - c. Assess any relevant issues, including the use of force, by members of 2nd Brigade Combat Team. If you come into any evidence concerning the conduct of other individuals, refer the matter to your legal advisor.
3. I began the investigation by contacting MAJ (b)(6), (b)(3) (2-16 IN S3) and arranging to interview the Bravo Company, 2-16 Infantry soldiers who first arrived at the scene at the engagement after the helicopter engagement. Once these interviews were completed, I reviewed the gun-camera tapes from the 1<sup>st</sup> Cavalry Division's Apache Helicopters that were in direct support of the ground maneuver elements for OPERATION ILAAJ, the clearance of Zone 30 in the Mualameen Muhallah of Tisa Nisan (New Baghdad).
4. From the witness statements and the Apache gun-camera film (Screen Print Exhibit A), I determined that the engagement in which the Iraqi children were injured and the two Reuters News employees were killed began at 1020 hours (local Baghdad time, Zulu +4), at grid coordinates (b)(2)High. The Bravo Company 2-16 soldiers were within 100 meters of the location of a group of armed insurgents and two individuals carrying cameras when Apache helicopters engaged the insurgents with 30mm gunfire. The engagement concluded with the evacuation of casualties at 1041 hours.

5. Bravo Company 2-16 Infantry had been under sporadic small arms and rocket-propelled grenade fire since OPERATION ILAAJ began at dawn on the morning of the 12<sup>th</sup> of July. The company had the mission of clearing their sector and looking for weapons caches. Two Apache helicopters from the 1<sup>st</sup> Cavalry Division's Aviation Brigade (call signs "Crazyhorse 18" and "Crazyhorse 19") were in direct support to the ground maneuver force and were monitoring the Bravo Company radio frequency.

6. The following sequence of events is derived from a review of the gun-camera film. The gun camera film was a video burned onto a compact disc which I received from my legal advisor. The video provided me an accurate timeline of events and allowed me to corroborate or deny other eye witness testimony received into evidence. However, it must be noted that details which are readily apparent when viewed on a large video monitor are not necessarily apparent to the Apache pilots during a live-fire engagement. First of all, the pilots are viewing the scene on a much smaller screen than I had for my review. Secondly, a pilot's primary concern is with flying his helicopter and the safety of his aircraft. Third, the pilots are continuously tracking the movement of friendly forces in order to prevent fratricide. Fourth, since Bravo Company had been in near continuous contact since dawn, the pilots were looking primarily for armed insurgents. Lastly, there was no information leading anyone to believe or even suspect that noncombatants were in the area. Although useful, an analysis of the engagement captured on the video is beyond the scope of my investigation and the subject of a collateral investigation. The digits appearing before the exhibit are the time derived from the Apache video footage. 0619:37 is 0600 hours, 19 minutes, and 37 seconds, Greenwich Mean or ZULU Time. Baghdad local time is 4 hours later.

a. 0619:37 Z (Exhibit A Photo). As the Apaches orbit counterclockwise, eleven military-aged males dressed in Western-style pants and shirts, are seen walking northward toward a wall vic (b)(2)High. Two individuals can be seen carrying cameras with large telephoto lenses slung from their right shoulders. While two other males can be seen carrying an RPG launcher and an AKM. The cameras could be easily mistaken for slung AK-47 or AKM rifles, especially since neither cameraman is wearing anything that identifies him as media or press.

b. 0620:07 Z (Exhibit B Photo). Two individuals are seen openly displaying an RPG and an AKM, while a third individual carries what appears to be an RPG round. The rest of the military-aged males are obscured by the building in the foreground.

c. 0620:34 Z (Exhibit C Photo). One of the cameramen is seen peering from behind the wall looking west toward the approaching Bravo Company soldiers. The voice on the gun tape mistakenly identifies the long telephoto lens as an RPG.

d. 0620:38 Z (Exhibit D). The cameraman raises the camera to sight through the viewfinder and his action appears prompts one of the pilots to remark "He's getting ready to fire." Photos later recovered from the camera show a US Army HMMWV sitting at an intersection, less than 100 meters away from the camera. The digital time/date stamp on the photo indicates that these photos were the ones taken as the cameraman peered from behind the wall (Exhibit R). Due to the furtive nature of his movements, the cameraman gave every appearance of preparing to fire an RPG on US soldiers.

