S/JF Interoperability SMARTPACK (SOF/Joint FIRES)

Note: Formerly known as the CAF/SOF & CAB/SOF Smartpack

Final

Version 2013.0

CAO 19 Nov 2013

Overall classification of briefing is ~~SECRET / REL USA, GBR, AUS, CAN~~

Unclassified

1

Approved for Release

Purpose

- Outline current SOF mission sets
- Discuss considerations for SOF / Joint FIRES integration
- Share applicable TTPs

- Endstate: Improve the integration of Joint FIRES capabilities into SOF mission sets to affect success on the current/future battlefield

Joint FIRES = Includes all US Navy, Army, Marines and Air Force FIRES (Formerly known as CAF/CAB/MAF/NAF)

This Smartpack has been expanded to include useful ISR, intel and C2 information

Approved for Release

Contents

SUBJECT	SLIDE
• Pre-Deployment Requirements	6 – 7
• SOF Acronyms and Terms	8
• Armed Overwatch	9 – 20
• Basic Contracts	21 – 26
• Current Mission Phases/Sets - Infil - Exfil - Contracts: Low Vis - Assault - RTB/Follow-on - Kinetic Strike Basics - BIT/SSE - Vi Basics	27 – 47
• CoFs/GRGs	48 – 55
• Airspace	56 – 59
• ISR	60 – 76
• Warden	77 – 80
• Comms / Markings / JTAC Roles	81 – 83
• East Africa/Arabian Peninsula (EAAP)	84 – 88
• Squadron Support to SOF	89 – 94
• MISREP GUIDANCE	95
• Contact Information / Final Thoughts	96 – 98

Approved for Release

Final Thoughts…Really

- The mission has priority – it's more than just CAS/dropping bombs
- Tactical patience is key
- Be patient with comms…there's a lot going on
- Be flexible – you might be asked to do things you don't normally do…and hey, flexibility is the key to airpower
- It doesn't have to be sexy or fun to be successful
- The threat is higher in the daytime – so is our reliance on you
- When it does come time for kinetic strikes, must have 1st pass success

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
RS, HQ, KABUL AFGHANISTAN APO AE 09536	20151031	0531	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	

8. ORGANIZATION OR ADDRESS
(b)(3), (b)(6) USFOR-A NORTH

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

Gentlemen,

1. Background. I am the (b)(3), (b)(6) dual-hatted as the (b)(3), (b)(6) When Kunduz was overrun on 28 Sep, (b)(3), (b)(6) was on leave and I was the (b)(3), (b)(6) I went to Camp Pamir, Kunduz, (b)(1)1.4b, (b)(1)1.4d on 29 Sep to meet with then (b)(1)1.4d, (b)(6) (Note: he will be referred to as (b)(6) in the rest of the statement, since he was promoted during the operation, a promotion approved prior to the operation). This trip was primarily fact-finding: situational awareness and determines TAA requirements. I returned to Camp Marmal later on 29 Sep, spent 30 Sep planning and returned to Kunduz on 1 Oct. The advisory team consisted of me and my interpreter, advisors from AAC-South (ops, logistics, police, aviation) and an intelligence officer from CJ2, RS HQ. (b)(1)1.4d, (b)(6) (b)(1)1.4d, (b)(6) Due to national caveats, those advisors were restricted from any activites involving current ops other than to sit in briefings for situational awareness. They could not provide any advice, or attend meetings in which targeting was discussed.

2. 29 Sep.

A. While receiving briefs, I provided (b)(6) with a document that listed four locations for Medecins Sans Frontieres (MSF, aka Doctors Without Borders) trauma hospital in Kunduz. The four sites were listed by lat/long, locations where their personnel lived and worked. (b)(6) told me that the hospital was in Taliban control, and that his forces would not attack there. He added that the shadow district governor's brother was at the MSF facility. He also provided information on another hospital that was under Taliban control in the SE section of Kunduz city, vic (b)(1)1.4a (b)(6) planned to send a force to retake that hospital later in the evening, led by (b)(1)1.4 but the operation did not occur that night.

(b)(1)1.4d

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

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT RS HQ, KABUL, AFGH DATED 20151104

9. STATEMENT *(Continued)*

(b)(1)1.4c, (b)(1)1.4d, (b)(6)

E. Because of the large percentage of the population in the city, ANA planning for operations in the city included clearance operations that were deliberate, with no use of D-30s for pre-assault fires due to fear of civilian casualties and destruction of facilities and homes.

F. Operations. The plan was for (b)(1)1.4a elements to move north on the east side of Kunduz city (east of the main road, which we referred to as (b)(1)1.4a, (b)(1)1.4g) to the outskirts of Kunduz city, then turn (or hook) south to clear to a hospital on the south edge of the city. The hospital was reportedly held by the Taliban (Note: there were also reports that the Taliban killed GIRoA forces being treated there). ANDSF only reached the Governor's compound the first night. The hospital was one of three that we knew about –in addition to the MSF facility and an Afghan hospital on the west side of Kunduz city, in the same area as the MSF trauma hospital. With three hospitals and the language barrier, it was often difficult to determine which hospital was discussed in conversations.

3. 1 Oct. When I arrived at Camp Pamir, I got an update from (b)(6) including his thoughts on how Kunduz fell, as well as his forces available and planned operations. One major concern for (b)(6) was a kandak from (b)(1)1.4d vic of Gor Teppah, NW of Kunduz city (vic 42S VF 836 680). (b)(1)1.4c, (b)(1)1.4d (b)(1)1.4c, (b)(1)1.4d An attempt to resupply that night failed when the air drop missed the site designated near the ANA Camp. Resupplying this kandak was a planning priority during the day on 2 October.

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

5. 2 Oct. There was a command visit in the morning that included the (b)(6) and from RS HQ MG Buchanan, MG Quantock, MG Bramble, and MG Phipps. The visitors were updated on the situation, but there was no discussion of an operation that night in the vic of MSF. Note: all speakers highlighted the need for more forces and help from RS (CAS).

A. VIP visit.

(b)(1)1.4d

b. VIP Briefing. (b)(6) opened by thanking the coalition, SOF, and RS for their help and cooperation. (b)(6) summarized what had occurred, and stated that insurgents looted and burned the city. So far, 400 insurgents had been killed. ANDSF was continuing to clear the city and surrounding areas, and needed support from RS headquarters. (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 2 OF 6 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT RS HQ, KABUL AFGN DATED 20151104

9. STATEMENT *(Continued)*

(b)(1)1.4b, (b)(1)1.4d

e. (b)(6) briefed that he brought (b)(1)1.4b, (b)(1)1.4d personnel, and that there were challenges around Kunduz city, and that Aliabad District needed help. He also stated there was (b)(1)1.4b, (b)(1)1.4d of ANCOP at Gor Teppah.
f. Someone stated that (b)(6) should be tried in court, and that the people were stuck intheir homes without food. I did not list the person who said this in my notes.
g. (b)(6) also highlighted the need for more forces. He stated that some elements belonged to political groups, and refused to act. Interestingly, no one responded to this statement.
h. (b)(6) spoke next. He started out stating that "we will send you more forces, we are working with you". He was impressed by the speed of the ANDSF operations. He talked briefly about the Zone Commander and structure of forces. He then addressed insurgent propaganda that GIRoA does not care about Kunduz. He finished by emphasizing Rule of law, and that the guilty would be punished by the law.
i. MG Buchanan spoke next. He said there was a lot of work to be done, and we would stay here to help (advisory team). He told the group that when the operation was over, they needed to look at themselves, determine why this happened, and pass the lessons on to the rest of the country.

(b)(1)1.4b, (b)(1)1.4d, (b)(6)

B. The visit ended at about 1210. After a break for lunch, the next meeting/update started at 1445.
a. At an update at 1445, after the visitors left, the main topics were an attack on the kandak at Gor Teppah and threats to bridges at VF 843 620 and VF 877 731, and a report that the prison was lost (again) to the Taliban.
b. At 1622, I called (b)(3), (b)(6) who was at the Governor's Compound in downtown Kunduz. With him were (b)(1)1.4d personnel. He needed either an emergency resupply or relief by (b)(1)1.4d which were enroute on a convoy that got delayed due to insurgent activity in Baghlan Province. He added that he could not return to Camp Pamir without coverage, (b)(1)1.4a, (b)(3), (b)(6) be overhead at (b)(1)1.4a
c. I returned to the coalition area after the 1800 update and included the following in a SITREP at 1914 hours:

Current status in Kunduz:
"Governor's Compound (b)(1)1.4a ODAs and AOB-North leadership are holding the compound with (b)(1)1.4d (b)(1)1.4d. They have had significant contact for the last 48 hours, but have received emergency resupplies. There coordination ongoing to have (b)(1)1.4d reinforce the compound tonight to free the ODAs to return to Camp Pamir, refit, and prepare for another partnered operation. (b)(1)1.4d

(b)(1)1.4b, (b)(1)1.4d, (b)(3), (b)(6)

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

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 3 OF 6 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT RS HQ KABUL AFGN DATED 20151104

9. STATEMENT *(Continued)*

"INS leadership in Kunduz.
ANDSF has identified (b)(1)1.4a He is not a named OBJ, although the name is close. There is a TB DSG with a similar name that most closely matches.

ANDSF also reports that (b)(1)1.4a are in the NDS compound (which has not yet been taken back). Recommendation for both is to have (b)(1)1.4d go after them if freed from reinforcing Gor Teppah, but will request NSOCC-A consider targeting them."

d. At 2030, I returned to the Brigade Conference Room and met with (b)(6) They told me that foreign fighters including members of (b)(1)1.4c were involved in the attack on Kunduz. They also mentioned that there were five members of the Taliban in the hospital, but did not specify which hospital. I stayed to monitor operations, and returned to the coalition compound a little after 2400 to send in another SITREP. There was ISR over the area, but I don't recall which assets were covering the area. Grid locations for the NDS compound changed several times that day. I later talked to (b)(3), (b)(6) who had the same issues with changing objective sites and/or grids.

