

Pages 1 through 6 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(2)High, (b)(3), (b)(6)

Facts (2 of 3)

- At 290037z Apr 05, A-10s arrived on station and checked in with (2)Hi (CRE JTAC – TSgt (3), (b) FOB 71 had expected a B-1B with JDAMS. This target pairing combination would have been preferable; however ROE restrictions prevented the use of the B-1B and JDAMS in this situation. The A-10s were unable to verify the target location. At 290100z Apr 05, FOB 71 launched the (2)Hi to assist in target location/verification.
- At 290019z Apr 05, the CAOC transmitted the ten line TST format information on the target to the A-10s and gave them the (2)Hi (2)Hi is the (2)Hi that tells the pilots that the CAOC has approved whatever mission that was just passed to them.
- At 290230z Apr 05, (2)Hi (2)Hi passed 1 meter to the A-10s who were then able to locate the target.

CENTCOM 009818

Facts

(3 of 3)

- At 290238z Apr 05, the A-10s requested permission from ^{) (2) Hig} to engage the target with 2 x MK82's. ^{) (2) Hig} cleared the A-10s to drop 2 x MK82 (airburst) at 290241z Apr 05.
- Both MK-82's struck the target. The A-10s attempted to re-engage the target with a gun/rocket pass in order to interdict personnel fleeing the area, but could not due to the lack of visibility caused by dirt and debris from the previous bomb drop.
- The BDA could not be conducted until the following morning due to restrictive terrain and low illumination. ^{) (2) Hig} conducted BDA the following morning and found that 2 adult males, 1 adult female and 1 infant had been killed in the attack. Additionally, a young girl with a severe head injury and young boy were found injured from the attack. All injured personnel were immediately given first aid, and MEDEVAC'd to Kandahar Air Field for treatment.

CENTCOM 009819

Findings

(1 of 2)

- ^{(2)Hi} FOB 71 tracked intelligence allowed FOB 71 to use pattern analysis to determine the best time and place to attack to ^{(2)Hi} utilizing ^{(2)Hi} platforms for 72 hours. This with minimum collateral damage.
- ^{(2)Hi} had been previously vetted by CJTF-76 and authorized for targeting by FOB 71. The CJTF-76 target vetting process ensured that Positive Identification (PID) and Likely Identifiable Threat (LIT) portion of the ROE were satisfied.
- FOB 71 submitted a DD1972 Joint Tactical Air Strike Request with an accompanying Collateral Damage Estimate work sheet. Although this submission did not meet the normal 72 hour ATO request cycle timeline for a planned target, this target was submitted properly through CJSOTF-A to CJTF-76.

CENTCOM 009820

Findings

(2 of 2)

- The aircraft that arrived on station was different from the type of aircraft that was originally identified for the mission. This change was based ROE restrictions for that particular aircraft. The change in aircraft type, although it did ensure compliance with the ROE, it did not make the best sense for minimizing collateral damage and putting the most accurate fires available on the target.
- When the Combat Air Operations Center (CAOC), passed the ^{(2)Hi} to ^{(2)Hi} that implied that the DD1972 had been staffed and approved at all levels from the ^{(2)Hi} and ^{(2)Hi} finally to the ^{(2)Hi}. It should not be necessary for the JTAC to re-validate the legitimacy of his target with the arrival of new aircraft on-station. Even if the submission timeline for G-CAS mission is compressed for a target, when the aircraft arrives on station unless it is X-CAS, the pilot should arrive on station knowing that his planned targets have been already been approved through to the CAOC and he has permission to release his ordnance.

CENTCOM 009821

Recommendation

- The non-combatant casualties occurred as a result of the engagement of camp site on 29 Apr 05. These casualties were unfortunate collateral damage and the US Government has taken all measures to mitigate the negative effects of this incident by making Solatia payments to families of the non-combatants that were killed and injured.
- CJTF-76 should re-evaluate the Joint Fires Decision Matrix and ROE, and make suggestions that will allow the tactical commanders the freedom of maneuver they need, while also considering the collateral damage and the political and civil ramifications that extend from it. The new Joint Fires Decision Matrix should facilitate the attack of legitimate targets, be easy to understand and remember under combat stress while matching the approval decision with the appropriate level of command for each situation.
- Once the Joint Fires Decision Matrix and essential updates to the ROE have been approved, these changes need the widest and quickest dissemination possible. This includes ensuring that these changes are published in the SPINS in the ATO. This will ensure that ground forces and air assets are operating under the same set rules.

CENTCOM 009822

Pages 13 through 19 redacted for the following reasons:

(b)(1)1.4a and c, (b)(2) High, (b)(3) and (b)(6)

(b)(1)1.4a and c, (b)(2)High, (b)(3) and (b)(6)

(b)(5)

Pages 13-18 (b)(1)1.4a, (b)(1)1.4c, (b)(2)High, (b)(3), (b)(6), Page 19 (b)(5)

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 on 01 (b)(3), (b)(6) Commander, (b)(2)High
(Appointing authority)

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

SECTION II - SESSIONS

The investigation/panel commenced at Camp Vance, Bagram Airfield, Afghanistan at 1700Z
(Place) (Time)

If a formal board met for more than one session, check here. Indicate in an inclosure the time each session began and ended, the date, persons present and absent, and explanation of absences, if any. The following persons (members, respondents, counsel) were present: President, Recorder, Member, Legal Advisor
(Indicate name and 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 investigation/panel finished gathering/hearing evidence at 0719 on 17 May 05
(Time) (Date)
 and completed findings and recommendations at 1315 on 18 May 05
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

¹⁾ For "NO" answers, attach a summary of negative answers on an attached sheet.

²⁾ For "NA" answers, attach a statement that the circumstances described in the question did not occur in this investigation or board.

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

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

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

- a. FOB 71 tracked (b)(2)High utilizing (b)(2)High platforms for 72 hours. This (b)(2)High allowed FOB 71 to use (b)(2)High to determine the best time and place to attack to (b)(2)High with minimum collateral damage.
- b. (b)(2)High had been previously vetted by CJTF-76 and authorized for targeting by FOB 71. The CJTF-76 target vetting process ensured that Positive Identification (PID) and Likely Identifiable Threat (LIT) portion of the ROE were satisfied.
- c. FOB 71 submitted a DD1972 Joint Tactical Air Strike Request with an accompanying Collateral Damage Estimate work sheet. Although this submission did not meet the normal 72 hour ATO request cycle timeline for a planned target, this target was submitted properly through CJSOTF-A to CJTF-76.
- d. The aircraft that arrived on station was different from the type of aircraft that was originally identified for the mission. This change was based ROE restrictions for that particular aircraft. The change in aircraft type, although it did ensure compliance with the ROE, it did not make the best sense for minimizing collateral damage and putting the most accurate fires available on the target.
- e. When the Combat Air Operations Center (CAOC), passed the code word (b)(2)High to (b)(2)High that implied that the DD1972 had been staffed and approved at all levels from the (b)(2)High to CJTF-76, to CFC-A and finally to the CAOC. It should not be necessary for the JTAC to re-validate the legitimacy of his target with the arrival of new aircraft on-station. Even if the submission timeline for G-CAS mission is compressed for a target, when the aircraft arrives on station unless it is X-CAS, the pilot should arrive on station knowing that his planned targets have been already been approved through to the CAOC and he has permission to release his ordinance.

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

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

- a. The non-combatant casualties occurred as a result of the engagement of (b)(2)High camp site on 29 Apr 05. These casualties were unfortunate collateral damage and the US Government has taken all measures to mitigate the negative effects of this incident by making Solatia payments to families of the non-combatants that were killed and injured.
- b. CJTF-76 should re-evaluate the Joint Fires Decision Matrix and ROE, and make suggestions that will allow the tactical commanders the freedom of maneuver they need, while also considering the collateral damage and the political and civil ramifications that extend from it. The new Joint Fires Decision Matrix should facilitate the attack of legitimate targets, be easy to understand and remember under combat stress while matching the approval decision with the appropriate level of command for each situation.
- c. Once the Joint Fires Decision Matrix and essential updates to the ROE have been approved, these changes need the widest and quickest dissemination possible. This includes ensuring that these changes are published in the SPINS in the ATO. This will ensure that ground forces and assets are operating under the same set rules.

