

DEPARTMENT OF THE ARMY
Headquarters, Multi National Division – Baghdad
Camp Liberty, Iraq
APO AE 09344

AFYB-STB-MiTT

3 March 2006

MEMORANDUM FOR Commander, Multi National Corps – Iraq, Camp Victory,
Baghdad, Iraq, APO AE 09342

SUBJECT: AR 15-6 Investigation of 3/1 Marine 19 Nov 05 Haditha Complex Attack

I. General:

a. On 14 February 2006, I was assigned as an Investigating Officer and directed to conduct an AR 15-6 Informal Investigation into allegations surrounding events regarding the 3/1 Marine 19 November 2005 Haditha Complex Attack. I was supported by MAJ David Mendelson, MNC-I SJA; ENS Clyde LeGaux, MNC-I SJS; and CPL Roger Tohme, MND-B Translator. We departed the Victory Base Complex on 17 February 2006 and arrived at Al Asad the same day. That evening we had an office call with Col Steven Davis, Commanding Officer of RCT 2. The next morning we departed for the HQ's 3/1 MAR at Haditha Dam. We spent the next eight days conducting interviews and site surveys before returning to VBC, conducting the analysis, and producing the following findings.

b. **Haditha Triad Threat Assessment:** Since early 2005, cells from Ansar al Sunna (AAS) and AQIZ had established the Triad (Haditha, Barwana, Haqlaniyah) as a safe haven and key line of communication (LOC) between the border and points east, such as Ramadi and Mosul. Operation River Gate resulted in many mid-high level insurgents fleeing the three cities. While CF conducted detailed clearing operations throughout the AO, most local AAS operatives likely remained in outlying areas such as Bani Dahir, Albu Hyatt, Cykla, Anah, and Rawah. While overall insurgent activity dropped precipitously, this was likely a result of overwhelming numbers of CF on the ground within the Triad. As CF transitioned from offensive operations to a continuing security and stability mission, they expected these operatives to re-infiltrate the cities, reestablish contact with local criminal level insurgents, and conduct planning for attacks on CF firm bases and patrols. CF began to see an increase in probing attacks of the firm bases, small caliber IDF at close range, SAF attacks within the city, and VBIED/IED attacks within the city. CF also expected that local AAS operatives would establish contact with high-level foreign fighters and begin planning for spectacular attacks (SVBIED, coordinated ambush) against CF in Haqlaniyah, in an attempt to preserve access to a vital LOC. AAS has begun re-infiltrating from outlying areas into Haditha, establishing contact with local criminal and insurgent operatives. They have continued intelligence gathering and passive observation of CF patterns throughout the city, while determining remaining resources that have not been discovered by CF. Insurgents continue to conduct attacks of opportunity, including IED, SAF, and small caliber IDF

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from covered and concealed positions, while planning for spectacular attacks in order to attrit CF, establish legitimacy with the local populace, and erode the CF will to fight.

During the previous 6 months, while 3rd Bn 25th Marines owned the battle space they lost approximately 50 Marines. During the last 6 months while 3rd Bn 1st Marines owned the battle space, they lost approximately 4 Marines. During the week of this investigation, 3/1 MAR was attacked with IEDs every day and two on the last day. These IED attacks frequently included SAF, including from the local hospital we visited. Several Marines were injured during these attacks. Also a local Sheik and his son were gunned down about 500m's from K/3/1 MAR's CP. Haditha is still a very hostile environment.

2. Allegations: (CPICs MFR outlining Tim McGirk's issues)

After a Marine patrol hit an IED they raided three nearby houses and killed the occupants. Marines also allegedly stopped a passing taxi nearby that was carrying students and killed the occupants. The details of each allegation are enumerated.