(b)(1)1.4a, (b)(1)1.4b, (b)(1)1.4d, (b)(1)1.4g

Updates from NSOCC-A:
1. ODA will remain at GOV Compound in Kunduz.
2. INS leadership in Kunduz.
a. ANDSF has identified (b)(1)1.4c He is not a named OBJ, although the name is close. There is a TB DSG with a similar name that most closely matches. (b)(1)1.4a, (b)(1)1.4c
b. ANDSF also reports that (b)(1)1.4c are in the NDS compound (which has not yet been taken back). Recommendation for both is to have (b)(1)1.4d go after them if freed from reinforcing Gor Teppah, but will request NSOCC-A consider targeting them. (b)(1)1.4a
it.
I am heading back to (b)(1)1.4d, (b)(6) I will send additional updates when I return.
7. Back at the Brigade Conference Room, at 0130 we received a report that the kandak at Gor Teppah received supplies, but the helicopter took small arms fire and left without picking up four WIAs.
8. I left about 0235, and returned to the coalition compound, sending in a final SITREP at 0258. I did not know about the MSF bombing at the time. SITREP was:
Gentlemen,
Final updates for the evening. Next ANDSF planning session will begin around 0830.

(b)(1)1.4a, (b)(1)1.4d, (b)(3), (b)(6)

9. Early in the morning, I woke up to a call from MG Buchanan about the bombing of the MSF trauma center. I do not recall the time. I went to the TOC (down the hallway) in the coaltion compound, and checked the reports from the time I sent my last SITREP, but could not determine what happened. I also went to the (b)(1)1.4d Conference Room a little later, but no one was aware of the incident, and ANDSF leadership was not in yet. It wasn't until about 0645 that I started to get an idea of what happened.
(b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 4 OF 6 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT RS HQ, KABUL, AFGN DATED 20151104

9. STATEMENT *(Continued)*

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d, (b)(1)1.4g, (b)(3), (b)(6)

11. At 1429 on 3 Oct, I sent the following SITREP:
Sent: Saturday, October 03, 2015 2:29 PM
To: Campbell, John F USA GEN COMRS
Cc: (b)(1)1.4d, (b)(6) Buchanan, Jeffrey S.(US) MG Deputy, Chief of Staff, Operations; Quantock, Mark R. MG DCOS INT Deputy Chief of Staff; (b)(1)1.4d, (b)(6); (b)(3), (b)(6) Bauernfeind, Tony D BG SOJTF-A; (b)(3), (b)(6)
(b)(3), (b)(6)
Subject: RE: ~~(S) [SECRET//NONE]~~ Evening Update for COMRS 28 September 2015

CLASSIFICATION: ~~SECRET//REL TO USA, FVEY~~

Sir,

My understanding of the incident at the Medecins Sans Frontieres (MSF, aka Doctors Without Borders) trauma hospital in Kunduz, 03 0225 Oct 15, based on sitting with (b)(6) during the planning and for some of the operation (the evening of 02-03 Oct), and talking to them and (b)(3), (b)(6) he is still forward at the Governor's Compound) in the morning of 3 Oct:

(b)(1)1.4a, (b)(1)1.4d, (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 5 OF 6 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT RS HQ, KABUL AFGH DATED 2015 11 04

9. STATEMENT *(Continued)*

The MSF staff was also at the airfield for transport to Kabul.

5. (b)(3), (b)(6) told me that there were three dead military age males near the hospital, identified as Taliban by the local population. They were using the hospital as a command post (using its protected status). (b)(1)1.4c

(b)(1)1.4c

(b)(3), (b)(6) Nothing Follows (b)(3), (b)(6)

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of November, 2015 at RS HQ, Kabul AFGH

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

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 6 OF 6 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, _____ (b)(3), (b)(6) _____, are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 2NOV15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 2 day of NOVEMBER, 2015.

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

Signature of Witness

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

Signature of Interviewee

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
BAGRAM, AFGHANISTAN	20151102	2000	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(3)

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

During the period of darkness the evening of 2OCT15 (b)(3), (b)(6) was tasked with resupplying ODA (b)(1)1.4a soldiers at FOB Pamir, and at a more isolated location in downtown Konduz. The (b)(1)1.4c was that Taliban fighters had control of all main avenues of approach to the city itself, and that an urgent resupply was needed for isolated coalition forces who were basing operations out of a police station downtown. The brief also included details that the ODA (b)(1)1.4a element on the ground was being attacked from all sides, and the only friendly positions were inside the police station. The basic scheme of maneuver was to depart Bagram as a flight of (b)(1)1.4a, (b)(1)1.4g helicopters loaded with supplies which occured at approximately (b)(1)1.4a We stopped at Mazar E Sharif (MES) at (b)(1)1.4a enroute to Konduz to fuel all aircraft. The (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g For the duration of the flight, all (b)(1)1.4a, (b)(1)1.4g and battle tracked events as they occurred on the ground. The flight of (b)(1)1.4a helicopters in tactical escort. During the flight to Pamir, I was able to receive most communications that were being passed on the (b)(1)1.4a, (b)(1)1.4g between aircraft above the city to the ground force at the police station. It became clear that the situation on the ground was tense as aircraft above Konduz were (b)(1)1.4g moving around in proximity to the police station. At some point during the flight to Pamir, the ground force declared troops in contact (TIC), although I cannot remember the exact timing. It occured sometime during the last 15 minutes of our flight to FOB Pamir due to our ability to receive the ground force via (b)(1)1.4a, (b)(1)1.4g Our flight circumnavigated Konduz by approximately (b)(1)1.4a, (b)(3) arriving to FOB Pamir from the east. During the transition to Pamir, none of the aircraft reported observing any enemy fire, nor did they engage with any organic weapon system on the aircraft. The flight arrived at FOB Pamir at approximately (b)(1)1.4a, (b)(3), (b)(6) had to cycle landing single ship into the helicopter landing zone (HLZ) on Pamir due to other (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(3) landed external to the FOB on the south side and waited for the other aircraft to complete downloading the needed supplies. During the time it took to accomplish the download, (b)(1)1.4a, (b)(3) had a clear LOS with the city and observed multiple tracers originating from the ground and burning out in the sky above the city. Around the same time (b)(1)1.4a, (b)(3), reported observing a large number of armed MAMs entering a structure southwest of the police compound. The ground force started to receive fire from that direction shortly before (b)(1)1.4a, (b)(3), was given clearance and engaged the large group of armed MAMs. After (b)(1)1.4a, (b)(3), had completed engagements and all supplies were infiled at Pamir, I contacted (b)(1)1.4a, (b)(3) to ensure fire missions were complete and we would be clear to enter the airspace to deliver the last of the supplies to the police compound. Once clear, I departed Pamir at approximately (b)(1)1.4a, (b)(3), (b)(6) close air support for infil. Due to the fluidity of the situation on the ground and the large number of observed armed MAMs, I fully expected to receive fire as we flew into the populated downtown area of Konduz to conduct the resupply. The flight took approximately (b)(1)1.4a and our inbound heading to land at the police compound was only offset 50 meters east of (b)(1)1.4a, (b)(3) previous engagement area due to the inbound heading to

(b)(3), (b)(6) 2Nov15

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Public Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 2000 DATED 20151102

9. STATEMENT *(Continued)*

land at the compound. As we passed by (b)(1)1.4a, (b)(3) engagement area on approach to land, the building was on fire but I was unable to make any other observations since we were attempting to land inside a confined area compound. We landed into the inner courtyard of the police compound with two story buildings surrounding the aircraft at approximately (b)(1)1.4a We quickly offloaded supplies and were airborne again in less than (b)(1)1.4a We departed the city to the northeast linking up with my other two (b)(1)1.4a and continued the flight back to MES. On ingress to the police compound, and egress from the city (b)(1)1.4a, (b)(3) did not observe or receive any ground based fire nor did we fire any of our weapons systems. The (b)(1)1.4a escort did not observe or report any enemy engagements or conduct any offensive engagements during their escort in Konduz. They followed me out of the HLZ and followed my flight back to MES. The flight arrived at MES for refuel at approximately (b)(1)1.4a The flight departed MES at approximately (b)(1)1.4a and arrived back to Bagram completing the mission at (b)(1)1.4a ----------END OF STATEMENT----------

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT 2000 DATED 20151102

9. STATEMENT *(Continued)*

THIS PAGE IS NOT USED

AFFIDAVIT

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

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

[redacted]g Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3 day of NOV, 2015 at 2000Z

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

USAF Attorney 10 USC §1044

(Authority To Administer Oaths)

INITIALS (b)(3), (b)(6) [redacted]KING STATEMENT

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 2015 11 02

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 2nd day of November, 2015.

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

Signature of Witness

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

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Camp Alpha	20151102	1813 Z	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(1)1.4a

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

① Emergency Resupply for friendly forces in Kunduz.
② Hostile forces were on the ground being pushed back by friendly forces.
③ No I did not observe surface to air fire.
④ No I did not receive any effective ~~or~~ ineffective fire at any point during the mission.
⑤ No I did not return fire because I did not take effective fire.
⑥ No I was not aware of any friendly ~~ground~~ ground forces taking fire
⑦ No knowledge of (b)(1)1.4a, (b)(3), (b)(6) engagement at the time
⑧ Did not see engagement site ~~other~~

Not used (b)(3), (b)(6)

Not used (b)(3), (b)(6)

Not used (b)(3), (b)(6)

Not used (b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT ____ DATED ____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1813Z DATED 20151102

9. STATEMENT *(Continued)*

Not used (b)(3), (b)(6)

Not used (b)(3), (b)(6)

Not used (b)(3), (b)(6)

Not used (b)(3), (b)(6)

AFFIDAVIT

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

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

Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3 day of NOV, 2015 at 1400Z

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

USAF Attorney 10 USC §1044

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6) _____, are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 20151102

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 2nd day of November, 2015.

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

Signature of Witness

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

S

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Camp Alpha	20151102	1813Z	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(1)1.4a

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

① Emergency resupply to a small fob.

② Hostile forces were on the ground, friendly forces were taking the city back

③ NO, we did not observe surface to air fire during infil/exfil.