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

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

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

 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 dissent. Additional substitute findings and/or recommendations may be included in the inclosure.

 Member (Member)

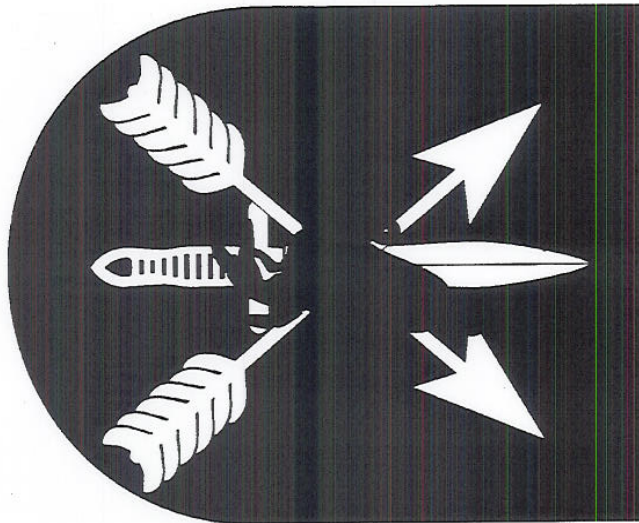
SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

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

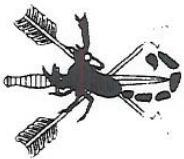
 (b)(3), (b)(6)

3), (b) COL SF
 Commanding

TF-71



Command Brief



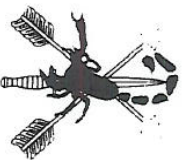
CENTCOM 009834

MISSION (OP NAM DONG)

1ST BDE, 205TH ANA CORPS CONDUCT SECURITY OPERATIONS IN
SECTOR IN JSOA CAROLINA (AO NEW YORK, TEXAS, AND MISSISSIPPI
FROM 23 APR - 2 MAY 05 IN ORDER TO SEPARATE THE AFGHAN
POPULACE FROM AQ/AM LEADERSHIP, IMPROVE GOA LEGITIMACY, SET
CONDITIONS FOR FOLLOW-ON NON-KINETIC OPERATIONS, AND AS A
SUPPORTING EFFORT FOR 2-5 IN WITHDRAWAL FROM JSOA CAROLINA

CENTCOM 009835

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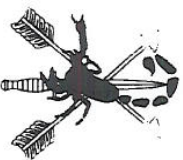


CDR'S INTENT:

- PURPOSE: SET CONDITIONS FOR GPF WITHDRAWAL FROM JSOA CAROLINA; LEGITIMIZE THE ANA AND GOA IN CC VALLEY, SET CONDITIONS FOR LASTING NON-KINETIC EFFECTS IN JSOA CAROLINA, AND TO TARGET AQ/AM LEADERSHIP.

CENTCOM 009836

30664

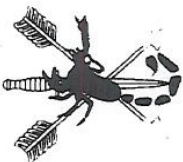


KEY TASKS

- ADVISE ANA
- PROMOTE ANA LEGITIMACY
- CONFIRM/DENY/REPORT AQ/AM LEADERSHIP LOCATIONS
- SECURE KEY VILLAGES

(b)(2)High

- INTERDICT PERSONNEL FLEEING OBJECTIVE AREAS
- REPORT TO 1ST BDE HQ



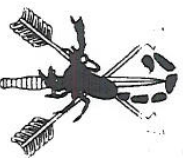
CENTCOM 009837

ENDSTATE

CENTCOM 009838

AFGHAN POPULOUS IN AO NEW YORK, TEXAS, AND MISSISSIPPI EXPOSED TO A LARGER ANA PRESENCE THAN EVER BEFORE. INCREASED POSITIVE PERCEPTION OF GOA SECURITY CAPABILITIES IN AQ/AM SANCTUARY; AQ/AM LEADERSHIP NETWORK DISRUPTED IN CC VALLEY; 3-1 KANDAK STAFF FAMILIAR WITH BN-LEVEL MANEUVER PLANNING AND C2 OPS; 3-1 KANDAK COMMUNICATING HF TO 1ST BDE/205TH CORPS 2-5 IN OUT OF JSOA CAROLINA AND AOB 720/3-1 KD SET AND CONDUCTING OPERATIONS IN JSOA CAROLINA. OPSUM AND HOTWASH COMPLETE.

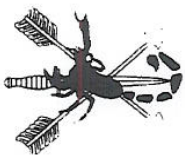
30666



Pages 29 through 30 redacted for the following reasons:

(b)(2)High

**QUESTIONS
AND
CLOSING REMARKS**



CENTCOM 009841

nd2.txt

241600APR05 Daily SITREP Operation Nam Dong

Operation Nam Dong. (b)(2)High, is underway ivo FB Cobra. At 240400ZAPR05 (b)(2)High and ANA operating in AO NY received small arms and PKM fire from 10 to 20 AQAM (b)(2)High. The Detachment and ANA returned fire. CAS engaged 10 to 20 AQAM (BDA will follow). 3 USSF and 2 ANA were wounded. N07 received a gun shot wound to the tib/fib, N05 received a broken wrist, and (b)(2)High (2)Hitwisted his ankle. 1 ANA soldier received a GSW to the buttocks and 1 ANA received a GSW to the femur.

This TIC was in the same vicinity of the ACM antenna site that was fired on by our 105mm on 23APR05. The ACM were seen removing the radio site late night on the 23rd. All wounded were MEDEVAC and are stable at this time. Simultaneously 3/1 Kandak HQ and USSF conducted a MEDCAP and treated over 250 villagers vic Saraw bazaar. (b)(2)High continued to terminate ordinance on AQAM targets of opportunity before being MEDEVAC for a sprained ankle.

KAF (b)(2)High conducted a LUP with 38 ANA soldiers and (b)(2)High and exfilled (b)(2)High (b)(2)High (b)(2)High was infilled to a BP at (b)(2)High 6 ANA Rapid Strike Force soldiers and (b)(2)High were inserted vic (b)(2)High (b)(2)High (vic AQAM antenna site and TIC) and conducted surveillance and interdiction on trail networks. (b)(2)High and (b)(2)High cleared all cave complexes in sectors as 38 ANA soldiers and (b)(2)High secured the village of Yamanay from (b)(2)High

3/1 ANA Kandak Staff battle tracked the operations while simultaneously conducting the MEDCAP in vic Saraw bazaar. The ANA staff relayed (b)(2)High to BDE HQ at KAF over RT 700 HF radio throughout the day. The ANA continues to receive ACE reports. Keep LOGSTATS, and plan for resupply. The ANA S3 continues to plan local Shura meetings and CA distribution as well as tracking current operations. They have established a morning "azimuth check" and evening CUB.

1st ANA Company (41 ANA soldiers) and (b)(2)High conducted local patrols, Shura meetings, and gathered intell in the village of Jangalak (b)(2)High

2nd ANA Company (43 ANA soldiers) and (b)(2)High conducted local patrols with Yakhdar Police, distributed CA products, conducted a Shura meeting, and developed two (b)(2)High reports that were passed to (b)(2)High and (b)(2)High

Operation Nam Dong has had an enormous positive effect throughout our AO. Local villagers are excited to see 3/1 ANA Kandak leading this operation with 3 maneuver company's, 1 Recon team, and a Rapid Strike Force working in sectors. (b)(2)High

(b)(2)High AQAM have been disrupted in our AO and we will continue to mass all available combat power to improve ANA collective capabilities, stay on the offense prior to parliamentary elections, and disrupt AQAM in sector.