e. 0621:07 Z (Exhibit E Photo). As the Apache continues his orbit and clears the buildings he gains a clear view of the insurgents. Both cameramen are visible within a very tight circle of armed insurgents. An RPG launcher and an AKM are also visible at this point and all military-aged males are clustered within a two-meter radius. The Apache engages seconds later, apparently killing eight of the nine military-aged males.

f. 0626:03 Z (Exhibit F Photo). As ground forces approach the engagement area, A black van with white paint on the roof (erroneously reported as both a white van and a bongo truck) arrives. Two military-aged males and the vehicle's driver then attempt to load one of the wounded insurgents into the van. The Apache pilot requests permission to engage the van in order to prevent the escape of the insurgents. Bushmaster 7 responds "This is Bushmaster 7, Roger, engage." The Apaches engage disabling the van seconds later.

g. 0631:53 Z (Exhibit G Photo). The first elements of Bravo Company, 2-16 Infantry arrive on scene and begin to secure the area. They discover two RPGs and an AK-47 or AKM among the group of insurgents clustered near the wall. They also discovered two Canon EOS digital cameras with large telephoto lenses attached in the immediate vicinity of the bodies. The Soldiers gathered the two Canon digital cameras at the site as evidence for analysis. Two of the Military-aged males are still alive and the soldiers on scene render first aid and call for a medic.

h. 0639:44 Z (Exhibit H Photo). Bravo Company soldiers searching the van find an Iraqi girl approximately four years old with penetrating wounds to her torso, and evacuate her to FOB LOYALTY.

i. 0641:11 Z (Exhibit I Photo). Another Bravo Company soldier finds that an Iraqi male approximately eight years old is still alive after sustaining several penetrating wounds to various parts of his body, and evacuates that child as well. Both children were evacuated to FOB LOYALTY and then to 28<sup>th</sup> CSH on 12 July. Both children were then transferred to Medical City, an Iraqi controlled treatment facility, on 13 July 2007.

j. (Exhibits J-P Statements). As Bravo Company secured the scene, they continued to take small arms fire and were not able to conduct a detailed sensitive site exploitation of the engagement area. Pictures taken at the time (Exhibit P), reveal one of the digital cameras with a sand-colored telephoto lens attached as well as an AK/AKM and an additional RPG launcher with a loaded round still in it. The body lying closest to the camera had an RPG round underneath it (later destroyed by EOD). Not one of the soldiers present recalled seeing any indications of either media/press badges or photographers' vests to indicate that noncombatants were on scene. Bravo Company soldiers remained on scene until Iraqi Security Forces arrived to take charge of the bodies and weapons. The two digital cameras were turned in for analysis when Bravo Company elements returned to FOB RUSIMYAH later that afternoon.

k. By the late afternoon of 12 July, Iraqi Security Forces had recovered the press identification badges from the bodies of the Reuters employees and returned them to Reuters. I was unable to determine exactly where and when the identification was returned, and inquiries to Reuters have not yet been answered. By the afternoon of July 12<sup>th</sup>, Reuters was running the

story that two of their personnel had been killed on assignment in Baghdad in an engagement with US Forces (Exhibit S).

7. The Document Exploitation Team at FOB RUSTIMYAH conducted an examination of the media cards in the cameras and extracted hundreds of photos from each. Of significance are photos of MG Lynch taken at a press conference on 24 June, 2007, indicating that the photographer had press credentials in order to gain access to the Coalition Press Information Center (CPIC), in Baghdad's Green Zone (Exhibit R). Additional photos from one of the Canon digital cameras recovered on site (see Exhibit Q) show a male who appears to be Namir Noor-Eldeen based on the fact he is wearing an identical shirt to the one shown in the Reuters article (Exhibit S).

#### 8. Conclusions.

a. I have nothing which conclusively identifies the bodies of the two Reuters affiliates. The ground forces were still receiving small arms fire and did not have sufficient time or personnel to photograph or search the bodies for identification. Once Iraqi Security Forces arrived, that tasked was assumed by the Iraqi Police.

b. I know that two military-aged males are seen carrying cameras which match the description of the CANON EOS cameras carried by Mr. Noor-Aldeen. Those cameras were recovered at the scene by soldiers from Bravo Company 2-16 IN, and the images recovered from their media cards showed images consistent with professional photographers and images which appear to be of Mr. Noor Aldeen himself.

c. I conclude that the two Reuters affiliates were in the company of the armed insurgents who had been firing on members of Bravo Company, 2-16 Infantry, at the time of the engagement, as Bravo Company and Iraqi Security Forces attempted to clear Zone 30 as part of OPERATION ILAAJ on the morning of 12 July, 2007. The preponderance of the evidence leads me to conclude that Mr. Namir Noor-Eldeen and Mr. Saeed Chmagh were killed on 12 July during the engagement by Apache helicopters.