④ NO, we did not receive either effective or ineffective fire near the terminal area.

⑤ NO, we did not return fire.

⑥ NO. I was not aware whether friendly forces were taking fire or not.

⑦ I had no knowledge of (b)(1)1.4a, (b)(3), (b)(6) engagement.

⑧ I was not able to observe (b)(1)1.4a, (b)(3), (b)(6) engagement site.

NOT USED (b)(3), (b)(6)

NOT USED (b)(3), (b)(6)

NOT USED (b)(3), (b)(6)

NOT USED (b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT ____ DATED ____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1813 Z DATED 20151102

9. STATEMENT *(Continued)*

Not used

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

Not used

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

Not used

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

Not used

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

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3 day of November, 2015 at Bagram Air Base

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

USAF Attorney 10 USC § 1044

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6) (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 3 Nov 15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 3 day of November, 2015.

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

Signature of Witness

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

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

(b)(3), (b)(6) You, (b)(3), (b)(6) , are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

(b)(3), (b)(6) You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

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

OF EXECUTION: 3 NOV 2015

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will con (b)(3), (b)(6) d obligations imposed upon you by this Order until and unless you are r (b)(3), (b)(6) s agreement.

DATE
OF EXECUTION: 10/3/15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 3rd day of November, 15.

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

Signature of Witness

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

/Sig

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Camp Integrity, Kabul, Afghanistan	2015/11/05		

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS

(b)(3) CAMP INTEGRITY, AFG

9.

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

Sir,

1.a. What specific concept of the operation was used for the 30 OCT infil to Kunduz? Prior to the execution of the infiltration to the PGOV residence, I was only aware of CONOP (b)(1)1.4a 09-001 (L2C), which was staffed through NSOCC-A/SOJTF-A, TAAC-N and COMRS for approvals and/or concurrence and SA.

1.b. Did you see CONOP (b)(1)1.4a 09-002 that was submitted on the 30th? I did not see the CONOP until after I was notfied that the scheme of maneuvor had changed and that the partnered force was already in security positions at the PGOV residence.

1.c. At what level did it reach before execution on the night of the 30th? I would be speculating based on seeing the CONOP process slide produced by the IO Team as I was unaware of CONOP until the mission already occurred.

1.d. Did you consider it a CONOP and FRAGO to (b)(1)1.4a 09-001? After the fact, I would have treated this as a FRAGO to the base CONOP - given the circumstances, a verbal FRAGO to the approval authority would have been recommended.

2. When did CONOP (b)(1)1.4a 09-001 show up in the Battle Room? I recall observing the updated SOM graphics sometime on the 1st of OCT.

3. Do you cross reference (b)(1)1.4a, (b)(1)1.4g I personnaly utilize (b)(1)1.4a, (b)(1)1.4g

4. Who finally approved the 30 September '15 CONOP (1C) and provided VOCO back thru the SOTF-A and AOB? I was not aware of the CONOP or the approval of the 1C CONOP.

5. Was appropriate legal review done for the CONOPs? For the L2C, NSOCC-A/SOJTF-A staff, inclusive of the OPLAW Officer completed a review of the CONOP during the staffing and approval processes.

6. What was the confusion regarding the SoM for the mission on the evening of 30 SEP 15? I was unaware of any confusion until the morning after the prosecution of the mission to the PGOV house. The original CONOP indicated slightly different mission graphics and templated RON site than what I was tracking prior to mission prosecution.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF X 3 PAGES
	(b)(3), (b)(6)	(b)(3), (b)(6)

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT CAMP INTEGRITY DATED 2015/11/05

9. STATEMENT *(Continued)*

7. What procedures were used to identify friendly forces and non-combatants in the area? I am unable to affirm who the GFC utilized to deconflict battle space. However, for operations (strikes) that are conducted with the (b)(3), (b)(6) we utilize the (b)(1)1.4a efforts (in several instances (b)(1)1.4a, (b)(1)1.4g Further, the NSL is verified by our Fires and (b)(1)1.4 personnel.

8. What is the process for receiving and disseminating information on non-combatants and protected sites in the battle space? Currently, we receive an NSL update (as it is updated) email from CENTCOM JTE and disseminate via email. Additionally, NSOCC -A fires officers and subordinate can pull data straight from CENTCOM portal.

9. What tactics, techniques and procedures were used to deconflict the battlespace? I am unable to answer what the GFC did to clear fires during the engagement on INS at the Kunduz Trauma Center.

10. What is the battle drill / SOP to support forces forward when systems are degraded? Currently, the JOC monitors (b)(1)1.4a, (b)(1)1.4g and (b)(1)1.4a, (b)(1)1.4g radios to maintain SA for ongoing OPS. Further, battle rooms are built to amplify SA. When (b)(1)1.4a, (b)(1)1.4g there exists no SOP at the NSOCC-A level to support forces prosecuting operations. In these instances, the JOC relies on telephone updates from the components to pass CCIR and FFIR information to the CoC.

11. Did you and the JOC know there was an MSF Trauma center at the OBJ location prior to the POD of 2/3 October '15? I was aware that the OBJ area was an NDS location, and though I had access to the NSL, I was not particularly aware of all NSF in Kunduz.

12. If no, how did you find out? I found out that the Trauma Center was engaged on the morning of 3 OCT and was informed that it was a NSL facility later in the morning on the 3rd of OCT.

Approved for Release

INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF (b)(3), (b)(6) TAKEN AT CAMP INTEGRITY DATED 2015/09/09

9. STATEMENT *(Continued)*

NOTHING FOLLOWS

AFFIDAVIT

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

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

n Making Statement)

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

Subscribed and sworn to before me, a person authorized by law to dminister oaths, this 6 day of NOV, 15

t CAMP INTEGRITY

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 3 OF 3 PAGES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, _ (b)(3), (b)(6) _____ . are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE (b)(3), (b)(6)
OF EXECUTION: 3 Nov 15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 3 day of November, 2015.

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

Signature of Witness

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

Signature of Interviewee

Approved for release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 *(SSN)*.
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
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	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Camp Integrity, Afghanistan	2015/11/04	2100	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(3)

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

1. What specific concept of the operation (CONOP) was used for the 30 Sept infil into Kunduz? (ODA (b)(1)1.4a and the AOB)? Did you see CONOP (b)(1)1.4g-002 that was submitted on the 30th? At what level did it reach before execution on the night of the 30th? Did you consider it a CONOP or a FRAGO to (b)(1)1.4g-001?
I first reviewed the CONOP for the mission in Kunduz city (number unknown) planned for POD 2/3 OCT 15, when it was posted in the electronic Battle Room on 30 SEP 15. I was not involved in the staffing or approval process.

2. When did the CONOP (b)(1)1.4g-002 show up in the 'Battle Room'?
I do not know the exact time when the CONOP was posted in the Battle Room. I noticed the CONOP in the Battle Room at some point during the evening of 30 SEP 15.

3. Do you cross reference (b)(1)1.4a, (b)(1)1.4g
I do not have (b)(1)1.4a, (b)(1)1.4g on any of my systems and do not use it for any of my work.

4. Who finally approved the 30 September '15 CONOPs (1C) and provided VOCO back to thru SOTF-A to AOB-N?
I do not know who approved the CONOP or provided the message to SOTF-A.

5. Was appropriate legal review done for the CONOP(s)?
I cannot confirm a legal review was completed on this CONOP, but all CONOPs by procedure receive a legal review.

6. What was the confusion regarding the SoM for the mission on the evening of 30 Sep 15? (refer to email)
It was unclear to me what tactical actions the Ground Assault Force (GAF) was planning to take ("clear" vice "secure"). The GAF had insufficient combat power to secure objectives along its planned route.

7. You mentioned there was talk about a hospital and Trauma center? (refer to email)
The CONOP maneuver graphics contained a reference to a hospital. The terms "hospital" and "Trauma Center" were being used interchangably. I was seeking clarification on which facility was being discussed in the CONOP, since there were multiple medical facilities known to be in Kunduz city. Reporting from late September indicated that enemy fighters had take over of a number of medical facilities in Kunduz.

8. What TTPs were used to obtain approvals for the enablers used in the strike (POD 2/3 Oct '15)?
As for all partnered operation where coalition forces accompany ASSF on an operation, it is standard procedure to request and allocate close air support assets through the nightly Joint Air Allocation Meeting. An AC-130 was allocated to the mission through this process.

9. What tactics, techniques and procedures were used to de-conflict the battlespace?
I am not aware of any de-confliction conducted by the SOJTF-A JOC during POD 2/3 OCT 15. An air-to-ground engagement called by the Ground Force Commander in defense of coalition forces or PDSS would not have come to the SOJTF-A JOC for de-confliction.

10. What procedures were used to identify friendly forces and non-combatants in the area?
I am not aware of the procedures used by the Ground Force Commander to identify friendly forces or non-combatants in the area; I understand that the GFC had regular contact with the senior Afghan commanders who requested and approved operations in Kunduz city and he relied on their network of contacts to identify friendly forces when such identification was not possible through other means.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE APD PE v1.01

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Integrity, AFG DATED 2015/11/04

9. STATEMENT *(Continued)*

11. What was the process for receiving and disseminating information on non-combatants and protected sites in the battlespace?
All protected sites in the battlespace can be found on the No Strike List on the CENTCOM SIPR portal and can be imported to most digital mapping software.
(b)(1)1.4a, (b)(1)1.4g

12. What is the battle drill / SOP to support forces forward when systems are degraded (b)(1)1.4a, (b)(1)1.4g?
Component headquarters will refer to the communications (b)(1)1.4a plan published with the CONOP to establish voice and/or data communications with forward deployed forces when primary systems fail

13. Did you and the JOC know there was an MSF Trauma Center at the OBJ location prior to the POD of 2/3 October '15?
I was aware that there was a Trauma Center in Kunduz. I was not in the JOC at the time of the operation conducted during POD 2/3 OCT 15, but to the best of my recollection the (b)(1)1.4a

14. If no, how did you find out?
See #13 above.

Nothing follows

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

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

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Integrity, AFG DATED 2015/11/04

9. STATEMENT *(Continued)*

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

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

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 03 NOVEMBER 2015

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 3rd day of NOVEMBER, 2015.