TENACE SENDS

nd3.txt

251600ZAPR05 Daily SITREP Operation Nam Dong

Operation Nam Dong moved into its third day today with the arrival of a direct support rotary wing aircraft package based at TK and the exfil of RC South GPF (b)(2)High and (b)(2)High from AO New York. Thanks to all component headquarters for assistance in yesterday's TIC.

All source intelligence indicates AQ/AM are displacing and hiding in caves as ANA clear in sector in AO New York, Texas, and Mississippi. FOB Fwd is targeting several AQ/AM key leaders that are attempting to disrupt ANA operations in AO New York.

ANA Company, (b)(2)High and (b)(2)High operating in AO NY conducted local patrols, cleared cave complexes, and established VCP's. Local nationals reported that AQ/AM were moving out of Yamanay in a Black Helix with (b)(6) ANA established a VCP and detained (b)(6) and two unknown individuals. Tactical questioning is underway. ANA and (b)(2)High inserted into two SR positions (b)(2)High and (b)(2)High IOT Observe, Report, and Disrupt AQ/AM fleeing ANA searches in Yamanay.

ANA Kandak Staff conducted a village assessment in Sokhay (b)(2)High. The ANA established and accomplished three goals: 1. assess village QOL and explain the ANA's new role in Afghanistan. 2. when the ANA is confronted by the AQ/AM, they will defeat them 3. discussed issues and problems with villagers. ANA distributed CA products, newspapers, and posters. All villagers were extremely happy to see the ANA and US and pledged their support to report AQ/AM activity. Villagers stated that they need schools, clinics, and improved roads.

18 ANA from TK arrived at the Kandak HQ vic Saraw. The Kandak Commander will use them as his reserve force and to conduct local security patrols in Sarawa (ivo Kandak HQ).

ANA CSM and USSF continued to improve base defense by establishing nine fighting positions and two landing zones. The Afghan National police are also incorporated into this defense plan.

ANA Company and (b)(2)High operating in AO Mississippi conducted a foot patrol to Snamashad and established a patrol base (b)(2)High. The ANA conducted local patrols and recon for MEDCAP.

ANA Company and (b)(2)High operating in AO Texas conducted local patrols, a Shura meeting, and ASO and patrol base operations (b)(2)High.

Kandak HQ will run a MEDCAP with Afghan Doctor's and 1SG (b)(3), (b)(6) and Sgt (b)(3), (b)(6) (with female terp) will facilitate a women's Shura meeting tomorrow 260430ZAPR05 vic Saraw bazaar. According to locals, this is the first woman's shura in this village. The Kandak staff continues along with their battle rhythm, battle tracking, local village assessments, CUB, and reporting to Lewa HQ at KAF. They continue to improve and refine products daily. The FOB FWD Current Operations center has co-located ANA and USSF communications systems and the TOC is now "combined" at the battalion level. We will continue to integrate ANA leadership into battle tracking and planning in an incremental fashion and within the capabilities/limitations of their organic equipment and collective readiness. With the exception of systemic tactical communications problems, each day of Operation Nam Dong sees significant improvement in their abilities to conduct combat operations in RC South above company-level.

TEENACE SENDS

Nam Dong 26APR EXSUM.txt
261500APR05 Daily SITREP Operation Nam Dong

Operation Nam Dong moved into its fourth day today with AQAM activity moving deeper into sanctuary in AO NY as the ANA Kandak maneuvers against them. (b)(2)High Base received (b)(2)High that AQAM were active throughout the Yamanay Valley. USSF and ANA conducted operations with ANA/(b)(2)High as the Main Effort clearing Yamanay from East to West toward suspected AQAM tent complex. ANA/(b)(2)High as SE1 was tasked to search and clear in sector and inserted (b)(2)High ANA/(b)(2)High - SOT-A as SE2 continued to observe and report from two SO positions south of Yamanay. ANA/(b)(2)High as SE3 inserted south of SO positions to search and clear in sector.

(b)(2)High Base received (b)(2)High that a large number of handsets associated with AQAM leadership were active (b)(2)High and issued FRAGO to ANA and (b)(2)High to search and clear in sector vic (b)(2)High

ANA and (b)(2)High inserted into (b)(2)High and began moving East. ANA and USSF received AK47 direct fire from three AQAM moving away from them in a Easterly direction. ANA and USSF pursued along a West to East running draw. AQAM turned North along another draw and when ANA/USSF maneuvered North into the draw, they received a heavy volume of automatic fire from three positions with crossing fires. One USSF soldier received a GSW, ANA/USSF returned fire, recovered USSF WIA, and broke contact. (b)(2)High moved to high ground, established security, and requested MEDEVAC. USSF WIA was MEDVACED to TK FST. (b)(2)High WIA was pronounced KIA on arrival. (b)(2)High Base requested ANA, (b)(2)High from ik as (b)(2)High and inserted into the AO to provide additional security. All ANA and (b)(2)High exfiltrated from the objective and returned to FB Cobra.

ANA and (b)(2)High searched a tent complex and recovered one AK47, 4 magazines, and 1 Tricon Vest. The personnel in this tent complex stated that they were a security post for a tent complex 600m away. ANA/USSF began maneuvering towards the second tent complex and intercepted a villager and camel transporting six RPG rounds. ANA and USSF continued to gather further intelligence from villagers and have developed future targets in the vic of Owbeh Village.

ANA and (b)(2)High gathered intelligence from local villagers that several AQAM leaders were staying in a tent complex west of Yamanay. The local villager stated that he had been at the tent complex earlier and that AQAM leadership were still in the tent complex. Local agreed to take ANA/USSF to the tent complex and they began foot movement. At 261652ZAPR05 (b)(2)High established a ORP (b)(2)High conducted a leaders recon, and PID AQAM leader tent site

18 man ANA (b)(2)High vic Saraw was alerted and were standing by to infil if necessary.

The Kandak Cdr and Staff achieved several milestones in battle tracking, planning, and conducting operations. ANA and USSF held a combined intelligence briefing, the kandak staff gave the CDR a 0400z azimuth check, and covered key events for the upcoming day. ANA relocated their RT 700 HF radio in USSF TOC to facilitate better synchronization and battle tracking. ANA AS3 continued to improve and update intell and friendly sit maps and established a synch matrix for the entire operation. All three ANA maneuver Company's sent sitrep to Kandak HQ vic Saraw during their 1000z reporting window. The ANA Kandak staff organized and held another MEDCAP in the Saraw Bazaar and treated 200 males and over 50 women and children.

ANA Company and (b)(2)High operating in AO Texas conducted foot patrol to Keshay Village established a PB, conducted local patrols, gathered intelligence, met with village elders, and prepared to receive CA products for distribution.

ANA Company and (b)(2)High operating in AO Mississippi conducted local patrols, met with village elders, and prepared to receive team MEDCAP in Shamashad Village tomorrow.

Next 24 hours, kandak Cdr will receive (b)(6) (Cdr, 1st Bde, 205th Corps). The Bde Cdr will receive an O and I brief from his staff, the Bde and Kd Commanders will conduct a shura in Sarawa Village, and they will conduct a combined command visit of two of their maneuver companies. In addition, the Kandak will facilitate a moderate mullah's visit to multiple villages in the cc valley. The ANA will also provide security for a medcap in Shamashad Village while Afghan Doctors treat the locals.