d. I conclude that the presence of the Reuters employees was not known to any of the US Forces operating in the area that morning. The cameramen made no effort to visibly display their status as press or media representatives and their familiar behavior with, and close proximity to, the armed insurgents and their furtive attempts to photograph the Coalition Ground Forces made them appear as hostile combatants to the Apaches that engaged them. Furthermore, the mere fact that two individuals carried cameras instead of weapons would not indicate that they were noncombatants as the enemy commonly employ cameramen to film and photograph their attacks on Coalition Forces.

9. As to the presence of the children in the black van, it is obvious from the radio transmissions on the gun-camera tapes that the Apache pilots thought the van was to be used as a means of escape for the wounded insurgents. The van arrives as if on cue, and is immediately joined by two military-aged males who appear from the nearby courtyard. The children are never seen, while the driver slides open a door and then retakes his seat while two other males attempt to

load the first insurgent into the vehicle. It is unknown what, if any, connection the van had to the insurgent activity.

10. Recommendations. My recommendations to reduce the likelihood of similar casualties in the future are as follows:

(b)(5)

11. POC for this investigation is the undersigned at VOIP phone (b)(2)High or SIPR email

(b)(2)High

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

MAJ, IO  
Investigating Officer

(b)(2)High  
(b)(2)High

(b)(3)(b)(  
(b)(2)High

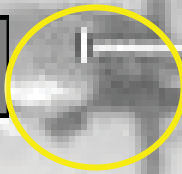


A

(b)(2)High

(b)(3)(b)(

(b)(3)(b)(6



Possible Cameras with telephoto lens

(b)(3)(b)(  
(b3)(b6)

(b)(3)(b)(6

(b)(3)(b)(



(b)(3)(b)(

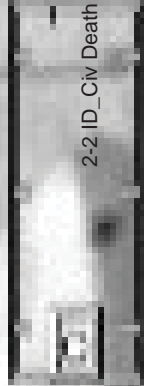
(b)(3)(b)(6

(b)(2)High

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(b)(2)High



2-2 ID\_Civ\_Death in Cbt Ops (Reuters Empl

(b)(2)High

7 IO MA... (b)(6)(b)(



(b)(2)High

(b)(2)High

033

A

Δ

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

RPG

AKM

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

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



RPG Round

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

2-2 ID\_Civ\_Death in Cbt Ops (Reuters Emplo

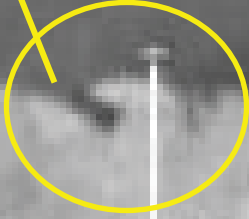
IO MAJ)(3)(b)(6

(b)(2)High

(b)(2)High

(b)(2)High

Probable  
Telephoto lens



(b)(2)High

(b)(2)High

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(b)(2)High

2-2 ID\_Civ Death

MAJ(b)(3)(b)(6)

(b)(2)High

(b)(2)High

(b)(2)High

Probable  
Telephoto lens



(b)(2)High

(b)(2)High

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(b)(2)High

(b)(2)High

(b)(2)High

2-2 ID\_Civ Death

7 IO MA-b(3)(b)(c)



062603Z

3 Military Aged Males,  
including Driver

(b)(2)High

(b)(2)High

(b6) (b6)

(b6) (b6)

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

(b)(3)(b6)