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

Sig

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

Signature of Interviewee

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
BAF, CAMP VANCE	2015/11/03	2230	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS

(b)(3) CAMP VANCE, BAF

9.

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

1. WHAT IS YOUR DUTY POSITION IN THE OPCEN?
(b)(3), (b)(6)

2. WHAT TIME DID YOU COME ON SHIFT ON THE EVENING OF THE 2ND OF OCTOBER 2015?
I CAME ON SHIFT AT (b)(1)1.4a

3. WHEN DO YOU GO OFF SHIFT (SHIFT CHANGE)?
I GO OFF SHIFT AT (b)(1)1.4a

4. IS THERE A SHIFT CHANGE BRIEF? IF SO, WHAT DOES IT ENTAIL? ARE CONOPS BRIEFED?
THERE IS A SHIFT CHANGE BRIEF, AT A MINIMUM BETWEEN (b)(3), (b)(6) CONOPs ARE BRIEFED DURING THIS TIME, PREVIOUS, ONGOING, AND FUTURE.

5. WHAT WAS GOING ON IN THE OPCEN ON THE EVENING OF 2 OCT 15?
I ONLY RECALL THE OPERATION TAKING PLACE IN KUNDUZ.

6. WAS THE NORMAL STAFF ON DUTY DURING THE EVENING OF 2 OCT 15?
AS FAR AS I CAN RECALL YES.

7. IS THERE A BATTLE DRILL WHEN AN AIR TO GROUND ENGAGEMENT IS BEING CONDUCTED? WHAT IS YOUR ROLE DURING THE ENGAGEMENT?
I AM NOT AWARE OF A BATTLE DRILL, THERE ARE CORDINATIONS THAT TAKE PLACE, I DO NOT HAVE ANY ROLES OR INVOLVEMENT IN AIR TO GROUND ENGAGEMENTS.

8. WAS INFORMATION BEING PASSED TO OPCEN LEADERSHIP?
AS FAR AS I CAN RECALL YES, TO THE BEST OF EVERYONE'S ABILITY.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD PE v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 2230 DATED 2015/11/03

9. STATEMENT *(Continued)*

9. DO YOU MONITOR (b)(1)1.4a, (b)(1)1.4g IS THAT THE OPCEN LOG?
I MONITOR IT (RARELY) WHEN I NEED TO FOR CERTAIN INFORMATION, THE (b)(1)1.4a, (b)(1)1.4g IS A LOG, BUT WOULD NOT SOLELY BE THE OPCEN LOG.

10. DESCRIBE YOUR ACTIONS IN THE OPCEN ON THE NIGHT OF 02 OCTOBER 2015.
I PERFORMED MY NORMAL DUTIES AS (b)(3), (b)(6) SPENT THE MAJORITY OF THE EVENING BATTLE TRACKING ON (b)(1)1.4a, (b)(1)1.4g ANSWERING RFIs, AND OPERATING THE TIC BOARD.

11. WHAT IS OR IS THERE A BATTLE DRILL TO MONITOR OPERATIONS WHEN SYSTEMS GO DOWN (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g HOW DO YOU MAINTAIN SITUATIONAL AWARENESS?
I AM UNAWARE IF THE ISR SECTION HAS SUCH A DRILL, TO MAINTAIN SITUATIONAL AWARENESS WE FOLLOW THE ESTABLISHED (b)(1)1.4a PLAN ON THE CONOP.

12. DO YOU CONDUCT (OPCEN) CONOPS BRIEFS FOR EACH SHIFT FOR OPERATIONS THAT DAY/NIGHT?
YES SEE NUMBER 4.

13. WHAT CHECKS DO YOU PERFORM/WHAT ARE YOUR DUTIES AS PART OF THE CONOPS BRIEFS AND DURING EXECUTION?
GENERALLY THE (b)(3), (b)(6) CHECKS THE QRF's STATUS, STATUS OF FORCES, GIVES A 5W DURING THE BRIEF, AND BATTLE TRACKS THE ELEMENT BY OPERATING THE TIC BOARD. THIS USUALLY MAINLY ENTAILS FOLLOWING THE OPSCHEDS OF THE OPERATION.

14. IN YOUR DUTIES DO YOU CONSULT/CHECK A NO STRIKE LIST AS PART OF YOUR DUTIES?
TO THE BEST OF THE (b)(3), (b)(6) ABILITY YES.

15. ON THE NIGHT OF 2ND, MORNING OF 03 OCTOBER 2015 DID YOU HAVE SITUATIONAL AWARENESS THAT AOB-N WAS CONDUCTING AN ENGAGEMENT ON A TALIBAN CONTROLLED COMPOUND PRIOR TO THE FIRST ROUND BEING FIRED?
YES, I HAD SITUATIONAL AWARENESS OF AN ENGAGEMENT OF A POSITIVELY IDENTIFIED COMPOUND UNDER HOSTILE CONTROL, PRIOR TO THE FIRST ROUND BEING DEPLOYED. NUMEROUS HOSTILES WERE IDENTIFIED LOITERING OUTSIDE OF THE STRUCTURE.

16. WHILE ON DUTY ON THE NIGHT OF THE 2ND AND MORNING OF 03 OCTOBER 2015, DO YOU RECALL ANY INFORMATION BEING BRIEFED ABOUT AN MSF TRAUMA CENTER (HOSPITAL)? ANY CALLS OR RADIO (TO INCLUDE (b)(1)1.4a, (b)(1)1.4g TRANSMISSIONS REFERENCE THE MSF TRAUMA CENTER?
I SPECIFICALLY CANNOT RECALL.

17. DO YOU RECALL THE (b)(3), (b)(6) COMING INTO THE OPCEN 2 APPROXIMATELY _____?
I DO NOT RECALL WHEN (b)(3), (b)(6) CAME INTO THE OPCEN, I DO NOT HAVE CONSTANT SITUATIONAL AWARENESS TO THE MAJORITY OF THE ROOM TO MY BACK WHEN I AM AT MY WORK STATION.

18. IF SO, WHAT DID HE DISCUSS WITH THE BATTLE CAPTAIN/ BATTLE NCO?
I AM NOT PRIVY TO THEIR DISCUSSION, I DO NOT KNOW WHAT WAS DISCUSSED.

19. WHAT ACTIONS FOLLOWED.
I DO NOT KNOW, I CANNOT GIVE AN ACCURATE ANSWER, AS I DO NOT KNOW THE TIME OF (b)(3), (b)(6) ARRIVAL OR DISCUSSIONS.

20.DO YOU MONITOR (b)(1)1.4a, (b)(1)1.4g OR ANY NET BROADCAST VIA SPEAKER, OR HEADPHONES BY STATION IN THE OPCEN?
(b)(1)1.4a, (b)(1)1.4g COME OVER SPEAKER IN THE OPCEN.

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 2 OF 3 PAGES

DA FORM 2823, NOV 2006 APD PE v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT 2230 DATED 2015/11/03

9. STATEMENT *(Continued)*

21. WERE YOU ON DUTY IN THE OPCEN ON THE POD OF 30 SEPTEMBER, 01 OCTOBER 2015?
YES I WAS ON DUTY.

22. IF SO, DO YOU RECALL OPERATIONS THAT WERE CONDUCTED DURING THE EARLY MORNING HOURS OF 01 OCTOBER 2015 (SPECIFICALLY (b)(1)1.4a, (b)(1)1.4g
I DO NOT RECALL ANY MISSIONS SPECIFICALLY BESIDES THE OVERALL SITUATION IN KUNDUZ. I ALSO DO NOT RECALL ANY SPECIFIC (b)(1)1.4a, (b)(1)1.4g

----------NOTHING FOLLOWS----------

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

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(b)(3) CAMP VANCE
ORGANIZATION OR ADDRESS

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

(b)(3) / CAMP VANCE
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of NOV., 2015
at Camp Vance Rig Ash

(b)(3), (b)(6)
ing Oath)

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

COMMISSIONED OFFICER (CPT)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006

APD PE v1 01ES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6) are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 4 Nov 15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE:** If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 4 day of November, 2015.

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

Signature of Witness

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

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
SOTF-A JOINT OPERATIONS CENTER	20151104	1330	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
SPECIAL OPERATIONS TASK FORCE-AFGHANISTAN

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

1: (b)(3), (b)(6)
2:
3: (b)(1)1.4a
4: THERE IS A SHIFT CHANGE BRIEF THAT COVERS THE LAST 12 HOURS OF SHIFT ANDTHE UPCOMING 24 HOURS.
5: ODA TEAMS WERE IN THE PROCESS MOVING THROUGH KUNDUZ CITY IN ORDER TO RE-TAKE IT FROM INS FORCES.
6: THE NORMAL STAFF WAS PRESENT TO MY KNOWLEDGE.
7: THERE IS A BATTLE DRILL YET IT DOES NOT INVOLVE THE (b)(1)1.4a, (b)(1)1.4g CURRENT OPERATIONS DESK AFTER ASSET IS ON STATION.
8: TO MY KNOWLEDGE, INFORMATION WAS BEING PASSED THAT INS FORCES WERE CONSOLIDATING IN A SPECIFIC LOCATION.
9: THE (b)(1)1.4a, (b)(1)1.4g AS WELL AS THE (b)(1)1.4a, (b)(1)1.4g TO ENSURE EACH ASSET IS ON STATION AT THEIR REQUIRED TIME.
10: CUOPS ACTIONS ON THE 2ND OF OCT WERE NORMAL, MONITORING EACH ASSET SCHEDULED FOR KUNDUZ CITY OVERWATCH AS WELL AS ENSURING NO GAPS IN COVERAGE HAPPEND OVER USSF DURING THEIR MOVEMENT.