Nam Dong 26APR EXSUM.txt

Page 2

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30672

Nam Dong OpSum 27 Apr 05

Operation Nam Dong entered into its fifth day today as 3-1 Kandak continues to walk down AQAM forces throughout the Cahar Cineh valley. The maneuver of ANA Kandak is achieving operational level of war effects on the enemy's ability to survive in his own sanctuary. 3-1-2 Kandak, the Kandak main effort in AO New York, has driven these AQAM forces such as (b)(2)High from their populous support base. Aggressive ANA kinetic operations have also denied AQAM of their mobility patterns and some have pushed as far west as the Baghran valley. For example, 3-1-2 ANA were on the heels of (b)(6) (AQAM mvt) last night and followed him deep into his sanctuary (the ANA traveled by foot, from the valley floor, at night, to 6000 ft elevation) and forced him away from his normal movement patterns. 3-1-2 conducted a raid on his camp, but learned from locals that he had left only hours before the assault. These persistent ANA actions have been ongoing for 96 hours and leave the normal AQAM sanctuaries such as Yamaney, Zamborey, and Owbey devoid of AQAM influence. This main effort. 3-1-2 ANA continues to set the conditions for the remainder of 3-1 Kandak to cover the Cahar Cineh valley with security patrols and to conduct non-kinetic events such as MEDCAPs with afghan doctors and Shura's with moderate, pro-GOA mullahs brought by the ANA from Kandahar.

3-1-2 in AO Mississippi continue to achieve improved popular support through consistent patrols throughout the populated areas. There is a noticeable absence of AQAM activity in this area due to 3-1-2 operations in AO New York. In addition to the presence patrols, the ANA are holding Shuras with local village leaders ref the importance of supporting the new GOA and the ANA's increased presence in this area.

3-1-1 Kandak continues to exert legitimate influence in AO Texas. Additionally, 3-1-1 received numerous ca and medical supplies for the upcoming 72 hour ANA MEDCAP. 3-1-1 will sponsor a med cap with afghan doctors for the next 72 hours. In addition, the ANA will bring in a moderate, pro-GOA mullah, and the Cdr, 1st Bde, 205th corps for a Shura with the local leaders to reinforce the legitimacy of the ANA.

Recon elements from 2-1 ANA continue to observe and report AQAM movements along known mobility corridors. Today, ANA conducting local patrols from their patrol base observed armed AQAM moving in and out of local caves. The ANA will interdict these individuals within the next 24 hours.

The 3-1 Kandak staff continues to make significant steps in their ability to collectively plan and c2 their maneuver companies. One significant improvement is their reporting from company to Bde level. This was non-existent before nam dong. 96 hours into this operation, the ANA have established a battle schedule that has their maneuver companies rendering sitreps and logstats to their Kandak HQ daily. The Kandak has also been submitting sitrep roll-ups daily to their Bde HQ in KAF. This sets the conditions for the corps to project GOA authority deeper into AQAM sanctuary than ever before. In addition, the Kandak staff TOC has seen significant improvement. The Kandak staff have developed MDMP products that reflect the current fight.

The 3-1 Kandak Cdr received the Bde Cdr from 1st Bde/205th corps and LTC(b)(3), (b)(6) 1st Bde Cdr. They conducted a combined Shura with Sarawa village leaders and explained the growing presence of ANA in the cc valley.

CENTCOM 009846

next 24

1-1 Kandak strike force based out of sarawa will clear (b)(2)High in AO New York. This is the sight of significant AQAM leadership activity. This mission will be supported by aviation assets from tf storm, fires from jtf-76 and (b)(2)High

1-1 moves from yamaney to zamborey in AO New York. The company will continue to be the main effort of 3-1 Kandak and will target AQAM leadership and prepare for a MEDCAP in the AQAM safehaven of zamborey.

1-1 will conduct presence patrols, village shuras, and ca missions in AO texas.

1-1 ANA conducts a MEDCAP in AO mississippi and facilitates a village shura with a moderate, pro-GOA mullah. The ANA Bde Cdr will also visit this area.

Recon elements from 2-1 ANA will interdict 2 x pax at caves in AO New York prior to their exfil from AO New York.

CENTCOM 009847

Nam Dong OpSum 28 Apr 05

Operation Nam Dong rolls into its sixth day of operations and the ANA are beginning to achieve significant operational level of war disruption effects against AQAM and positive legitimacy effects with the Afghan people at the operational level of war. The kinetic activities of 3-1-2 ANA co in AO New York fixed AQAM forces (estimated 15-20 pax) in a known AQAM camp. (this is a camp that was being used by Alim and other AQAM mvt's) fob 71 then coordinated a stand off predator hellfire strike (2 x JDAM's) into a cave used by AQAM as they displaced from the initial hellfire strike. 3-1 Kandak maintained full-spectrum coin persistence by conducting simultaneous MEDCAPS, combined ANA-ANP ops, and Shuras in AO's Texas and Mississippi. These events further enhanced ANA legitimacy while AQAM were marginalized and targeted in AO New York.

In AO New York, 3-1-2 ANA Company re-located to Zamboray. Shortly after this relocation, the ANA recovered an AT mine from a hidden cache. The ANA then moved into a blocking position and captured 2 x AQAM as they attempted to flee the hell fire and JDAM strike. Following the JDAM strike, the ANA Kandak commander elected to employ his reserve (40 pax) to exploit success of fleeing AQAM. This reserve force deployed into overwatch on the high ground on (b)(2)High and remains there to exploit a pending surgical strike against additional AQAM camps in the area.

In AO Texas, 3-1 Kandak staff and the 1st Bde, 205th Corps commander escorted a moderate mullah into neighboring villages to address democracy and the ANA's role in the areas. In addition, the ANA Kandak staff gave an operations and intelligence brief to their bde Cdr on all their forces in operation Nam Dong. This was a first for the staff and they did excellent. Their products and knowledge of the missions and what their forces are doing have improved dramatically in a very short time.

Also in AO Texas, 3-1-1 ANA Company facilitated a combined cordon and search with the Yakdan police that led to the killing of known AQAM member Bismullah. The AQAM was found with IED materials in his possession. Finally, the 3-1-1 ANA Company handed out CA products and linked up with 3-1 Kandak HQ. 3-1-1 ANA Company has completed their clearance in sector and will remain with 3-1 kd HQ for the duration of Nam Dong.

In AO Mississippi, 3-1-3 ANA Company continued their MEDCAP in Shamashad. The ANA secured the site, handed out Kandahar newspapers, and CA products. The MEDCAP was conducted by ANA doctors. The MEDCAP was very successful in this area and resulted in the treatment of 150 males, 40 females, and 70 children.

Next 24

fob 71 will facilitate a pre-planned strike against a known AQAM camp belonging to Denver (this area has been extremely active). This "trigger" will likely lead to AQAM displacement and set conditions for 3-1-2 and 3-1 reserve to interdict fleeing AQAM. 3-1-3 will continue their MEDCAP in Shamalshad. The Cdr, 1st bde, 205th Corps will visit this MEDCAP tomorrow along with the moderate Islamic mullah from Kandahar. fob 71 will redeploy to FB Cobra (mission complete). Cdr, 1st Bde 205th Corps and fob 71 Cdr will re-deploy to KAF tomorrow.

CENTCOM 009848

NAM DONG BATTLE DAMAGE ASSESSMENT FOR STAND-OFF ATTACKS
(28 AND 29 APR 05)

Number of AQ/AM KIA: 20 [at least 1 MVT (Bismatullah)]
Number of AQ/AM Captured: 7
Numerous IED materials
1 Mine Recovered
1 ANA Led Shuras throughout the CC Valley
1 ACA Missions
1 MEDAPS (800 Pax Treated)
1 Shuras Led By Moderate, Pro-GOA Mullah from Kandahar
Unknown Affiliation: 3
Civilian KIA: 2
Civilian WIA: 2
1 ANA Promotion Leaflet Drop
1 ANA Presence Patrols
Increase of ANA in AQ/AM sanctuary from 20 soldiers to 200
ANA Bde Cdr Visit to Locals in CC Valley for the First Time Ever

Targeting Overview: FOB 71 (Fwd) conducted deliberate targeting against key AQ/AM MVT's throughout Op Nam Dong. 3 of the MVT's most persistently targeted by FOB 71 (Fwd) were (b)(2)High. The targeting cell consisted of the FOB 71 Commander, S-2 Intelligence Officer, FOB 71 Operations/Targeting Officer, Fire Support NCO). The targeting cell used a methodical, all-source approach as it planned and executed 3 x stand-off attacks against the above-mentioned targets within the larger kandak ANA maneuver occurring within Nam Dong. To facilitate and (b)(2)High (b)(2)High from FOB 71 KAF, the FOB 71 (Fwd) employed the (b)(2)High (b)(2)High

28 APR 2005 (Hell Fire Missile Strike Against Haj Alim)

- a. FOB 71 learned that NewMarket (involved in the attack on (b)(2)High (b)(2)High had been located in a camp vicinity (b)(2)High. The Targeting Cell used the (b)(2)High to pull real-time signal hits and used (b)(2)High overflight with near-real time updates to pinpoint the camp. The FOB Fwd then forwarded this target information to the CJSOTF-2)Has worthy of a surgical strike employing standoff.
 - 1) Method of Attack: The FOB 71 (Fwd) employed the (b)(2)High over the camp sight to pinpoint the location. The FOB (Fwd) JTAC co-located in the targeting cell relayed the (b)(2)High coordinates and facilitated its movement over the objective.
 - 2) Initial efforts to attack the camp were to use the (b)(2)High as (b)(2)High and PID for adjusting fire of 105mm rounds onto the camp using a JTAC in the CJSOTF-A as the controller.