(b)(2)High

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(b)(2)High

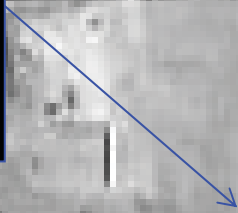
2-2 ID\_Civ Death in

IO MAJ)(3)(b)(

EXF

(b)(2)High

First Bradley on scene



(b)(2)High

(b)(2)High

(b)(2)High

2-2 ID\_Civ\_Death in Cbt Ops (Reuters Employ

IO MAJ)(3)(b)(6

# Soldier Carrying wounded Girl

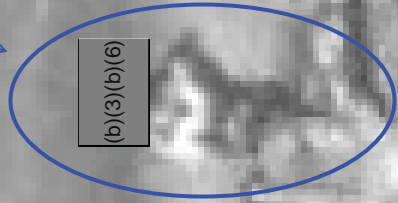
(b)(2)High

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

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(b)(2)High

# Soldier Carrying wounded Boy

(b)(2)High

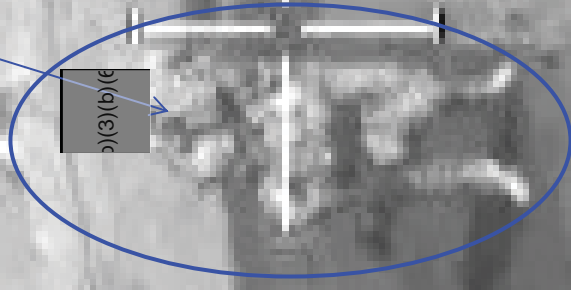
(b)(2)High

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(b)(3)(b)(1)

(b)(3)(b)(1)

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



(b)(2)High

(b)(2)High

(b)(2)High

2-2 ID\_Civ\_Death in Cbt Ops (Reuters Employees) 12JUL07 IO MAJ)(3)(b)(1)

115



**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

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

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

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

1. LOCATION AL AMIA	2. DATE (YYYYMMDD) 20070714	3. TIME 1103	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3) B G 2-16-14	6. SSN (b)(6), (b)(3)	7. GRADE/STATUS O3/CPT	
8. ORGANIZATION OR ADDRESS			
9.			

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Question 1: What was your mission/orders on the morning of 12 July 2007? CLEAR AL AMIA OF AIF IN ZONE ASSIGNED IN ORDER TO ALLOW FREEDOM OF MANEUVER FOR CF.

Question 2: When you arrived at the scene of the Apache/van engagement ( (b)(2)High ), what did you observe? I observed multiple casualties, 11 total to include 2 wounded children and 2 wounded adults. THE FIRST 3 KIA were on just the wall of a house with an RPG Launcher, a wounded AIF had a RPG Round underneath him. Another was located in the road while another approximately 25ft away was located in the trash pile. One individual was in the driver seat of the van, both kids were in the van. During what time period were you present at this location? The van, two other KIA were to the east of the van. A KIA and At approximately 0930 until 1030/1100. A wounded individual was located in the courtyard of a house

Question 4: What actions did you take while at this location? While at this objective I ensured that security on the roof top was maintained, of 360s. WE DID A BLEEP SSE AT THE SITE DUE TO THE FACT THAT ONE AIF MEMBER WAS LYING ON A RPG ROUND AND ALL INDIVIDUALS WERE ON THEIR STAMACHS. THE RISK OF BEING SOBBY TRAPPED WAS TRUE REASON FOR NOT TOUCHING THE BODIES. THOSE WHO WERE BREATHING I HAD MY MEDICS RENDLE AID AND WE EMERD THE WHILE ON SITE WE WERE UNDER CONSTANT SMALL ARMS FIRE AND THE TWO ADULT MALES WERE EMERD BY MY COMPANY WHO TOOK THEM OUT FROM THE EAST. MEDICAL TREATMENT WAS RENDRED TO INJURED AIF. EOD BLEED UP RPG LAUNCHERS, RPG Rockets and AK47s.

Question 5: What significant events (if any) occurred at this location while you were present? CHILDREN IN THE BAZZLEYS ATTACHED TO NP ON THE PLATES.

Question 6: Did you observe anyone (dead or wounded), that you believed to be a noncombatant? Why?  
I observed the 2 children and believed them to be noncombatants. Ages of children were the reason why I believe this, they appear to be around 4 and 6 yrs of age.

(b)(6)

10. EXHIBIT J	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2	PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

STATEMENT OF (b)(6)

TAKEN AT Cap Buxtonster

DATED 14 July 2007

9. STATEMENT (Continued)

(b)(6)

Nothing Follows

**AFFIDAVIT**

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

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

nt)

WITNESSES:

(b)(6), (b)(3) subscribed and sworn to depose me, a person authorized by law to administer oaths, this 14 day of July, 2007

at Buxtonster Iowa

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

UCM

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES



STATEMENT OF LT (b)(6), (b)(3) TAKEN AT GCP Bushmaster DATED 14 JUL 07

9. STATEMENT (Continued)

Question 2: Person 1 was south of the of the van. Person two was near a courtyard where the 11th man (not pictured) was. Person 3 was the group of 3 individuals. Person 4 was about 5m east of person 3 lying on top of an RPG round. Near him was the black and tan camera. Person 5 was about 10 meters north east of the van. Person 6 was in an open area w/ trash in the center of the courtyard. Person 7 was also near the center of the courtyard. The two kids were still in the van on the passenger side of the cab. The driver of the van was dead and slumped over in his seat.