(b)(1)1.4a, (b)(1)1.4g

12: NO
13: MONITOR UPCOMING OPERATIONS TO MAKE SURE EACH HAVE SUFFICIENT (b)(1)1.4a, (b)(1)1.4g
14: NO
15: NO, I LEARNED OF THE STRIKE AFTER THE FACT.
16: AFTER THE STRIKE, I LEARNED THAT THE COMPOUND WE JUST HIT MAY BE A MSF HOSPITAL BUT NO FURTHER INFORMATION WAS GIVEN TO THE (b)(1)1.4a, (b)(1)1.4g CUOPS DESK
17: I WAS UNAWARE OF INDIVIDUALS MOVING IN AND OUT OF THE OPCEN AT THAT TIME
18: N/A
19: N/A
20: PASSIVELY LISTEN TO (b)(1)1.4a, (b)(1)1.4g REQUESTS
21: YES
22: TO MY KNOWLEDGE, NORMAL (b)(1)1.4a, (b)(1)1.4g OPERATIONS WERE BEING CONDUCTED AT THAT TIME

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1330 DATED 20151104

9. STATEMENT *(Continued)*

23: NOT TO MY KNOWLEDGE.

Approved for Release

INITIALS O (b)(3), (b)(6) ATEMENT

DA FORM 2823, NOV 2006

APD LC v1.01ES

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1330 DATED 20151104

9. STATEMENT *(Continued)*

AFFIDAVIT

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

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

WITNESSES:

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____

at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING (b)(3), (b)(6)

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006

APD LC v1.01ES

Approved for Release

OPCEN

1. What is your duty position in the OPCEN?
2. What time do you come on shift on the evening of the 2nd of October 2015?
3. When do you go off shift (shift change)?
4. Is there a shift change brief? If so, what does it entail? Are CONOPs briefed?
5. What was going on in the OPCEN on the evening of 2 Oct 15?
6. Was the normal staff on duty during the evening of 2 Oct 15?
7. Is there a battle drill when an air to ground engagement is being conducted? What is your role during the engagement?
8. Was information was being passed to the OPCEN leadership?
9. Do you monitor (b)(1)1.4a, (b)(1)1.4g that the OPCEN Log?
10. Describe your actions in the OPCEN on the night of the 02nd October 2015
11. What is or is there a battle drill to monitor operations when systems go down (b)(1)1.4a, (b)(1)1.4g for (b)(1)1.4a, (b)(1)1.4g how do you maintain situational awareness?
12. Do you conduct (OPCEN) CONOPS briefs for each shift for operations that day/night?
13. What checks do you perform / what are your duties as part of the CONOPS briefs and during execution?
14. In your duties do you consult / check a No Strike List as part of your duties?
15. On the night of 2nd morning of the 3rd of October 2015 did you have situational awareness that AOB-N was conducting an engagement on a Taliban controlled compound prior to the first round being fired?
16. While on duty on the night of the 2nd and morning of the 3rd of October 2015, do you recall any information being briefed about an MSF Trauma Center (Hospital)? Any calls or radio (to include (b)(1)1.4a, (b)(1)1.4g transmissions reference the MSF Trauma Center?
17. Do you recall the (b)(3), (b)(6) coming into the OPCEN @ approximately _____?
18. If so, what did he discuss with the Battle Captain / Battle NCO?
19. What actions followed?
20. Do you monitor (b)(1)1.4a, (b)(1)1.4g or any nest broadcast via speaker, or headphones by station in the OPCEN?
21. Were you on duty in the OPCEN on the POD of 30 September, 01 October 2015?
22. If so, do you recall operations that were conducted during the early morning hours of the 01st of October 2015 (Specifically (b)(1)1.4a, (b)(1)1.4g?

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6) are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 4 Nov 2015

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 4TH day of NOVEMBER, 2015.

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

Signature of Witness Signature of Interviewee

Approved for Release

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
CAMP VANCE, BAGRAM AIRBASE, AFG	2015/11/04	0400	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS

(b)(1)1.4a, (b)(3) SOTF-A

9.

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

1. What is your duty position in the OPCEN?

THE DUTIES / INTENT OF THE (b)(1)1.4a, (b)(1)1.4g POSITION, AS OUTLINED BY THE UNIT's SOP:

(b)(1)1.4a, (b)(1)1.4g is used by SOTF-A as an internal situational awareness tool. It is not reporting mechanism. It is maintained by personnel within the SOTF-A JOC in order to graphically depict the most timely and accurate representation of what has been reported by subordinate elements. It's sole intent is to provide the (b)(3), (b)(6) with a Common Operational Picture (COP) that will provide him the understanding necessary to make timely and informed decisions."

(b)(1)1.4a, (b)(1)1.4g

2. What time did you come on shift on the evening of the 2nd of OCT 2015?

I ARRIVED ON SHIFT AT APPROXIMATELY (b)(1)1.4a

3. When did you go off shift?

I WAS RELIEVED FROM THE DUTY DAY AT APPROXIMATELY (b)(1)1.4a OCT.

4. Is there a shift change brief? If so what does it entail? Are CONOP's briefed?

EVERY SHIFT CHANGE FEATURES A BRIEFING.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT CAMP VANCE AFG DATED 2015/04/11

9. STATEMENT *(Continued)*

IN ESSENCE, THESE BRIEFINGS INCLUDE A SUMMARY OF CURRENT AND UPCOMING OPERATIONS GIVEN BY EACH AOB (b)(3), (b)(6) ASSIGNED TO THE OPCEN. DURING THESE BRIEFS ASSET REQUESTS AND ASSIGNMENTS ARE REVIEWED FOR THE BENEFIT OF THE OPCEN's SITUATIONAL AWARENESS, AND TO ENSURE THAT TEAMS' REQUESTS ARE FULFILLED. DURING THESE SHIFT CHANGES (b)(3), (b)(6) TO TRANSLATE ANY CHANGES TO PROJECTED MISSION DATES AND TIMES TO A SPREADSHEET THAT EMULATES THE CONOP TRACKER.

5. What was going on in the OPCEN on the evening of 2 OCT 2015?

FROM MY POINT OF VIEW, THE GENERAL CLIMATE WITHIN THE OPCEN WAS TYPICAL OF ANY OTHER SHIFT ON WHICH OPERATIONS ARE SCHEDULED TO TAKE PLACE. MEMBERS ON SHIFT CALLED OUT RELEVANT INFORMATION, RELIED INFORMATION PASSED FROM FRIENDLY ELEMENTS, AND UPDATED ANY RELATED (b)(1)1.4a, (b)(1)1.4g AND OFTEN PERFORMED CROSSCHECKS BETWEEN MEMBERS TO ENSURE ACCURACY. GIVEN THE CONSISTENCY OF THESE COMMON PRACTICES, I WOULD'VE CONSIDERED THE NIGHT TO BE OTHERWISE UNREMARKABLE.

6. Was the normal staff on duty during the evening of 2 OCT 2015?

I DON'T RECALL ANY SUBSTITUTE STAFF MEMBERS WORKING DURING THAT TIME.

7. Is there a battle drill when an air-to-ground engagement is being conducted? What is your role during the engagement?

MY DUTIES REMAIN THE SAME REGARDLESS OF THE SITUATION AT HAND. SEE ANSWER 1.

8. What information was being passed to the OPCEN leadership?

THE ONLY INFORMATION I SPECIFICALLY REMEMBER BEING PASSED TO LEADERSHIP PERTAINED TO US/FRIENDLY LOCATIONS AND REPORTED/POSSIBLE INSURGENT LOCATIONS/MOVEMENTS. MY FOCUS AT THE TIME WAS TRANSLATING THOSE LOCATIONS AND GRIDS TO THE COP's (b)(1)1.4a, (b)(1)1.4g

9. Do you monitor the (b)(1)1.4a, (b)(1)1.4g? Is that the OPCEN Log?

(b)(1)1.4a, (b)(1)1.4g

10. Describe your action in the OPCEN on the night of the 2nd OCT 2015.

(b)(1)1.4a, (b)(1)1.4g

11. What is the (or is there a) battle drill to monitor operations when systems go down? (b)(1)1.4a, (b)(1)1.4g How do you maintain situational awareness?

FROM MY POINT OF VIEW AS THE (b)(3), (b)(6) THERE ARE SEVERAL REDUNDANCIES IN PLACE THAT ALLOW ME TO MAINTAIN AT LEAST SOME SITUATIONAL AWARENESS SHOULD A SYSTEM GO DOWN. HOWEVER, GIVEN THE RELATIVELY LIMITED NATURE OF THE INFORMATION I REQUIRE TO FULFILL THE SCOPE OF MY DUTIES, I CAN'T SAY WHETHER OR NOT THESE REDUNDANCIES HAVE THE SAME EFFECT ON OTHER POSITIONS WITHIN THE OPCEN.

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT CAMP VANCE AFG DATED 2015/04/11

9. STATEMENT *(Continued)*

12. Do you conduct (OPCEN) CONOP briefs for each shift for operations that day/night?

I DO NOT PERSONALLY CONTRIBUTE TO CONOP BRIEFS. SEE ANSWER 4.

13. What checks do you perform / what are your duties as part of the CONOPS briefs and during execution?

SEE ANSWER 4.

14. In your duties do you consult / check a No-Strike List as part of your duties?

PRIOR TO THE INVESTIGATION, I MAINTAINED LOCAL NO-STRIKE LISTS THAT FELL WITHIN AREAS OF OPERATION DERIVED FROM SUBMITTED CONOPS AND OTHER MEMBERS OF THE OPCEN. PERTAINING TO OPERATION (b)(1)1.4a, (b)(1)1.4g -001, I VERY SPECIFICALLY REMEMBER RECIEVING A LIST CONSISTING OF FOUR MSF LOCATIONS DURING THE MISSION PREP PHASE, PRIOR TO EXECUTION. I DO NOT RECALL WITH ABSOLUTE CERTAINTY WHO PASSED THE LIST TO ME. THOSE LOCATIONS WERE MARKED ACCORDINGLY WITHIN THE (b)(1)1.4a, (b)(1)1.4g. CURRENTLY, THE (b)(1)1.4a, (b)(1)1.4g CONTAINS A COUNTRYWIDE NSL, AND ALSO CONTAINS EVERY NO-STRIKE LOCATION SPECIFICALLY PASSED BY CONOPS AND OTHER OPCEN MEMBERS, TO BE REFERENCED AT ANY POINT IN THE FUTURE BY ANYONE WITH ACCESS TO THE LINKED (b)(1)1.4a, (b)(1)1.4g

15. On the night of the 2nd and morning of the 3rd of October 2015 did you have situational awareness that AOB-N was conducting an engagement on a Taliban-controlled compound prior to the first round being fired?