CENTCOM 009849

- a) BDA: The FOB (FWD) fired one round that was unobserved by the CJSOTF-A JTAC. The decision was made to fire no more rounds using this TTP due to risk for collateral damage. Post-shot calculations indicate the round impacted high on the far side of the target and there is no indication of collateral damage, based on fly-over BDA on the 29th.
- 3) The (b)(2)High then agreed to fire it's hellfire once the 105mm was attempted. The (b)(2)High vectored in and fired into the center tent (largest tent) and based on pattern analysis as the most likely area for Alim to be based on activity in the area.
 - a) (b)(2)High reported: Direct Hit on Center Tent (Destroyed), multiple squirts (15-20 Pax), and One Visible Wounded.
 - b) (b)(2)High also reported all pax moved either into caves (known to be Taliban cache and hiding Sites based on 180 days of (b)(2)High operations in this area) or followed a goat trail right into the same area that the (b)(2)High Team Member was killed in the 26 Apr Ambush vic. (b)(2)High
 - c) FOB 71 (Fwd) viewed the tape (post-strike) and assessed 2 Pax were killed.
 - d) New Market has not been active since the 25th, but this could be also be related to increased ANA presence in his habitual sanctuary.
 - e) FOB 71 conducted on-ground BDA on 29 Apr 05. All tents had been moved and there was only a crater. No blood trails or human remains were observed.

Attack On (b)(2)High 29 Apr 05

- a. (b)(2)High was active at (b)(2)High for 48 hours in the same location. This location was a camp west of the Hellfire strike and in the middle of known AQ/AM operations and auxiliary. To verify the camp, FOB 71 had fly and locate the camp. The FOB Fwd then downloaded the pics on the (b)(2)High. These pictures contained grids of the site.
- b. Although it was obvious that there were structures on the camp, the (b)(2)High showed what appeared to be fighting positions and no women or children were observed or reported by (b)(2)High. In order to mitigate collateral damage impact on target worth FOB 71 set a template that anticipated (b)(2)High calling (b)(2)High on 29 Apr 05. FOB 71 requested this target be made a military target in an ASR and that pre-planned fires be employed to ensure the greatest chance of success. The FOB 71 requested an ASR for (b)(2)High and Surgical Fires at 0100 to ensure (b)(2)High would not be in his activity cycle.

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c. What showed up at 0100 were 2 x A-10's who had to be talked on to the target in typical ground support roles. This led to multiple pax fleeing the target prior to initiating pre-planned CAS. After being talked onto the target via JTAC the A-10 dropped 1 x Mark 82 bomb on the suspected camp. This dramatically reduced the degree of surgical precision and allowed (b)(2)High to escape (b)(2)High

(b)(2)High

d. Multiple squirterers were observed fleeing the target and the largest group (4-5) pax massed and was addressed by an A-10. as a B-1 but the B-1 informed the FOB (through the tJTAC) that he was not authorized to drop JDAM's unless we were in a TIC. The nearest unit was AOB 700, in position to observe the camp with organic (b)(2)High (b)(2)High coverage but not in effective fire range of the camp.

e. BDA:

- 1) The Ordinance and CAS employment procedures did not achieve their desired effects. While collateral damage risk was high due to most (b)(2)High staying with cuchi nomads, the net gain was reduced by the employment of a non-precision weapon.
- 2) 2 x Grown Males (Affiliation Unknown) were KIA
- 3) Collateral Damage: (1 x Female, 1 x Infant, and 2 x young children injured—evacuated by the BDA assessment team-post strike).
- 4) The BDA team found a blood stain near its point of infil that was at their point of helo-infil well away from the camp.
- 5) The BDA team observed another village that was in very close proximity to the targeted camp. This camp was observed by (b)(2)High on 24-25 Apr as containing armed AQ/AM members who traveled to and from the local caves to the camps

f. Attack on Squirterers from (b)(2)High Target, Grid: ID'd and reported by A-10's after the first Mark 82 strike against the camp. These were 4-5 pax massing near a cave entrance.

- a. On Ground BDA Was conducted on 29 Apr 05.
- b. Assessment: Were effects of achieved: Partial, 1 x KIA (Unable to achieve affiliation due to condition of remains)
- c. All other pax were not present.
- d. AQ/AM supporters and members were driven from their normal terrain and forced to move further west.

4 Overall assessment of Standoff Strikes: The attacks were successful. AQ/AM members and leaders were forced out of their normal patterns and were unable to prevent or disrupt numerous ANA operations and non-kinetic events throughout the CC Valley. Several (b)(2)High may have been WIA or Killed. This will be determined in the coming days through (b)(2)High

CENTCOM 009851

(b)(2)High

of the TB. It was where the ANA and SF chose to target and fight them due to the highest target worth.

Effect Mitigation: (b)(2)High and 3-1 Kandak will conduct the first ever Full Medcap in Zamboray. True Taliban sanctuary and home for many of the fighters and affected villagers of the last 8 days of fighting. ANA will continue sustained non-kinetic events such as PRT and USAID projects and increased ANA presence into the CC valley on a weekly basis.

NOTE: These were the only stand-off strikes against human life during 28-29 Apr. There were no other missions (such as fires adjustment on mortar pits) that occurred against humans. USSF and fires assets fired warning shots and actually allowed targets to squint when unable to determine if target was AQ/AM. 2 of the 3 strikes were deliberately planned and analyzed and every effort to minimize collateral damage without sacrificing target payoff. In addition, the proportionality of non-kinetic events to kinetic events in Nam Dong was approximately 90% non-kinetic during this ANA mission.

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**DEPARTMENT OF DEFENSE
COMBINED JOINT SPECIAL OPERATIONS TASK FORCE
BAGRAM AIRBASE, AFGHANISTAN
APO, AE 09354**

S 1133

07 May 2005

MEMORANDUM FOR Record

Subject: Statement from MAJ (b)(3), (b)(6) concerning 15-6 Investigation of Operation
Saur Dog Engagement resulting Non-Combatant Casualties on 29 April 05

1. The answers to the question below are true and accurate to the best of knowledge. Yes.

2. Where were you located during the incident? I was located at the Bn CP in Sarawa.

3. What was your purpose/reason for being there (your position, your element's mission, and your assigned tasks)?

I was the FOB (Fwd) Operations Officer. My job was to fuse the intel and assets available to arrive at targeting solutions against AQ/AM (b)(2)High

4. How did FOB 71 locate and identify the target? The target was located through (b)(2)High initially. We then used (b)(2)High to ID a camp site ivo the pattern of phone calls. We used this pattern analysis for 72 hours to track (b)(2)High

5. Did FOB 71 or your element have actual eyes on the target or did you have eyes on with an (b)(2)High platform? No. My eyes on came from the on the day prior. That is why we requested the camp be designated a military target.