Question 4: I also picked up the black and tan camera by person 4 and secured it in the LMTU. The all black camera was secured by my soldiers, which was near the 11th man in the courtyard. Once the rest of the company arrived on the east we secured it until the NPs came to secure all of the bodies.

nothing follows

(b)(6)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3

PAGES

STATEMENT OF LC (b)(6), (b)(3) TAKEN AT COP Bushmaster DATED 14 JUL 07

9. STATEMENT (Continued)

(b)(6)

**AFFIDAVIT**

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

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

(b)(3)(b6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14<sup>th</sup> day of July, 2007 at COP Bushmaster

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

ORGANIZATION OR ADDRESS

(b)(6) (Signature of Person Administering Oath)

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

(Type name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 3 OF 3 PAGES

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

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

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

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

1. LOCATION FOB Rustamiyah	2. DATE (YYYYMMDD) 2007 07 14	3. TIME 1530	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3)	6. SSN (b)(6), (b)(3)		7. GRADE/STATUS O-2

8. ORGANIZATION OR ADDRESS  
HHC / 2-16 IO

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Question 1: What was your mission/orders on the morning of 12 July 2007?  
The mortar platoon was tasked to contain/isolate the eastern side of the Battalion Objective in order to prevent any local nationals from entering or exiting the area.

Question 2: When you arrived at the scene of the Apache/van engagement (b)(6), what did you observe?  
Upon arrival at the scene of the Apache/van engagement I observed approximately eight military aged males dead vicinity the North west corner. There was Bushmaster elements already on scene and a Bradley which was being used as the CASEVAC platform.

Question 3: During what time period were you present at this location?  
I was present on scene from approximately 121230 JUL07 TO 121400 JUL07

Question 4: What actions did you take while at this location?  
While on scene I moved my platoon to the north east corner where we secured that side of the objective.

Question 5: What significant events (if any) occurred at this location while you were present?  
While on scene Crazy Horse (The Apaches) engaged a house to the east where people with weapons were observed going in. There was also an RPG round blown in place by EOP.

Question 6: Did you observe anyone (dead or wounded), that you believed to be a noncombatant? Why?  
NO I personally did not see any dead or wounded who were not military aged males.

10. EXHIBIT L (b)(6)

11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

STATEMENT OF

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

TAKEN AT FOB Rustamiyah DATED 14 JVN 07

9. STATEMENT (Continued)

(b)(6)

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

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

HHC 246 IN  
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of July, 2007 at FOB Rustamiyah, IRAQ

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

(b)(3)(b)(6) (Signature of Person Administering Oath)

117 (b)(6), (b)(3)  
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

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

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

1. LOCATION COP Busmaster, Baghdad, Ir	2. DATE (YYYYMMDD) 20070712	3. TIME	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(3)	6. SSN (b)(6), (b)(3)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS B CO 2-16 IN 41 BCT 15 FID			

9. I, (b)(6), (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Question 1: What was your mission/orders on the morning of 12 July 2007?  
to cordon/clear objectives Bronze and Silver

Question 2: When you arrived at the scene of the Apache/van engagement (b)(2)High, what did you observe?  
what appeared to be three bodies in the street, 3-4 bodies that were piled near the east wall, 1 body inside, and 1 KIA still alive inside the courtyard. I did not inspect the van, or see if there were any bodies near the van.

Question 3: During what time period were you present at this location?  
APX 1000 - 1130

Question 4: What actions did you take while at this location?  
Initially I started treatment of the military age male in the courtyard. he had shrapnel damage to both lower extremities, and his arm. I applied tourniquet to the three main affected limbs and proceeded to cut his clothes off to check for further injury. I found 2 superficial wounds along cont.

Question 5: What significant events (if any) occurred at this location while you were present?  
The military age male that was pulled off the RPG and initially believed to be dead was found to be breathing. Both wounded males were evacuated.

Question 6: Did you observe anyone (dead or wounded), that you believed to be a noncombatant? Why?  
I did not see any evidence that any of the dead or injured were non-combatants. All were in the vicinity of weapons (AK-47's/RPGs) and there were no visible press passes, or other indicators that they were non-combatants.

10. EXHIBIT M	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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



(b)(6)

STATEMENT OF Spc (b)(6), (b)(3) TAKEN AT cop Basqmaster DATED 20070712

9. STATEMENT (Continued)

continuing question 4: the lateral portion of his (R) chest with one deep penetrating wound to his abdomen. He continuously made the sign for erica and asked for water (which made me suspect abdominal injury/possible internal bleeding) I denied him water based on medical findings.