- a. Home of Abdull Hameed Hasan Ali: Marines entered and killed Abdull Hameed Hasan Ali, his wife Khamisa Tohme Ali, three sons, (Waleed, Mujahid, and Rasheed), and Waleed's wife, Asmaa Salman Raseef and child, Abdullah Waleed Abdul Hameed. (For the purpose of this investigation this house is referred to as HOUSE #1)
- b. Home of Yunis Salim Raseef: Marines entered and killed Yunis Salim, his wife Aida Yassen Ahmed, his wife's sister Huda Yaseen Ahmed and five children, Mohammed, Noor, Sabaa, Zainab, and Aisha. (For the purpose of this investigation this house is referred to as HOUSE #2.)
- c. Home of Ayed Ahmed: Marines entered and killed Ayed Ahmed and his four sons, Jamal, Marwan, Kahtan, and Jasib. (For the purpose of this investigation this house is referred to as HOUSE #4).
- d. Home of Hasan Ahmed: Marines entered and arrested family members; no reported deaths. (For the purpose of this investigation this house is referred to as HOUSE #3).
- e. Taxi and passengers: Marines stopped the taxi and killed the occupants identified as Ahmed Fanr Moslih, Mohammed Tabbal, Wajdee Eiada and Khalid Eiada. (For the purpose of this investigation this taxi is referred to as WHITE CAR).

3. Facts:

- a. 1st Sqd, 3rd Plt, K Co, 3 Bn, 1 MAR four vehicle patrol was ambushed on 19 Nov 05 on RTE CHESTNUT, vic 38S KC 5844 7944, by an IED and SAF from multiple positions which were mutually supporting. (Assessment: This was a

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coordinated attack, initiated by an IED, and supported by anti-CF SAF from at least 3-4 mutually supporting positions).

- b. Initial IED detonation resulted in 1x FKIA (LCPL Terazzas) and 2x FWIA (LCPL Guzman and LCPL Crossan).
- c. 1st Sqd, 3rd Plt dismounted, secured perimeter and reacted to contact. (Assessment: The 12x man Marine Squad was quickly overwhelmed between the loss of 3x Marines, the employment of a Fire Team of 2-3x Marines to the North, 3x Marines w/ 3-4x IA left securing vehicles; leaving only 5x Marines to clear 4x Bldgs. They were stretched thin; the rest of K Co was engaged at other locations in Haditha near simultaneously).
- d. 1/3/K engaged a hostile threat in three homes (HOUSES #1, 2, and 4) and a perceived threat from one car (WHITE CAR).
- e. 1/3/K entered and cleared multiple structures. During consolidation and reorganization, 26x deceased were delivered to the Haditha Hospital Morgue.
- f. Between the S2, the HET, and the CAG it was determined that there were 15x NKIA and 8x EKIA.
- g. Solatia payments were made for 15x NKIA and 2x NWIA totaling \$38K.

4. Findings:

a. Determine whether any law of armed conflict violations were committed.

(1) Determine whether Coalition Forces intentionally targeted, engaged and killed non-combatants.

No, there are no indications that CF intentionally targeted, engaged and killed non-combatants. There is no denying that civilians died during the insurgent's coordinated attack on the Marines on 19 Nov 05; however, there is no evidence that the Marines intentionally set out to target, engage, and kill non-combatants.

Outlined below are four synopses of the incidents in which civilians were killed. Each establishes that the Marines engaged hostile acts from the three aforementioned HOUSES and perceived hostile threat from a WHITE CAR.

Upon initial contact, indications are that a WHITE CAR, moving along RTE CHESTNUT from west to east, approached the 1/3 Mounted Patrol. It was directed to move to the side of the road. By the time the WHITE CAR stopped moving, indications are it was south of the patrol and stationary somewhere between the lead HMMWV and the HMMWV second in the order of march. Indications are that when the IED exploded

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and the enemy initiated SAF against the 3/1 Patrol, the four military aged males in the WHITE CAR got out, failed to comply with orders and instructions from the Marines and proceeded to run away. They were engaged and killed by the Marines.

Marines reacted to contact (SAF from HOUSE #1) by returning SAF to include a M203 HEDP round to cover their movement and approach to HOUSE #1. Hostile actions from HOUSE #1 required a forced entry. Indications are that enemy weapons were being charged and then offensive room clearing techniques were conducted. These room clearing techniques included the use of fragmentary grenades. During the clearing of HOUSE #1, 7x non-combatants were killed.