6. How long did you have eyes on the targeted camp site, and were there indications of non-combatants on the target site? We had (b)(2)High the target for 36 hours and we had no indications of non-combatants on the target site.

7. How were fires against the camp site initiated? Fires were initiated with a MK-82 drop.

8. What fires asset was requested for attacking this target?

We requested surgical fires (JDAM's) to be dropped at 0100 before (b)(2)High was tempted to wake up and move from the cam to make his phone calls.

CENTCOM 009853

Statement from MAJ (b)(3), (b)(6)

What fires asset arrived at the target? The fires that arrived at the camp were MK-82 dumb bombs from A-10's. What munitions was it configured with? MK-82 and guns are all I am aware of. There was a B-1 in the area but it was not authorized to drop the JDAM til we were in

How was the target identified to the fires asset? Two Ways. (b)(2)High from Sarwa assisted by using the (b)(2)High and grids we had in the FOB Fwd while the AOB 700 JTAC was talking based from the (b)(2)High

What procedures were taken to get approval to attack this target? Once (b)(2)High made his call we submitted an ASR with pattern analysis products clearly showing the camp as an enemy camp supporting (b)(2)High This ASR was submitted the night prior to the mission.

Describe the actions at the target by the fires asset. I was not on the objective. But it was clear through monitoring radio traffic, the A-10's were confused about their authorities to drop (b)(2)High and then we requested JTF-76 drop authority. We obtained authority from the BC then passed this to Major (3), (b)(1) on the objective

When was battle damage assessment conducted, by whom and what was found? BDA was done approximately 6 hours after the attack started. We identified fighting age males, two wounded children, one dead woman and one dead infant. Also during the fight, Maj (3), (b)(1) wounded enemy CP AQ/AM pulling things off the objective.

What actions were taken when injured non-combatants were found at the target location? It was immediately reported to me and then I reported it to higher. The BDA team rendered first aid to the two wounded children and then carried them to the helo for follow-on exfil to the TK

Do you have any other additional information or comments pertinent to the investigation. The expanded ROE should help with drop authorities. The AQ/AM use camps as auxiliary for their operations. When pattern analysis dictates, these camps should be designated as military targets. Also, (b)(2)High is often the most reliable BDA...this takes time. Higher HQ may have some time for the dust to clear a little before receiving accurate BDA.

What other personnel were with you during the operation that may have additional information or to contribute to the investigation? The entire FOB Fwd.

INFORMATION STATEMENT FROM MAJ (b)(3), (b)(6)

INFORMATION CONTACT FOR THIS STATEMENT IS THE UNDERSIGNED, CURRENTLY ASSIGNED TO CJSOTF-A,
Kabul, Afghanistan.

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

MAJ, SF
FOB 71 Ops Officer



Exhibit X: Sworn Statement – MAJ (b)(3), (b)(6) (AOB 700 (CRE) Commander
Report of Investigation–29 Apr 2005, FOB 71 Engagement, vic FB Cobra, Afghanistan

**DEPARTMENT OF DEFENSE
COMBINED JOINT SPECIAL OPERATIONS TASK FORCE
BAGRAM AIRBASE, AFGHANISTAN
APO, AE 09354**

May 2005

MEMORANDUM FOR Record

SUBJECT: Statement from MAJ (b)(3), (b)(6) concerning 15-6 Investigation
of Operation Nam Dong Engagement resulting Non-Combatant Casualties on 29 April 05

The answers to the question below are true and accurate to the best of knowledge.

The answers below are true and accurate to the best of my knowledge.

Where were you located during the incident?

Locality (b)(2)High approximately 2.5 kilometers east of target 1 and 3.0
kilometers east of target 2.

What was your purpose/reason for being there (your position, your element's mission, and
assigned tasks)?

AOB 700 conducted a company movement to contact in sector. I was located with the AOB 700
command element in the trail of the formation. The company moved in a company "V"
formation with 735 on right security, (b)(2)High on left security, and the composite ANA platoon in the
middle. Command element in trail with 712 in rear security positions. On the night of 28 April
AOB 700 received a (b)(2)High to interdict AQAM fleeing a pre-planned surgical strike along east
west running lines of communication from the target sight to the village of Durji. AOB 700
constituted forces to interdict all visible trail networks in our area of operations.

How did AOB 71 locate and identify the target?

Coalition forces were in direct fire engagements with AQAM forces on a daily basis from 23
April to 29 April 2005. Coalition forces sustained seven wounded in a direct fire engagement on
27 April 2005. After this engagement, coalition forces continued to pursue AQAM insurgents
into "sanctuary", safe haven over a period of several days using a combination of special
reconnaissance forces, signals intelligence, imagery intelligence, and combat patrols to track and
interdict AQAM insurgents in the local area. On 26 April, AQAM insurgents ambushed a
Special Forces patrol, killing one USSF soldier approximately 3.25 kilometers east of the bomb
strike area (b)(2)High directly linked the target to the ambush and was used to track the
target establishing a pattern for the target over a period 72 to 96 hours.

Did AOB 71 or your element have actual (b)(2)High the target or did you have eyes on with an
ISR platform?

CENTCOM 009856

Statement from MAJ (b)(3), (b)(6)

(b)(2)High imagery and (b)(2)High the evening prior to the strike. Scheduled (b)(2)High coverage for the morning of the strike was unavailable. AOB 700 and FOB 71 concurred that the best available option for (b)(2)High was the (b)(2)High collocated with the AOB 700 command element (b)(2)High flying at an altitude of 10,500 feet MSL, was used for (b)(2)High target until the 90 minute battery life ran out and the (b)(2)High was flown back for safe recovery.

How long did you have (b)(2)High the targeted camp site, and were there indications of non-combatants on the target site?

(b)(2)High the target for approximately 68 minutes from an altitude of 10,500 feet MSL. We could make out terrain features and the presence of two tents. There were no indications of non-combatants on site.

Were there fires against the camp site initiated?

Pre-planned fires were requested by FOB 71 as well as requesting the target be designated a "military target." Pre-planned fires were to be B-1B airframe dropping a 2000 Lb GPS guided (b)(2)High with an H-Hour for execution of 290100ZAPR05. This was how the operation was briefed to AOB 700 in the change of mission (b)(2)High received the night of 28 April 2005, and as such AOB 700 expected the operation to be executed.

What fires asset was requested for attacking this target?

According to the FRAGO received the night prior, B-1B airframe dropping a 2000 Lb GPS guided (b)(2)High with an H-Hour for execution of 290100ZAPR05.

What fires asset arrived at the target? What munitions was it configured with?

Two A-10's arrived on station at 0100Z. The aircraft were configured with 30mm guns, rockets and 500 Lb MK-82 "dumb bombs."

How was the target identified to the fires asset?

The asset were talked onto the target using a combination of terrain references, grid references, and imagery provided by FOB 71 and the JTACs located both at AOB 700 and FOB 71.

What procedures were taken to get approval to attack this target?

(b)(2)High authorized AOB 700 to attack this target. FOB 71 had CJTF-76 approval to attack this target prior to aircraft coming on station. Pilots requested that we receive CAOC approval prior to dropping ordnance. CAOC approval was requested through FOB 71 and to the best of my knowledge, CAOC was aware and approved of this attack.

Describe the actions at the target by the fires asset.

The pilots had not been briefed that this was a pre-planned, time sensitive target. The airframes were not of the requested type, nor were their weapons configured properly for the target set. The pilots arrived on station at H-Hour, did not drop on schedule, and finally released their bombs one hour and thirty-two minutes after H-Hour after the target had fled the objective. Pilots reported personnel fleeing the objective, hiding in caves, hiding in dry creek beds, and attempting to camouflage themselves. The pilots also reported that immediately after the bomb strikes personnel were on the objective picking up objects from bomb strike area.

When was battle damage assessment conducted, by whom and what was found?

The engagement time is unknown for sure, but at least two hours after the bomb strikes. The BDA was conducted by (b)(2)High. Collateral damage was reported with some confirmed women and children dead and wounded.