I also found what appeared to be scars on his back that looked recent, though I can not ascertain what they were from. I bandaged this male as much as possible before I was alerted to a second survivor.

This male was in the street, and had been pulled off the RPL that EOD later destroyed in place. He was breathing, but his body was with a large amount of shrapnel damage to lower extremities. I applied CAT to his (R) leg and Israeli bandage to his (L) calf. I did not notice any other injuries and the priority became transport. We transported them to the checkpoint on RFE Pluto, where, there we transferred them to Iraqi EMS.

Nothing follows

(b)(6)

9. STATEMENT (Continued)

[Large area of the page is crossed out with a large 'X' and contains a central redaction box labeled (b)(6).]

AFFIDAVIT

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

(b)(6), (b)(3)  
(Signature of Person Making Statement)

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of July, 2007 at Bayfront, Tampa (b)(6), (b)(3)  
(Signature of Person Administering Oath)  
(b)(6), (b)(3)  
(Typed Name of Person Administering Oath)  
UCMS  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT  
(b)(6)

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
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DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: COP Bushmaster, Baghdad, Ir; 2. DATE: 2007 07 14; 3. TIME: 1030; 4. FILE NUMBER; 5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(3); 6. SSN: (b)(6), (b)(3); 7. GRADE/STATUS: O-2; 8. ORGANIZATION OR ADDRESS: 2nd PLT B Co 2-16 IN 1ID

9. I, (b)(6), (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Question 1: What was your mission/orders on the morning of 12 July 2007? To Clear OBJ Bronze + Silver South IOT facilitate the BOMME and allow freedom of movement for fellow Rangers.
Question 2: When you arrived at the scene of the Apache/van engagement (b)(2)High what did you observe? My platoon was 3rd in OOM and arrived at the OBJ at approx 1000. When we arrived I observed 3rd platoon establishing security as well as multiple male bodies and weapons scattered among the scene.
Question 3: During what time period were you present at this location? I was present on location from 1000-1130.
Question 4: What actions did you take while at this location? My platoon task on the OBJ was to secure EOP while they destroyed the ordinance as well as the N + W portion of the objective.
Question 5: What significant events (if any) occurred at this location while you were present? When I arrived on scene I noticed soldiers from 2-16 + 1-8 Cav evacuating 2 small children from the scene. During clearing of the scene we came across 1 male still alive but badly injured where my medic (b)(6), (b)(3) immediately began working.
Question 6: Did you observe anyone (dead or wounded), that you believed to be a noncombatant? Why? No I believe all were involved. There were 2 RPG launchers, multiple rounds for them and an AK-47 on scene. Some of the males were described by Hotel Z-16 as the ones taking pop shots at his platoon all day. All males were found within 20 meter radius to the WPW on the ground. Between the radio traffic from Crazy Horse before and during the engagement as well as what I took note of on scene I believe that all males involved were not in any way non-combatants.

10. EXHIBIT: (b)(6) N; 11. INITIALS OF PERSON MAKING STATEMENT: (b)(6); PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

(b)(6)

TAKEN AT

COP Bushmaske

DATED

2007 07 14

9. STATEMENT (Continued)

Body 1 was located about 5 meters from the VAN on the South side.

Body 2 was located on the inside courtyard from the RPG launcher, about a meter away

Body 3 & 4 were hoarded together with 1 AK-47 and RPG Launcher about 5 meters north of the VAN.

Body 5 - was laying in the middle of the street w/ 1 RPG round under his body about 1 meter from bodies 5, 4, 6.

Body 7 - located ~~east~~ across the street from bodies 3-5 about 5 meters

Body 8 - located in trash pile about 5-10 meters from body 7

Body 9 - located about 1 meter from Body 5. Nothing Follows.