THIS IS A VAGUE QUESTION. THOUGH I CANNOT DEFINITIVELY PROVIDE TIMES OF THESE REPORTS IT IS MY RECOLLECTION THAT, DURING THIS PERIOD OF TIME, THERE WERE MULTIPLE SEPERATE REPORTS OF MULTIPLE SEPERATE TALIBAN-CONTROLLED COMPOUNDS THROUGHOUT THE CITY.

16. While on duty on the night of the 2nd and morning of the 3rd of OCT 2015, do you recall any information being briefed about an MSF Trauma Hospital? Any calls or radio (to include (b)(1)1.4a, (b)(1)1.4g transmissions reference the MSF Trauma Center?

SEE ANSWER 14. WHETHER OR NOT FORMAL BRIEFS OCCURRED ON THE SUBJECT IS UNKNOWN TO ME.

17. Do you recall (b)(3), (b)(6) coming into the OPCEN @ approximately ____?

I DON'T KNOW EXACTLY WHEN (b)(3), (b)(6) WAS PRESENT WITHIN THE OPCEN.

18. If so, what did he discuss with the Battle Captain / Battle NCO?

I DON'T SPECIFICALLY RECALL WHEN (b)(3), (b)(6) PASSED INFORMATION TO THE BATTLE STAFF.

19. What actions followed?

AS ANSWERS 16 AND 17 WOULD INDICATE, I HAVE NO RECOLLECTION OF WHEN OR WHAT (b)(3), (b)(6) MIGHT HAVE DISCUSSED WITH THE BATTLE STAFF. WITH THAT BEING SAID, SEE ANSWER 5.

Approved for Release

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

STATEMENT OF (b)(3), (b)(6) TAKEN AT CAMP VANCE AFG DATED 2015/11/04

9. STATEMENT *(Continued)*

20. Do you monitor (b)(1)1.4a, (b)(1)1.4g or any net broadcast via speaker, or headphones by station in the OPCEN?

(b)(1)1.4a, (b)(1)1.4g

21. Were you on duty in the OPCEN on the POD of 30 SEP-01 OCT 2015?

YES.

22. If so, do you recall operations that were conducted during the early morning hours of the 1st of OCT 2015 (b)(1)1.4a, (b)(1)1.4g missions?)

THE ONLY OCCURENCE I REMEMBER WITH ABSOLUTE CERTAINTY FROM 1 OCT WAS THE (b)(1)1.4a (b)(1)1.4a ANYTHING FURTHER WOULD BE SPECULATION ON MY PART.

END OF STATEMENT.

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

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

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

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

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4TH day of NOVEMBER, 2015

at CAMP HUNTER DAGGER AIRBASE, AFG

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

(Typed Name of Person Administering Oath)

Commissioned Officer (CPT)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823, NOV 2006 APD PE v1.01ES

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 4 Nov 2015

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 04 day of November, 2015.

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

Sig

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

ee

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Camp Vance, Bagram Airfield, Afghanistan	20151104	0230	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
Special Operations Task Force - Afghanistan

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

1. (b)(3), (b)(6)
2. (b)(1)1.4a
3. When able (b)(1)1.4a
4. Yes, involves brief from each member of the JOC reviewing all operations over the past 24, next 24, next 48, and next 72 hours.
5. Battle tracking of SOTF-A operations
6. Yes
7. Yes, I do not have a role
8. Yes
9. Yes,
10. I was planning future operations
11. Yes, SITREPs received by the ODA via COMM (b)(1)1.4 PLAN
12. Yes
13. Review (b)(1)1.4a supporting an operation
14. No
15. I do not recall
16. I do not recall
17. I recall seeing (b)(3), (b)(6) in the OPCEN, I do not recall the time
18. I did not overhear the discussion between the (b)(3), (b)(6) and (b)(3), (b)(6)
19. I do not recall
20. No
21. Yes
22. No

Nothing Follows

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Vance DATED 20151104

9. STATEMENT *(Continued)*

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

AFFIDAVIT

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

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

WITNESSES:

(b)(3), (b)(6)
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of November, 2015 at CAMP VANCE BAF AFG

(b)(3), (b)(6)
(Signature Of Person Administering Oath)

(Typed Name Of Person Administering Oath)

COMMISSIONED OFFICER (CPT)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

DA FORM 2823, NOV 2006

APD LC v1.01ES

Approved for Release

AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6) _____, are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 23 OCT 15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23 day of October, 2015.

S (b)(3), (b)(6) ss

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

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
KUNDUZ CITY, KUNDUZ PROVINCE	20151023	1350	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
	(b)(3), (b)(6)	

8. ORGANIZATION OR ADDRESS
(b)(3) CJSOAC-A

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

I am currently serving as the (b)(1)1.4a, (b)(3), (b)(6) On 02Oct, (b)(1)1.4a was conducting operations in the vicinity of the Provincial Police Headquarters compound in downtown Kunduz City, Afghanistan. The ODA was conducting fixed site security along with ODA (b)(1)1.4a and (b)(3), (b)(6)

During infiltration on the evening of 29Sep15, we took continuous contact on our way into the city of Kunduz. The enemy had set up many ambush sites with heavy weapons and effectively engaged USSOF forces as well as partner forces. The AC-130 overhead continuously called out and engaged potential ambush sites throughout our infil. The early morning of 30SEP15, ODA (b)(1)1.4a came under a near ambush and heavy weapons fire from the West side of an intersection adjacent to the Provincial Police Headquarters. The ODA members engaged the ambush site and ensured the safety of those around them. After the contact was broken, there were six enemy personnel seen fleeing the machine gun position to the West, and attempting to maneuver on friendly positions. The were engaged by the AC-130, and killed before they were able to maneuver on the rest of the friendly convoy. Once contact was broken, the ODAs moved into the Provincial Police Headquarters and developed a security plan.

Once the security plan was established, ODA (b)(1)1.4a took up positions on the West, Northwest and Southwest positions. Throughout the rest of our time at the compound, we took effective, heavy fire from the West side of the compound. The heaviest amount of enemy fighters attempted to infiltrate our space from the West. Any enemy that attempted to flank to the North and the East, originated from the West and were more often than not, stopped by ODA (b)(1)1.4a before they were able to maneuver on friendly positions. It was from the West that the security positions took effective heavy machine gun fire, RPGs and IDF throughout the conflict.

Throughout the day of 02Oct15, we took heavy contact from the West, Southwest and Northwest. The enemy we're moving from the West and flanking to the North and trying to make their way to the East. We we're taking effective fire from heavy weapons, RPGs and IDF from the West for the entire day. There were several RPGs that impacted the HESCO barriers that our troops were occupying, taking away our freedom to maneuver. It was clear that 02Oct was the day that the enemy was attempting to make their largest push of the 72 hour firefight. The enemy engaged from the West from buildings with heavy machine guns and RPGs. The contact from the West was so fierce that enemy for the first time had created enough space for themselves to start making a push to the Northeast. Throughout the onslaught from the enemy, ODA (b)(1)1.4a successfully engaged enemy positions to the West, to include (b)(1)1.4a dropped from F-16s that were overhead. The enemy that originated from the West made their way to the Northeast, and we're successfully engaging friendly positions from 3 sides at that point. (b)(1)1.4a were dropped to the Northeast on a dug in C2 node that had been firing at friendly positions for several hours. Throughout the entire conflict, it was very apparent that

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1 01ES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Vose DATED 20151023

9. STATEMENT *(Continued)*

the enemy was staging from the West of our compound, and planning all attacks on friendlies from the West side of the city. The only time that enemy personnel were able to maneuver in areas other than the West, was when they made their largest attack on friendly forces from the West, and were able to flank to our Northeast. After the contact had slowed on 02Oct, there were several air assets on station, which focused most of our attention to the West and searched for enemy movement. The majority of call-outs received from air assets were focused to the West of our compound. Late 02Oct, I started my rest cycle and was no longer in contact with air assets overhead.

\

Moving forward regarding the airstrike on 03Oct, I was asleep leading up to, and during the airstrike. I do not know who requested the AC-130 that night. All of the details leading up to the strike were and are unclear to me, because of the fact that I was in my rest cycle. The last CONOP that I was aware of was the one that was briefed prior to infl into the city on 30 Sep. That CONOP was briefed by (b)(3), (b)(6) prior to us stepping out. I am unaware what the Task and purpose of 1-4a, (b)(3) was upon their launch. I was never provided with or given access to a NSL prior to entering the mission. As far as NSL goes as far as I was concerned, was that I would follow ROE, and if I was unable to know the use of a building then I wouldn't strike it unless it was out of military necessity, which is in keeping with LOAC. There were no graphics to my knowledge that depicted the MSF. We were aware of the main Hospital which was not the same as the MSF, but as far as the MSF facility itself goes, I was never personally made aware of it prior to or during the mission.

I cannot speak to the specific decisions that went through the (b)(3), (b)(6) head during the mission or specifically the MSF strike. Up to that point, as far as CAS went, like I said earlier, it had all been self defense, and I have no reason to believe that he would deviate from the way we had been conducting operations prior to the strike in question, but again I can't read his mind, nor was I awake to hear his thought process. I don't know the method of communicating with partner force during that strike. I am unaware if any OPCEN was able to monitor the strike real time. I am unaware of the specific ROE that was passed to the A/C for this particular strike. As far as what can be done IOT prevent this from happening again is to receive a clearer Task/Purpose and End state from higher. We were thrust into a very dynamic and kinetic situation on very short notice, and were fighting for our lives for at least 72 hours. The decisions that were made, were with no doubt in my mind, made to keep Americans from getting killed. From a ground perspectiive, we had taken contact from very close proximity for a very long time throughout the entire mission and did what was in the best interest of keeping friendlies safe throughout the entire mission. Again, as far as the specifics on the 03Oct strike, I don't have the answers, but I can tell you that the situation leading up to it was becoming dire, and we were not going to be able to maintain that position indefinitely.