What actions were taken when injured non-combatants were found at the target location?

Wounded children were evacuated and taken to higher echelons of medical care by (b)(2)High (b)(2)High air dedicated aviation assets.

Do you have any other additional information or comments pertinent to this investigation?

This operation was planned and coordinated to be a pre-planned surgical strike against a target that is positively linked to the deaths of three US service members, and the wounding of two more. Additionally, the same target is linked to the death of three US intelligence sources, the assassination of the Yakdan Police Chief, and the beheading of six civilians suspected of supporting coalition troops. If this target had been executed as planned and coordinated the target would without doubt posed a "likely identifiable threat," would have been eliminated. Instead, AOB 700 was allocated X-CAS. The pilots were not briefed on the target, the aircraft were not configured with the right weapons, and the target was not engaged in a timely, much less time sensitive, manner to achieve the ground force commander's stated intent. (b)(2)High (b)(2)High has since confirmed that the target was on the objective at H-Hour and fled due to the noise generated by low-flying A-10 sorties trying to positively identify the target, because they had no GPS guided munitions to engage the target area.

A small note about "non-combatants" and the inappropriateness of this term in the context of this bomb strike. AQAM are the guerilla fighters of this insurgency, however they utilize auxiliary and underground portions of the insurgency everyday as well. The Cuchi Camp that was bombed as well as the caves located nearby were used by the insurgents for meeting sites, tactical planning, staging areas, refit areas, cache points, and IED construction sites. The insurgents planned and executed attacks that killed three US service members and multiple Afghan nationals from these very locations. While I detest the loss of innocent life, the insurgents made these "military targets" and involved innocent civilians. The adults willingly provided aid and comfort to the AQAM as part of the auxiliary, a viable target, which renders "non-combatants" the enemy in attacking coalition forces. I believe that some review of our "non-

Statement from MAJ (b)(3), (b)(6)

... and the connotations that go with that term might be better served with terms such as auxiliary and underground. That is the truth of the situation in AQAM sanctuary / ... and should reflect in the terms we use in relating to them.

What other personnel were with you during the operation that may have additional information to contribute to the investigation?

- (b)(3), (b)(6) - STS JTAC (CCT) present for drop and release of ordinance.
- OB 71 Forward Observer present drop and fires planner
- (b)(2)High Operator
- AOB 700 Company Sergeant Major present fro drop.

Person of contact for this statement is the undersigned, currently assigned to CJSOTF-A, ... Afghanistan.

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

MAJ, SF
Commanding



**DEPARTMENT OF DEFENSE
COMBINED JOINT SPECIAL OPERATIONS TASK FORCE
BAGRAM AIRBASE, AFGHANISTAN
APO, AE 09354**

1 STATE A 13

May 2005

MEMORANDUM FOR Record

SUBJECT: Statement from SGM (b)(3), (b)(6) concerning 15-6 Investigation of Operation
Nan Dong
Engagement resulting Non-Combatant Casualties on 29 April 05

The answers to the question below are true and accurate to the best of knowledge.

1. Where were you located during the incident? TF 71 Operations Center

2. What was your purpose/reason for being there (your position, your element's mission, and your assigned tasks)? Operations Sergeant Major, Battlitracking all TF current operations, provide oversight of personnel assigned in the current operations TOC.

3. How did FOB 71 locate and identify the target?

4. Did FOB 71 or your element have actual eyes on the target or did you have (b)(2)High with an (b)(2)High platform? It was reported to FOB that there was (b)(2)High activity from the target location and (b)(2)High confirmed activity.

5. How long did you have (b)(2)High the targeted camp site, and were there indications of non-combatants on the target site? Unknown

6. How were fires against the camp site initiated? Unknown

7. What fires asset was requested for attacking this target? Unknown

8. What fires asset arrived at the target? It was reported to the OPCEN that a B1 was on station followed by a pair of A-10s. What munitions was it configured with? Unknown.

9. How was the target identified to the fires asset? Unknown

10. What procedures were taken to get approval to attack this target? Requested through the OPCEN to CJSOTF and approved by CJTF76.

11. Describe the actions at the target by the fires asset. Unknown

CENTCOM 009860

CJSOTF-A 13

SUBJECT: Statement from SGM (b)(3), (b)(6)

4. When was battle damage assessment conducted, by whom and what was found? It was reported to OPCEN, initially, that 2 men, a woman and a child were killed and 2 children were injured.

5. What actions were taken when injured non-combatants were found at the target location? They were immediately MEDEVAC'd to TK for medical care.

6. Do you have any other additional information or comments pertinent to the investigation? I was working the OPCEN at KAF. The FOB forward had the most up to date information. We received reports from FOB forward at Saraw.

7. What other personnel were with you during the operation that may have additional information to contribute to the investigation? Personnel that man the OPCEN. MAJ (b)(3), (b)(6) and SGT (b)(3), (b)(6)

8. Point of Contact for this statement is the undersigned, currently assigned to CJSOTF-A, Bagram, Afghanistan.

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

SSG, SF
Detachment Weapons Sergeant

Subject: Appointment Memorandum
Report of Investigation-29 Apr 2005, FOB 71 Engagement, vic FB Cobra, Afghanistan



DEPARTMENT OF THE DEFENSE
COMBINED JOINT SPECIAL OPERATIONS TASK FORCE - AFGHANISTAN
APO, AE 09354

CJSOTF-A, DR

29 April 2005

MEMORANDUM FOR MAJ (b)(3), (b)(6)
Afghanistan, Bagram Airfield, Afghanistan

(b)(2)High

SUBJECT: Appointment as AR 15-6 Investigating Officer

You are hereby appointed as an Investigating Officer pursuant to AR 15-6. You are directed to investigate the circumstances surrounding the injury and death of several non-combatants that occurred during the conduct of combat operations by FOB 71 on 29 April 2005. Specifically, you are to determine what factors contributed to the injuries and deaths of the non-combatants on the objective and ensure compliance with current ROE measures.

This will be an informal investigation conducted IAW the provisions of AR 15-6. You will review all available documentary evidence and conduct witness interviews. All witness statements will be sworn. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report.

You will make findings of fact, and recommendations based upon those facts, at the conclusion of the inquiry. You will provide recommendations on how to resolve all issues. Report your findings using DA Form 574. You are to include any recommendations for UCMJ or administrative action. Your findings and recommendations, including a legal review, will be submitted to the Commander, CJSOTF-A, within 30 days of receipt of this appointment. Contact me if you require an extension.

If in the course of your investigation, you suspect that a person may have committed a criminal offense in violation of the Uniform Code of Military Justice (UCMJ), you will advise that person of his or her rights under Article 31, UCMJ prior to obtaining a statement from that witness. You will use the DA Form 3881 to conduct right warning advisement. If you determine that someone senior in rank may be responsible for any offense, you will inform me immediately.

This investigation takes priority over all other duties. Contact your assigned legal advisor, MAJ (b)(3), (b)(6), CJSOTF-A Command Judge Advocate (DSN (b)(2)High), for a legal briefing before you begin your investigation.

