

(b)(1), (b)(4), (b)(5)

(b)(5), (b)(6)

Approved for Release



DEPARTMENT OF THE ARMY
COMBINED JOINT TASK FORCE – OPERATION INHERENT RESOLVE
APO AE 09306

ACCS

21 July 2015

MEMORANDUM FOR (b)(3) 10 U.S.C. 130b, (b)(6) Combined Joint Task Force – Operation Inherent Resolve, APO AE 09306

SUBJECT: Appointment of Investigating Officer

1. Appointment. You are hereby appointed as an Investigating Officer pursuant to Army Regulation (AR) 15-6 into the facts and circumstances surrounding the authorization of a kinetic engagement conducted at 022120Z JUN 15 IVO Al Hawijah, IZ, located at (b)(1)1.4a

2. Scope of the Investigation. You will make specific findings on the following:

- a. Who authorized the engagement?
- b. Was the engagement properly conducted under the Laws of Armed Conflict, to include military necessity and proportionality?
- c. Was the engagement conducted under current authorities and the Rules of Engagement as outlined in (b)(1)1.4a including its Annexes and Appendices?
- d. What were the factual circumstances that led to this engagement being authorized?
- e. Was the basis of the authorization of the engagement reasonable given the circumstances at the time?
- f. Were any USCENCOM or CJTF-OIR policies, practices, or procedures violated by the authorization of the engagement?
- g. What CJTF-OIR procedures are required to mitigate civilian casualties and collateral damage? Were those procedures followed for this engagement?
- h. Were there civilian casualties as a result of this engagement? If so, describe the nature of the civilian casualties.
- i. What are your recommendations, if any, to mitigate civilian casualties based on this incident?

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SUBJECT: Appointment of Investigating Officer

j. What are your additional recommendations based on the outcome of this engagement, including possible changes to targeting policies or procedures based on this incident?

3. Procedures. Follow the informal procedures of AR 15-6, Chapter 5 for this investigation.

4. Witnesses.

a. You will interview any person you believe has relevant information, including any individual who participated in the authorization, execution, or monitoring of the engagement. Possible witnesses may include members of CJTF-OIR Headquarters. If you come to suspect misconduct by an individual senior to you, you will consult your legal advisor for further guidance.

b. Document all witness interviews on DA Form 2823 (Sworn Statement) and place all witnesses under oath before they sign their statements. If a sworn statement is not possible, (1) prepare a memorandum for record (MFR) summarizing your interview of that witness, (2) explain why a sworn statement was not possible, (3) certify that the MFR is an accurate summary of the interview, and (4) sign the MFR in your own name. Inform all witnesses that they must not discuss their statements with persons who have no official interest in this investigation.

c. If you come to suspect that a witness may have committed misconduct, you will consult your legal advisor before starting or continuing your interview of that witness. Your legal advisor will help you determine if you need to advise the witness of his or her rights under Article 31 of the Uniform Code of Military Justice (UCMJ) or the Fifth Amendment, U.S. Constitution. You will document all waivers of these rights on DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

d. Determine if any witness should sign a Privacy Act Statement before your interview and provide this document as necessary.

5. Report of the Investigation. You will make findings of fact and recommendations on the DA Form 1574 based upon your investigation. The findings must be supported by the greater weight of the evidence that supports a contrary conclusion. You will recommend any remedial or corrective actions that should be taken. This may include actions to mitigate any activity you find inappropriate from occurring in the future and whether any type of disciplinary or administrative action should be taken against any responsible individual(s) involved in the present matter. Your final report will include a tabbed index of exhibits (to include this memorandum of appointment) and a chronology of events. If there is conflicting evidence, indicate whom you believe and your explanation. The completed investigation will include the following:

(b)(1)1.4a, (b)(5)

(b)(1)1.4a, (b)(5), (b)(6)

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a. Who authorized the engagement?

b. Was the engagement properly conducted under the Laws of Armed Conflict, to include military necessity and proportionality?

c. Was the engagement conducted under current authorities and the Rules of Engagement (b)(1)1.4a ?

d. What were the factual circumstances that led to this engagement being authorized?

e. Was the basis of the authorization of the engagement reasonable given the circumstances at the time?

f. Were any USCENTCOM or CJTF-OIR policies, practices, or procedures violated by the authorization of the engagement?

g. What CJTF-OIR procedures are required to mitigate civilian casualties and collateral damage? Were those procedures followed for this engagement?

h. Were there civilian casualties as a result of this engagement? If so, describe the nature of the civilian casualties.

i. What are your recommendations, if any, to mitigate civilian casualties based on this incident?

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- a. This appointment memorandum
- b. DA Form 1574
- c. A memorandum for record with your findings and recommendations
- d. An executive summary
- e. Witness statements
- f. Any other relevant exhibits

6. Legal advisor. (b)(3) 10 U.S.C. 130b, (b)(6) CJTF-OIR Administrative Law Attorney, has been appointed as your legal advisor. You will contact (b)(3) 10 U.S.C. 130b, (b)(6) for an in-brief before starting your investigation. His telephone number is (b)(6). He can also be reached by e-mail at (b)(3) 10 U.S.C. 130b, (b)(6)

7. Principal duty. The completion of this investigation is your primary duty and should take precedence over all other assigned duties during the suspense period. Submit your report to the Office of the Staff Judge Advocate for legal review NLT 21 August 2015. If you are unable to complete the investigation during the time allowed, submit a request to me in writing, and annotate the reason for the requested extension on DD Form 261.

8. Point of Contact. The POC for this memorandum is (b)(3) 10 U.S.C. 130b, (b)(6) Combined Joint Task Force – Operation Inherent Resolve Staff Judge Advocate, at (b)(3) 10 U.S.C. 130b, (b)(6)

(b)(6)