While HOUSE #1 was being cleared, Marines started receiving fire from the adjacent house, HOUSE #2. This forced the Marines to approach, conduct a forced entry and clear HOUSE #2. During the course of clearing HOUSE #2, small arms and grenades were again used. During the clearing of HOUSE #2, 8x non-combatants were killed.

While Marines took a tactical pause in a house used to over watch the area, they started receiving small arms fire from the northwest, HOUSE #4. Marines returned fire with small arms and fired a M203 HEDP round to cover their movement toward the house. Marines initially entered the adjoining house, HOUSE #3, established a foothold, and identified that it was occupied by women and children. A guard was left to secure these individuals as Marines proceeded to the adjoining house, HOUSE #4. While inside HOUSE #4, Marines identified four MAMs, two with weapons and engaged and killed them.

(2) Determine whether Coalition Forces attempted to distinguish combatants from non-combatants.

Anti-CF were indistinguishable from non-combatants. There are clear indications that throughout the Marine's response to the insurgent attack that they attempted to distinguish between combatants and non-combatants. However, in part due to the insurgent's tactical use of civilian homes for cover and concealment, this became much more difficult as the Marines entered and cleared houses, room-by-room.

(3) Determine if the amount of force used was proportional to the threat.

The amount of force used was proportional and provided overmatch in order to insure mission accomplishment of the task at hand without putting Marines at risk. This overmatch was appropriate in nature, scope and duration.

(4) Determine whether Coalition Forces provided adequate medical care for non-Coalition Forces casualties when the situation permitted.

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CF did provide adequate medical care for non-CF casualties when the situation permitted. One MAM (unidentified) and two children (Iman Waleed and Abdul Waleed) were triaged and evacuated to medical facilities.

b. Determine whether Coalition Forces complied with the Rules of Engagements in effect at that time.

(1) Determine whether Coalition Forces positively identified (PID) insurgents prior to engaging them.

Overall, there are indications that PID was conducted, in order to, determine with reasonable certainty that the target demonstrated hostile intent and/or hostile action toward the Marines prior to engagement. However, in the course of certain discreet events (clearing HOUSE #1 and #2 and clearing respective rooms), the Marines did not discriminate individual targets prior to engagement, which resulted in the deaths of several non-combatants.

WHITE CAR: The response by the occupants of the White Car was not what would be expected of normally prudent MAMs in combat making PID extremely difficult and it was reasonable for the Marines to consider these MAMs to be legitimate military targets. Upon initial contact, indications are that a White Car, moving along RTE CHESTNUT from west to east approached the 1/3 Mounted Patrol. It was directed to move to the side of the road. By the time the vehicle stopped moving, indications are it was south of the patrol and stationary somewhere between the lead HMMWV and the HMMWV second in the order of march. Indications are that when the IED exploded and the enemy initiated SAF against the 3/1 Patrol, that the four MAMs in the White Car got out, failed to comply with instructions issued by the Marines and proceeded to run away. They were engaged and killed by the Marines. During consolidation and reorganization, four bodies were recovered from vicinity the WHITE CAR. Using the death certificates provided by the Haditha Hospital, it is determined that these four MAMs are Ahmed Fanr Moslih, Mohammed Tabbal, Wajdee Eiada and Khalid Eida. Marine statements support that SGT Wuterich, CPL Salinas, CPL Dela Cruz and IA soldiers were involved in this engagement.