//NOTHING TO ADD/NOTHING FOLLOWS//

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823, NOV 2006 APD LC v1 01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Vose DATED 20151023

9. STATEMENT *(Continued)*

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

(b)(1)1.4a, (b)(3), (b)(6)

(b)(1)1.4a, (b)(3), (b)(6)

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of October, 2015 at Camp Vose

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

(b)(1)1.4a Detachment (b)(3), (b)(6)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006

APD LC v1.01ES

Approved for Release

From: (b)(3), (b)(6)
To:
Subject: FW: ~~(S)~~ (b)(3), (b)(6) MFR
Date: Wednesday, November 04, 2015 9:19:57 AM

CLASSIFICATION: ~~SECRET~~

CLASSIFICATION: ~~SECRET~~

From: (b)(3), (b)(6)
Sent: Wednesday, November 04, 2015 4:01 AM
To: (b)(3), (b)(6)
Subject: RE: ~~(S)~~ (b)(3), (b)(6) MFR

Classification: ~~SECRET//NOFORN~~

Message Body Classification: ~~SECRET//NOFORN~~

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

Here's the list of actual training accomplished, outside of the fires shop(SOTACC, MQT, Evals). This stays pretty standardized, year-in, year-out b/c of ops tempo(deploying roughly (b)(1)1.4a downrange//(b)(1)1.4a at home-station). The CAS FMPs/Advanced med/Shooting school is the backbone of the training with the (b)(1)1.4a trips to focus on what's applicable here in Afghanistan.

Training Event-(Training Focus)

(b)(1)1.4a, (b)(1)1.4g

I hope this is along the lines of what you're looking for. If you need any further on assist, or have a question, just let me know.

Approved for Release

v/r,

(b)(1)1.4a, (b)(3), (b)(6)

Approved for Release

(b)(3) 03Nov2015

MEMORANDUM FOR RECORD

SUBJECT: Kunduz Request For Information

1. Confirm where exactly were (b)(1)1.4a, (b)(3), (b) between the times of 02 Oct 2000L- 03 Oct 0300L?

I can speak for myself, (b)(1)1.4a, (b)(3) on where I was during those times. I was located in the Southern building of our compound on rest cycle when I heard the attack begin. I was at (b)(1)1.4a, co-located with (b)(1)1.4a, (b)(3). I woke up when I heard what sounded like 105 rounds. I stayed laying down there for about 15 minutes, because it was not uncommon to have heard the sounds of firefights at any given time. After 15 minutes, and not being able to fall back asleep, I went outside. I saw (b)(1)1.4a, (b)(3), (b)(6) outside (b)(1)1.4a, (b)(3) asked me to get the HLZ ready for a resupply. (b)(1)1.4a, (b)(3) had left the rest building about 5 minutes before me, and when I got outside he approached me and asked me to help him with the HLZ as well. I went out to the HLZ with (b)(1)1.4a, (b)(3), (b)(6) and we cleared the HLZ and then waited for resupply. The resupply bird came, and then we all began to carry the resupply into the building that I previously mentioned, where we had been sleeping. I didn't have a radio on at all throughout any of this. It was not my turn to control, and up to that point, we were running incredibly low on batteries. I had gone through all my batteries at that point and was borrowing them from team guys. By the time resupply was done being put away, from what I remember, the attack was over. I don't remember where anyone else was at that point. I gathered what I needed to be mission capable again from the resupply, then plussed up my kit, and got ready to spend another full day fighting, like we had been doing for the past three days.

2. How many (b)(1)1.4a were available in the PCOP and what was their condition?

I believe that I was the only person with (b)(1)1.4a, (b)(1)1.4g. As I have said before, during the interview, to this exact question, my (b)(1)1.4a, (b) was functional, however it takes the same batteries as (b)(1)1.4a and we were critically low on batteries. There is a conversation that I had with an (b)(1)1.4a, (b)(1)1.4g asset at some point throughout the mission, about (b)(1)1.4a, (b) I told them exactly what I told you before, and what I am telling you again now. If you need me to turn on (b)(1)1.4a, (b) I will, if not, I need

Approved for Release

to conserve batteries. They said roger, and did not need me to look at (b)(1)1.4a, (b)(3), (b)(6) at that point. No one ever asked me to borrow my (b)(1)1.4a, (b)(3), (b)(6) device, which is on the back of my kit, nor did it come up at any point again throughout the mission with me and any other air players. If there were more (b)(1)1.4a, (b)(3), (b)(6) devices on the objective, then I was not aware of them.

3. During the AC-130 fire mission there were calls from (b)(1)1.4a, (b)(1)1.4g, (b)(3), (b)(6). What inspired these calls?

   N/A

4. What was (b)(1)1.4a, (b)(3), (b)(6) doing after the resupply helicopters left the PCOP? Specifically actions to enable (b)(1)1.4a, (b)(3), (b)(6) control.

(b)(1)1.4a, (b)(3), (b)(6) was helping us bring the resupply into the building. After that, I don't know. As far as I can remember though, (b)(1)1.4a, (b)(3), (b)(6) control was over by the time we were done bringing in the resupply.

(b)(1)1.4a, (b)(3), (b)(6)

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Camp Pamir, Kunduz, AFG	20160904		

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(3)

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

Prior to infil on 30SEP15 for clearance with partner forces of Kunduz City, we received (b)(1)1.4a, (b)(1)1.4c that the TB were setting up a ZPU and strong hold in a compound inside the city. These (b)(1)1.4c, (b)(1)1.4d During infil our convoy came under effective fire multiple times from heavy weapons, rpg's and VBIEDS. We dealt with the TIC's by engaging with organics as well as employing ADMs from AC-130, including one danger close strike. When we finally made it to our strong point (the PCOP) around 0700L on 01OCT15, it didn't take us long to get into a major TIC. Around 1000L we came under heavy effective fire from heavy machine guns and rpg's from about 20 meters away. One rpg blast into our hesko wall about 10ft in front of me, nearly knocking down our barrier. After conducting a show of force from a flight of F-16s with no results, I (b)(1)1.4a, (b)(3) called in a danger close air strike with F-16s, ultimately conducting 6 x danger close (b)(1)1.4a, (b)(1)1.4c Throughout the rest of the day we continued to receive constant fire from SAF, PKM, RPG, and mortars from all 360 degrees around our compound. The next day (02OCT15) we continued to receive effective fire from all directions. We engaged with organics and (b)(1)1.4a, (b)(3), (b)(6) (b)(1)1.4a, (b) engaged a mortar POO site with F-16 (b)(1)1.4a. The next day we were involved in numerous engagements and conducted numerous air to ground strikes, all in self defense. After running nearly (b)(1)1.4a on food, water, and batteries, we scheduled an aerial ressupply for the night of 02Oct15. Simultaneously to our resupply, partner forces were conducting a clearing operation of a known TB C2 node. On their infil, partner forces reported they were under effective fire, which we could here from our compound. (b)(1)1.4a, (b)(3), (b)(6) was in control of (b)(1)1.4a, (b)(3) (AC-130). While I landed our resupply, (b)(1)1.4a, (b)(3), (b)(6) conducted a strike on the C2 node that friendlies were receiving effective fire from. Once the partner force was in range to effectively engage the TB with their own organics, (b)(1)1.4a, (b)(3), (b)(6) directed the air to ground engagement.

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

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

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

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____"

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1 01ES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ _____

at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

(b)(1)1.4a, (b)(3) MFR

1) Between 2000L-0300L on 02/03 Oct 15 I was located at the PCOP (our strong hold). During (b)(1)1.4a, (b)(3), (b)(6) control of (b)(1)1.4a, (b)(3), (b)(6) I was assessing, then establishing, then controlling HLZ (b)(1)1.4a for emergency resupply inside of the PCOP.
2) There were (b)(1)1.4a, (b)(1)1.4g systems ((b)(1)1.4a, (b)(1)1.4g device) at the PCOP, however both were inoperable due to a lack of power. Our battery situation was so dire that we were cannibalizing other ODA team members radio batteries in order to continue to power our (JTAC) radios in order to continue communications with aircraft.
3) I always try to have a complete a/c check in, to include (b)(1)1.4a, (b)(1)1.4g even if I am not (b)(1)1.4a, (b)(1)1.4g It's good to know all the a/c (b)(1)1.4a, (b)(1)1.4g so that you can pass it to another air player if they ask for it. Additionally, I wanted to have their (b)(1)1.4g so that we could attempt to run (b)(1)1.4a, (b)(1)1.4g after our emergency resupply of batteries.
4) After I departed the rotary assets from the emergency resupply, I helped download all of the resupply items (food, water, ammo, batteries, etc.). By the time that was finished, (b)(1)1.4a, (b)(3), (b)(6) engagement was complete.

Name: (b)(3), (b)(6)

Signature: (b)(3), (b)(6)

Date: 3 Nov 15

Approved for Release

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 23 OCT 2015

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23RD day of OCTOBER, 2015.

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

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

Approved for Release

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent of this form is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397Dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded.
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	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
(b)(1)1.4a	2015-11-03	1000	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(1)1.4a, (b)(3)

9.

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

1) (b)(1)1.4a, (b)(3), (b)(6) were asleep in the single story building in the SW corner of the compound from approximately 02 OCT 2000L- 03 OCT 0230L when I woke to several explosions. Being asleep I cannot speak to the location of (b)(1)1.4a, (b)(3) during the specific times listed.

2) There were (b)(1)1.4a, (b)(1)1.4g They were both unused after our battery situation became critical. JTAC's were borrowing batteries from ODA members and ODA members were running (b)(1)1.4a, (b)(1)1.4g each security position to preserve battery life and prolong our communication ability.