(b)(6)

(b)(6)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF

(b)(6)

TAKEN AT

Cop Bushmaster

DATED

20070714

9. STATEMENT (Continued)

(b)(6)

AFFIDAVIT

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

(b)(6)

(Signature of Person Making Statement)

b3)(b6

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of July, 2007 at COP Bushmaster, Bushmaster Bay

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

UCMF

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 3 OF 3 PAGES

# Photos

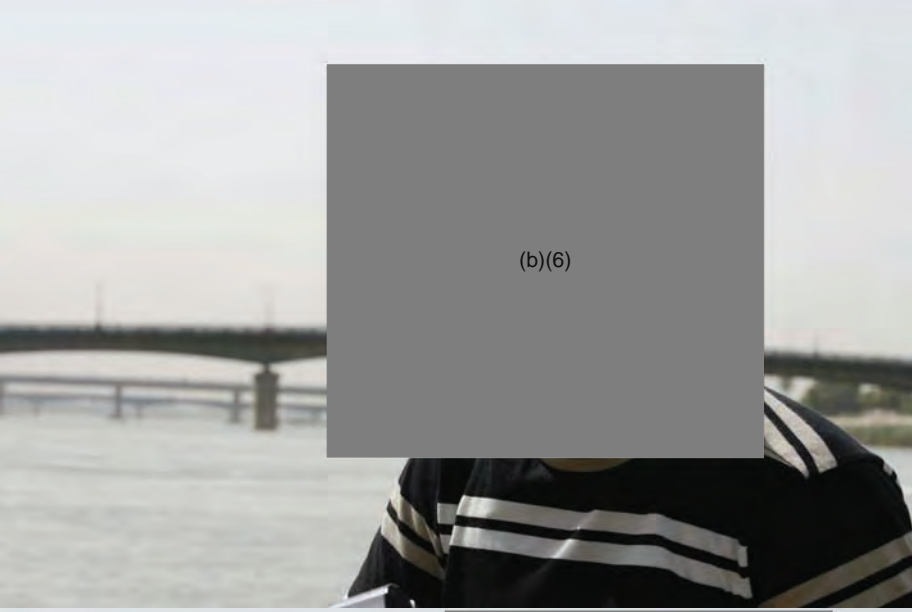


Exhibit O

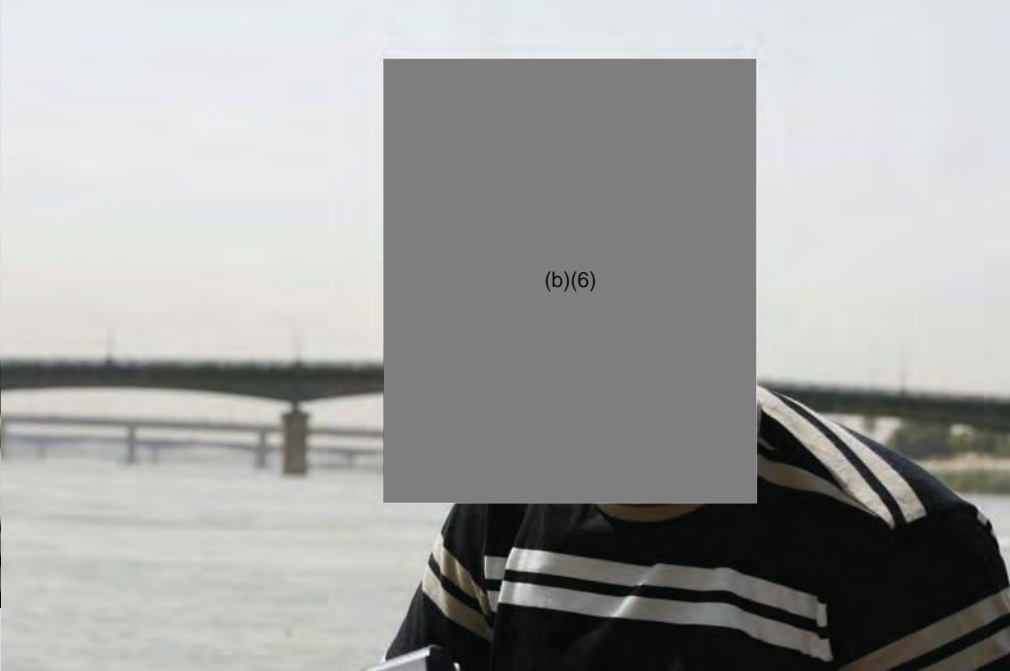


MG Lynch Press Conference at  
Coalition Press Information Center,  
International Zone, Baghdad, Iraq.