In **HOUSE #1 and #2** hostile actions set conditions that made it difficult for CF to PID/discriminate while executing offensive room clearing techniques in HOUSE #1 and HOUSE #2. Under these conditions, individual PID may have been unrealistic to expect. Marines reacted to contact, SAF from HOUSE #1 by returning fire to include a M203 HEDP round to cover their movement and approach to HOUSE #1. Hostile actions from HOUSE #1 required a forced entry. Indications are that enemy weapons were being charged and then offensive room clearing techniques were conducted. These room clearing techniques included the use of fragmentary grenades. The Marines did not discriminate individual targets prior to engagement in each room prior to engaging. During the clearing of HOUSE #1, 7x non-combatants were killed. Using the death certificates provided by the Haditha Hospital it was determined that the occupants of HOUSE #1 were Abdul Hameed, Khamisa Tohme Ali, Waleed, Abdullah Waleed Abdul

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Hameed, Mujahid, Rasheed, Asmaa Salman Raseef. Marine statements support that SGT Wuterich, CPL Salinas, LCPL Mendoza, LCPL Tatum, and LCPL Sharratt were involved in this engagement.

While HOUSE #1 was being cleared, Marines started receiving SAF from the adjacent house, HOUSE #2. This forced the Marines to approach, conduct a forced entry and clear HOUSE #2. During the course of clearing HOUSE #2, small arms and grenades were again used. The Marines did not discriminate individual targets prior to engagement in each room prior to engaging. During the clearing of HOUSE #2, 8x non-combatants were killed. Using the death certificates provided by the Haditha Hospital it was determined that the occupants of HOUSE #2 were Yunis Salim, Aida Yaseen Ahmed, Mohammed, Noor, Sabaa, Zainab, Aisha, and Huda Yaseen Ahmed. Marine statements support that SGT Wuterich, CPL Salinas, LCPL Mendoza, LCPL Tatum, and LCPL Sharratt were involved in this engagement.

In HOUSE #3, PID was conducted. While Marines took a tactical pause in a house used to over watch the area, they started receiving small arms fire from the northwest. Marines initially entered HOUSE #3, in order to establish a foothold. They identified that it was occupied by women and children. The occupants of HOUSE #3 were asked where the men were and they indicated that they were next door. A guard (CPL Salinas) was left to secure these individuals as Marines (SGT Wuterich and LCPL Sharratt) proceeded to the adjoining house, HOUSE #4.

In HOUSE #4, hostile actions, during close quarter's battle, supported PID being conducted. While inside HOUSE #4, Marines identified four military aged males, two with weapons and engaged and killed them. Using the death certificates provided by the Haditha Hospital it was determined that these four are Jamal, Marwan, Kahtan, and Jasib. Marine statements support that SGT Wuterich, CPL Salinas, LCPL Sharratt were involved in this engagement.

(2) Determine whether the use of fixed wing and rotary wing CAS complied with the ROE.

RWCAS and FWCAS was not an element involved in the response to the complex attack on 1/3/K on RTE Chestnuts.

c. Were any violations of the law of armed conflict committed by insurgents? Specifically did insurgent's target, engage, and kill non-combatants?

Indications are that insurgents fought from homes occupied by non-combatants and used these homes for cover and concealment. Statements by numerous Marines support that they received hostile SAF from HOUSE #1, HOUSE #2, and HOUSE #4 (as well as a house identified as a possible trigger house). Marine statements indicate that these anti-CFs did not distinguish themselves from non-combatants.

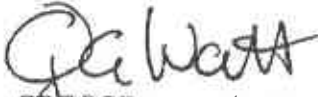
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5. Recommendations:

- a. MNC-I: Recommend further investigation by CID/NCIS, however given time lapsed, Solatia payments, RIP/TOAs, renovations of HOUSE #1 and HOUSE #2, obtaining more prosecutable evidence will be extremely difficult.
- b. MNC-I: Prepare PAO response to TIME, independent and video allegations Acknowledge event occurred; the Marine reaction to the ambush/coordinated attack was LAW published doctrine and TTP; Non-Combatants were killed while Marines cleared houses that they had been fired on from; and Solatia Payments were made for damages
- c. MNF-W: K/3/1 MAR Review ROE
- d. MNF-W: K/3/1 MAR Review and comply with PID TTPs
- e. MNF-W: K/3/1 MAR Review and rehearse Room Clearing Techniques

Steadfast and Loyal


GREGORY A. WATT
COL, GS
Investigating Officer

Encl.