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

(3), (b) Colonel, U.S. Army
Commanding

CENTCOM 009862

Pages 53 through 58 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(2)High, (b)(3), (b)(6)

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
PRIVACY ACT STATEMENT			
AUTHORITY: 5 U.S.C. Section 301; Title 5 U.S.C. Section 2951; E.O. 9397 dated November 22, 1943 (SSN).			
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately			
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
DISCLOSURE: Disclosure of your social security number is voluntary.			
1. LOCATION AFGHANISTAN	2. DATE (YYYYMMDD) 2005/04/	3. TIME APPROX 0130Z	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN (b)(6)	7. GRADE/STATUS E-8/MSG
8. ORGANIZATION OR ADDRESS (b)(2)High			
9. I, (b)(3), (b)(6) , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>ON 29 APRIL, 2005 @ APPROX 0130Z I WAS LOCATED AT (b)(2)High</p> <p>(b)(2)High MY 24 MAN ELEMENT WAS THE MAIN EFFORT IN THE FINAL OPERATION OF OPERATION NAM DONG. WHILE SET UP IN AN AMBUSH POSITION IN THE CANYON FLOOR OFF OF (b)(2)High I CLEARLY HEARD ONE SHORT BURST OF AN AIR RAID SIREN. I HEARD THIS SIREN SHORTLY AFTER THE A-10 AIR CRAFT SHOWED UP DIRECTLY OVER HEAD AND SLIGHTLY BEHIND MY POSITION. I DID NOT HEAR THE SIREN AGAIN AFTER THAT ONE INSTANCE. UPON TERMINATING THE AMBUSH POSITION TO CONDUCT A MOVEMENT TO CONTACT, I CONSULTED WITH OTHER U.S. PAR IN MY PATROL AND THEY CONFIRMED HEARING THE SIREN. NOTHING ELSE FOLLOWS. (b)(3), (b)(6)</p>			
10. EXPIRES		11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 1 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ 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			



Exhibit XIV Sworn Statement – SFC3), (b) FOB 71 FSNCO
Report of Investigation–29 Apr 2005, FOB 71 Engagement, vic FB Cobra, Afghanistan

**DEPARTMENT OF DEFENSE
COMBINED JOINT SPECIAL OPERATIONS TASK FORCE
BAGRAM AIRBASE, AFGHANISTAN
APO, AE 09354**

CLASSIFICATION

07 May 2005

MEMORANDUM FOR Record

SUBJECT: Statement from SFC (b)(3), (b)(6) concerning 15-6 Investigation of Operation Nam
Dome Engagement resulting Non-Combatant Casualties on 29 April 05

The answers to the question below are true and accurate to the best of knowledge.

1. Where were you located during the incident? With the AOB 700 C2 Element

2. What was your purpose/reason for being there (your position, your element's mission, and your assigned tasks)? I was the Fire Support Advisor to both FOB 71 Forward and AOB 700

3. How did FOB 71 locate and identify the target? Through (b)(2)High and a (b)(2)High

4. Did FOB 71 or your element have actual eyes on the target or did you have eyes on with an ASR platform? We used the (b)(2)High

5. How long did you have eyes on the targeted camp site, and were there indications of non-combatants on the target site? We looked at the target for approx. 1 hour or more. There were no indicators of non-combatants to my knowledge

6. How were fires against the camp site initiated? An immediate ASR was sent up approx. 6 hours earlier and was approved by cjtf-76 and the CAOC

7. What fires asset was requested for attacking this target? Both (b)(2)High and the 105mm Howitzers were planned against the target.

8. What fires asset arrived at the target? What munitions was it configured with? 2 A-10s checked on station carrying MK-82's, GBU's, Rockets, and 30mm. I do not recall the quantities

9. SIGN

CENTCOM 009870

CONFIDENTIAL

SUBJECT: Statement from SFC (b)(3), (b)(6)

12. How was the target identified to the fires asset? We utilized the (b)(2)High and also some (b)(2)High that a (b)(2)High flight obtained the day before.

13. What procedures were taken to get approval to attack this target? The GFC worked all the approval issues through the FOB 71 Forward element.

14. Describe the actions at the target by the fires asset. The A-10 dropped a MK-82 fuzed airburst. If I recall correctly.

15. When was battle damage assessment conducted, by whom and what was found? I am not sure what element conducted the BDA, or what was found other than two wounded children.

16. What actions were taken when injured non-combatants were found at the target location? I am not sure however, I believe they were MEDEVAC'd.

17. Do you have any other additional information or comments pertinent to the investigation?

None

18. What other personnel were with you during the operation that may have additional information to contribute to the investigation? MAJ (b)(3), (b)(6)

19. Point of Contact for this statement is the undersigned, currently assigned to FOB 71, Kandahar, Afghanistan.

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

SFC, USA
Battalion Fire Support Sergeant



Exhibit XV Sworn Statement – TSgt (3), (b)(6) FOB 71 JTAC
Report of investigation–29 Apr 2005, FOB 71 Engagement, vic FB Cobra, Afghanistan

**DEPARTMENT OF DEFENSE
COMBINED JOINT SPECIAL OPERATIONS TASK FORCE
BAGRAM AIRBASE, AFGHANISTAN
APO, AE 09354**

OSI 11-005

May 2005

MEMORANDUM FOR Record

SUBJECT: Statement from TSgt (b)(3), (b)(6) concerning 15-6 Investigation of Operation
Nan-Doq Engagement resulting Non-Combatant Casualties on 29 April 05

The answers to the question below are true and accurate to the best of knowledge.
The answers and statements are true and accurate to the best of my knowledge.

1. Where were you located during the incident?
I was 2-3 km NE from the target area.

2. What was your purpose/reason for being there (your position, your element's mission, and other assigned tasks)?
I was the JTAC with (b)(2)High directed into blocking positions (b)(2)High with approximately 40 ANA soldiers. FOB 71 started working this target and put my callsign on it due to them believing I would be the guy to control the mission.

3. How did FOB 71 locate and identify the target?
FOB 71 located the target thru (b)(2)High and visually acquired the target area with a talk on by (b)(2)High using (b)(2)High

4. Did FOB 71 or your element have actual eyes on the target or did you have eyes on with an ISR platform?
No, the talk on was done by using (b)(2)High to get the A-10's "eyes" in the area.

5. How long did you have (b)(2)High the targeted camp site, and were there indications of non-combatants on the target site? *N/A*

6. How were fires against the camp site initiated? *The JTAC w/ AOB 700, call sign (b)(2)High alerted the A-10's to expend munitions on the target.*

7. What fires asset was requested for attacking this target?

CENTCOM 009872

CJTSOTF-A-13

Statement from TSgt (b)(3), (b)(6)

1. *FOB 71 had requested a BIB bomber but due to ROE issues, we had received a set of A-10's that had been scheduled for GCAS but were launched so we would have aircraft providing support. We had permission to engage the target from the CAOC.*

2. *What fires asset arrived at the target? What munitions was it configured with?*

Two A-10's arrived and carried 1xGBU-12, 1xMK-82 Airburst, 2.75 rockets and 30mm HEI rounds.

3. *How was the target identified to the fires asset? A talk-on using graphics from (b)(2)High*

4. *What procedures were taken to get approval to attack this target?*

Unknown the whole ordeal, but it had to get approved thru CJTF-76 CG and the CAOC. We knew this had been done when we received the " (b)(2)High " call.

5. *Describe the actions at the target by the fires asset.*

Two A-10's were cleared hot by (b)(2)High and they dropped MK-82 Airburst.

6. *When was battle damage assessment conducted, by whom and what was found?*

Initial BDA was conducted by (b)(2)High (CPT)(b)(3), (b)(6) and they reported a man, woman and child on one site and two wounded children on another.

7. *What actions were taken when injured non-combatants were found at the target location?*

The wounded children were evacuated out of the site and cared for.

8. *Do you have any other additional information or comments pertinent to the investigation?*

When this mission originally came down, FOB 71 wanted me to control the BIB strike but I passed off control to (b)(2)High due to my not having situational awareness on all the forces on the battle field and my not being in a position to control the aircraft. We had multiple sniper observation elements out and I was not tracking their movements.

9. *What other personnel were with you during the operation that may have additional information to contribute to the investigation?*

Sgt (b)(3), (b)(6) (b)(3), (b)(6) , TSgt (b)(3), (b)(6) (b)(2)High MSG (b)(3), (b)(6) (b)(2)High (b)(2)High) and SFC (b)(3), (b)(6) (b)(2)High .

10. *Point of Contact for this statement is the undersigned, currently assigned to CJSOTF-A, Bagram, Afghanistan.*

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

(b)(3), (b)(6) TSgt, USAF
Joint Tactical Air Controller

Pages 64 through 80 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(2)High, (b)(3), (b)(6)
(b)(2)High
(b)(2)High