24 JUNE, 2007 1437 Hours



(b)(6)



(b)(6)



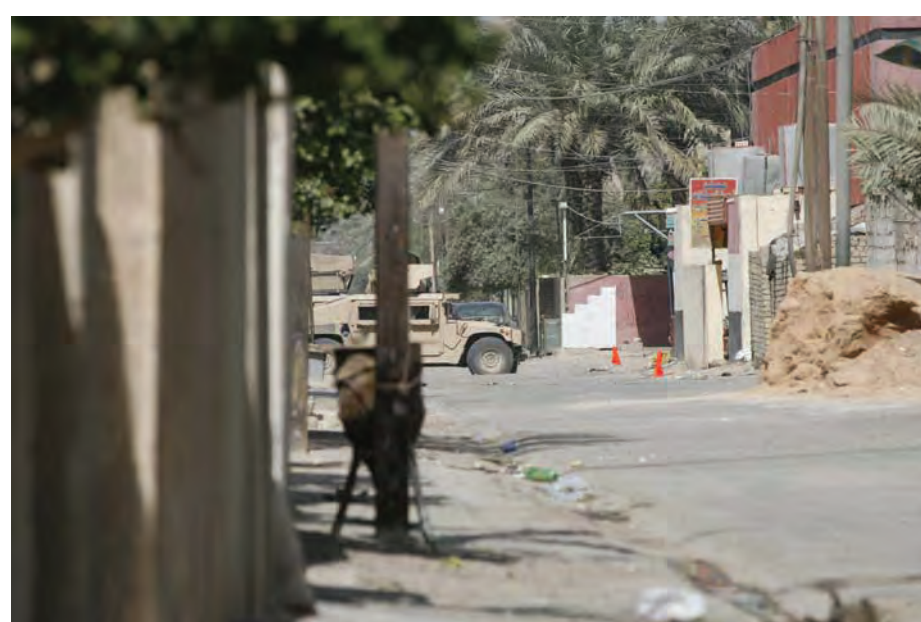
(b)(6)

Possibly Mr

(b)(6)

11 JULY, 2007 1038 Hours





Bravo Company, 2-16 IN HMMWV  
12 JULY, 2007 1026 Hours



# Reuters employees killed in Iraq

Thu Jul 12, 2007 6:08PM BST

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-Text+LONDON (Reuters) - An Iraqi photographer and driver working for Reuters in Iraq were killed in Baghdad on Thursday in what police said was American military action and witnesses described as a helicopter attack.

Photographer Namir Noor-Eldeen, 22, and driver Saeed Chmagh, 40, were killed in eastern Baghdad, the international news and information company said.

The U.S. military said it was looking into the reports but had no immediate statement.



A preliminary police report obtained by Reuters said Noor-Eldeen and Chmagh had been killed by a "random American bombardment" that killed nine other people.

The report was issued by the al-Rashad police station, the closest station to the scene. Reuters obtained a photocopy of the report. It was based upon witness accounts of the incident and signed by a lieutenant-colonel, the head of the station.

Noor-Eldeen had called a Reuters colleague to say he was taking photographs of a damaged building.

Witnesses interviewed by Reuters in the al-Amin al-Thaniyah neighbourhood said Noor-Eldeen and Chmagh, who also worked as a cameraman's assistant, were near the building around the time a U.S. helicopter fired on a minivan.

"The aircraft began striking randomly and people were wounded. A Kia (minivan) arrived to take them away. They hit the Kia and killed ... the two journalists," said one witness, Karim Shindakh.

Shindakh and three other witnesses said U.S. soldiers came and took Noor-Eldeen's camera equipment, which has not been recovered.

A witness has returned Noor-Eldeen's press cards to Reuters.

TV footage showed the front of the minivan had been badly mangled. There was a large hole in the roof. A pool of blood lay near the curb, while shrapnel marks pocked the wall of a house.

The deaths take to six the number of Reuters employees killed in Iraq since U.S.-led forces invaded the country in 2003 to topple Saddam Hussein.

"Once again we are left mourning colleagues who have met an untimely death while doing their job in Iraq," said Reuters chief executive Tom Glocer.

"Our sympathies and thoughts are with their families, friends and colleagues today," added Glocer.

"Noor-Eldeen and Chmagh's outstanding contribution to reporting on the unfolding events in Iraq has been vital. They stand alongside other colleagues in Reuters who have died doing a job that they believe in."

Reuters Editor-in-Chief David Schlesinger said the deaths were a tragic reminder of the risks journalists face in covering the war in Iraq.

"The job our reporters do is a critical one - telling the world what is happening on the streets of Iraq on a daily basis," said Schlesinger.

"Reuters will continue to do all it can to protect journalists who must work in dangerous and difficult conditions but still have a right to do their jobs."

Noor-Eldeen was single. Chmagh was married with four children.