



DEPARTMENT OF THE ARMY

1ST BRIGADE, 1ST ARMORED DIVISION
CAMP RAMADI, IRAQ
APO AE 09396



AETV-TIIN-CO

20 December 2006

MEMORANDUM FOR RECORD

SUBJECT: Endorsement of the Investigation into the Circumstances Surrounding Engagement by TF 1-9 on 04 December 2006 IVO 38S

1. Enclosed is the Investigation into this matter, completed by MAJ [redacted] and reviewed by my Deputy Command Judge Advocate, CPT [redacted]. I am satisfied that this report provides a sufficient description of what happened.

2. I concur with the findings and recommendations of MAJ [redacted]. SPC Suarez and SGT Nelson were killed due to enemy mortar fire and not due to fratricide. On 04 Dec 06, D Co, 1-9 IN was involved in a complex attack. 2nd Platoon, located in building #2 was receiving enemy fire from the [redacted] building. Meanwhile, 1st Platoon, located in building #37, received one sniper round which hit PVT [redacted]. 1st Squad and the Platoon leader, LT [redacted] were located in building #11 and began movement to building #37 to assist with the MEDEVAC. They were pinned down by machine gun fire IVO building #39. SSG [redacted] was wounded by the fire and they called for support and ground MEDEVAC. Tank [redacted] moved to building #39 to support and established PID of AIF in the target house. They requested and were granted approval to fire main tank rounds. Tank [redacted] and [redacted] established support by fire positions on RTE [redacted] fired three rounds, [redacted] fired two rounds, and [redacted] fired three MPAT rounds. The point of impact for all eight main tank rounds was the target house. When SSG [redacted], TC of [redacted] observed movement on the rooftop of the target house, he fired a .50cal until the weapon jammed. Unable to clear the weapon and still observing the movement on the roof, he loaded and fired a canister round, which hit the west wall of the target house and ricocheted towards building #2, resulting in a large number of shot pellets hitting that building. Soldiers in building #2 observed this from the window, and exactly 3 seconds later, two large explosions struck the roof of building #2. A low angle 82mm mortar struck the roof behind SPC Suarez, most likely amputated SGT Nelson's leg, and weakened the east wall above the stairwell. A high angle 120mm mortar round landed between SPC Suarez's feet. The detonation of that round killed SPC Suarez. Soldiers inside building #2 believed that the tank located to the west was firing at their position, when in actuality, it was enemy fire from a mortar position northwest of the Euphrates River. AIF continued to engage building #2 with machine gun fire. While still located in building #2, Soldiers fired a [redacted] a visual signal for fratricide. CPT [redacted] ordered a cease fire on the D/ 1-9 IN company net. Mortar rounds continued to impact IVO building #2 as MEDEVAC arrived to exfil the Soldiers.

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3. The thorough investigation completed by MAJ _____ provides evidence collected at building #2 showing that SPC Suarez and SGT Nelson were killed by two enemy mortar rounds. Although SFC _____ was recording the entire event on video, the recording is only one piece of evidence to consider, taken from the perspective of the Soldiers located in building #2. By analyzing shrapnel found at the location, uniform scraps, impact point analysis and audio analysis of the video, it is clear that fratricide was not the cause of death. Every tank round fired impacted the target house, functioned within the walls and left tangible proof behind. The only round that may have affected building #2 were the resulting pellets and shot cup from the canister round that ricocheted off the target building. However, this was not the cause of death for the two Soldiers.

4. Flash to bang analysis proves that it would have been impossible for a tank round to have impacted building #2. Based on the distance between the tanks and building #2, it would take .57 seconds from when the gunner pulls the trigger, for the round to impact the building. It would take another 1.74 seconds before the sound from the main gun would reach SFC _____ video recorder. However, SFC _____ recorded the sound and 3.35 seconds later, the impact on building #2 resulted. Therefore, the impact from the mortar rounds that killed SPC Suarez and fatally wounded SGT Nelson could not have been from CF tank fire.

5. Through _____ from the 1-9 Battalion TOC, an AIF mortar position was identified on the north side of the Euphrates River, and action was taken to eliminate the target. A Harrier, AV-8B, made a low altitude show of force, and 120mm mortars from 2-37 AR began to fire on the enemy mortar position. The observed location of this AIF mortar team in relation to the mortar rounds that were impacting IVO building #2 confirms the IO's conclusion that SPC Suarez was killed and SGT Nelson fatally wounded by enemy mortar fire.

6. D/ 1-9 IN found themselves in a situation where they were facing an enemy that was attacking simultaneously from five separate positions across the battlefield. Although they fought well, demonstrating leadership and stamina in this long and complex firefight, it did not come without a price. On 4 DEC 06, SPC Suarez and SGT Nelson were serving honorably, defending their fellow Soldiers and fighting to eliminate the enemy, when they were killed by AIF mortar fire. While we cannot replace the loss of these brave Soldiers, we can learn from this incident. Platoon and Company AARs will be conducted to capture the lessons learned on the battlefield. Complete friendly force situational awareness will continue to be emphasized prior to every mission.



SEAN B. MacFARLAND
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Commanding