3) I cannot speak to these calls as I was sleeping during the transmission of the fire mission to the AC-130. However asking for (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g is a standard call to be able to pass to other air players or use if the battery situation improves from resupply.

4) After the (b)(1)1.4a, (b)(1)1.4g took off all personnel that were awake began breaking down the kickers and moving the supplies indoors for accountability and rationing. I was not on comms but the rounds from the AC-130 seemed to be complete before the (b)(1)1.4a, (b)(1)1.4g departed from the HLZ. Furthermore I cannot speak to (b)(1)1.4a, (b)(3), (b)(6) interaction with (b)(1)1.4a, (b)(1)1.4g control because again I was asleep prior to the strike and not on comms during or after the resupply. Once the supplies were secured I returned to my sleep position.

NOTHING FOLLOWS

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

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

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.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72 IS OBSOLETE USAPA V1.00

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1000 DATED 2015-11-03

9. STATEMENT (Continued)

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

Approved for Release

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1000 DATED 2015-11-02

9. STATEMENT (Continued)

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

AFFADAVIT

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of November 2015 at (b)(1)1.4a AFG

(b)(1)1.4a, (b)(3), (b)(6)

(b)(1)1.4a, (b)(3), (b)(6)

ORGANIZATION OR ADDRESS

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

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Approved for Release

AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 23 OCT 15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23rd day of October, 2015.

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

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Camp Vance, Bagram Airfield	2015/10/28	1900	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
	(b)(3), (b)(6)	

8. ORGANIZATION OR ADDRESS

(b)(3)

9.

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

1. What is your responsibility in the review of SOTF-A CONOPS? For the specific 30 Sept Operation CONOP, did you review this and provide an opinion to the CDR?

I review all level 2 CONOPS and many level 1 CONOPS for any legal issues or concerns. I do not provide an opinion to the CDR unless I see something that should be addressed. Even if there were concerns I would work with the team to address the issue prior to bringing it to the CDRs attention. To date I've not had to bring any issues to the CDRs attention. The CONOP for 29 Sep was pushed to 30 Sep because of the ODAs response to the immediate threat of having the airfield taken over. I reviewed this CONOP prior to execution and did not have any legal objections or concerns.

2. For operations 2-3 Oct, did you review the operation? Was there a specific CONOP for the mission against the NDS facility by the (b)(1)1.4d with the AOB-N support? Did you have the grid of the NDS Building to determine if there were any issues with the plan?

Because the 2 Oct operation was developed and directed by Afghan forces/leadership, I did not review a CONOP. I would not normally review ANDSF CONOPS and do not recall ever seeing a pure Afghan CONOP. I did not have grids to the (b)(1)1.4d objective the evening of 2 Oct.

3. For the fire planning, are you part of the target development process? Do the (b)(3), (b)(6) ensure you are integrated into the planning process?

(b)(1)1.4a

4. For the mission on the evening of 2-3 Oct, did you review the deliberate target – NDS facility? Were you aware of the planned munitions that were eventually fired on the MSF facility? What is your assessment of the amount of (b)(1)1.4a rounds that were fired into the building?

There was never discussion of the NDS facility being deliberately targeted. The (b)(1)1.4d were moving to clear the NDS compound of INS. Because the strike was not pre planned, but instead was conducted in self-defense of US and partner forces on the ground, the SOTF was unaware the strike was going to take place. My assessment of the force used against the MSF Trauma Center is based on a basic understanding of the situation on the ground. After three days of heavy fighting, with much of the assaults and fires (RPG, Mortar, heavy machine gun, SAF) on the Provincial Compound coming from the west of US forces positions, the identification of an imminent threat (particularly one coming from the west of US forces positions) within effective RPG/Mortar/Machine Gun range could be considered an imminent threat to US Forces at the compound. If the commander reasonably determined the actions posed an imminent threat to his unit, it is his right and obligation under the law to defend his unit. The law recognizes the reasonableness of the GFCs actions are judged based on the facts available to him at the time, not facts that later come to light. I am unable to answer whether the number of rounds used during the engagement was necessary to eliminate the threat; this decision would have been made by the GFC in coordination with the air asset based on his observations and the information then available.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD PE v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Vance DATED 2015/10/28

9. STATEMENT *(Continued)*

5. For SOTF-A targeting, do you reference the no strike list? Were you aware of a MSF memo that provides the location of their facilities in Kunduz.

Currently the no strike list is referenced during the CONOP process and before all kinetic strikes. I was aware of a memo with MSF grids.

6. What authorities were the AOB-N and the AC130 crew in Kunduz working under on 2-3 Oct?

The CONOP was originally submitted as an RS operation. SOJTF-A approved the CONOP as an OFS operation which would not have required PDSS to defend a partner force. On 1 Oct PDSS was granted for (b)(1)1.4d during accompanied operations. (b)(1)1.4d (b)(1)1.4d was one of the partner forces located at the Provincial Compound. At around 0030 3 Oct, I was informed by email that an additional PDSS memorandum was signed granting (b)(1)1.4a, (b)(1)1.4d during accompanied operations in Kunduz. I do not recall when the AOB was informed their CONOP was approved under OFS, nor when they were informed of the new PDSS memos. (b)(3), (b)(6) statement will be most accurate as to his view of their authorities.

7. Describe the correct process to identify noncombatants and declared hostile forces in Kunduz.

(b)(1)1.4a (b)(1)1.4a There was no discussion of targeting anyone in Kunduz based on their status alone ((b)(1)1.4a); all strikes were based on determination to a reasonable certainty that the targeted individual(s) were committing hostile acts or demonstrating hostile intent towards US or partner forces. Under CENTCOM PID Policy, determination of hostile act/hostile intent to a (b)(1)1.4a, (b)(1)1.4c (b)(1)1.4a, (b)(1)1.4c

8. Describe the SOTF-A process to receive approval for air strikes. For the operation on 2-3 Oct, did the (b)(3), (b)(6) follow the established process to target a building?

Upon discovery of a potential target, the SOTF begins target development. We utilize (b)(1)1.4a, (b)(1)1.4g to build the picture. We ensure the target is not a friendly force through deconfliction with Afghan government agencies and military commanders. Once the SOTF is (b)(1)1.4a, (b)(1)1.4c the target is engaged in a hostile act/intent towards CF or PDSS forces (or, (b)(1)1.4a, (b)(1)1.4c), we will complete our strike sheet and request approval for the strike from either (b)(1)1.4a depending on the CDE or whether a (b)(1)1.4a During the development process, SOTF communicates with SOJTF to keep them informed of any information we receive so they have a clear picture of the strike once approval is requested. (b)(1)1.4a (b)(1)1.4a (b)(1)1.4a (b)(1)1.4a This would have been subject to PID of the hostile act/intent. Without knowing all the details the CDR had on the ground I cannot answer for him.

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d

certification of PID/POL." Do you think this applies to the 2-3 OCT Mission.

Facts specific to each case will determine whether this guidance is applicable. This guidance talks specifically about (b)(1)1.4c, (b)(1)1.4d (b)(1)1.4c, (b)(1)1.4d In this case, my understanding of the facts is that the CDR had more information than (b)(1)1.4c, (b)(1)1.4d In this case, the CDR had (b)(1)1.4c, (b)(1)1.4d AC-130 reporting and corroboration, and his own hearing and sight when he heard the gun fire and saw what he believed was (b)(1)1.4a, (b)(1)1.4g from the (b)(1)1.4c convoy. If the above facts are true, then this guidance (specifically only para. 18 and not sub paras.) would not apply as there was more than (b)(1)1.4c, (b)(1)1.4d.

b. P18. "PID is the positive identification of an individual who is directly participating in hostilities. On the 2-3 Oct mission, who was responsible for PID? Did the leader have the capabilities to identify PID, if so, what capabilities were at that leader's disposal?

In the case of any strike, the ultimate decision to strike lies with the Target Engagement Authority. Currently, strikes in self-defense and collective self defense of PDSS lie with the GFC. TEA for strikes (b)(1)1.4a and below rests with (b)(1)1.4a for strikes (b)(1)1.4a (not in self-defense of US forces) rests with (b)(1)1.4a based on the facts as I know them, I believe (b)(3), (b)(6) had the capabilities available to be reasonably certain that he had PID of the target. At his disposal were (b)(1)1.4c, (b)(1)1.4d AC130 reporting (b)(1)1.4a, (b)(1)1.4g showing him where the (b)(1)1.4c were at the time of the strike. I do not know whether any other capabilities were available.

(b)(1)1.4a, (b)(1)1.4g

INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Vance DATED 2015/10/28

9. STATEMENT *(Continued)*

(b)(1)1.4a, (b)(1)1.4g

Yes. My understanding of the situation on the ground makes it reasonable for the GFC to have determined that any threat within RPG/Mortar/Heavy Weapon range was an imminent threat to him, his unit, and his partner forces. The NDS compound the GFC believed was being engaged was well within heavy weapons range from the Provincial Compound. By the time of the strike, US and partner forces had been in a heavy fire fight for 3 days. Several danger close engagements were conducted in self-defense the afternoon of 2 Oct. Much of the fire and assaults had been directed from the west of the Provincial Compound, generally in the area of the grids passed to the AC 130. At the time of the strike, the CDR had (b)(1)1.4c, (b)(1)1.4d that the NDS compound (grids passed to AC 130) was overrun by INS. He had a description of the (b)(1)1.4c objective compound for the evening that was passed to the AC 130. The AC 130 put eyes on the grid passed by the CDR and believed it was the wrong location. AC 130 then described a building matching the description of the NDS compound to the CDR. The POL described by the AC 130 to the CDR matched the POL reported to the CDR by the (b)(1)1.4d When the call came from the (b)(1)1.4d that they were taking fire, the CDR moved to a higher position in the compound in an attempt to view the engagement. I understand he could not see the engagement, but could hear shots being fired. Additionally, he could see what he believed were the (b)(1)1.4a, (b)(1)1.4g coming off of the lead vehicle in the (b)(1)1.4c convoy placing them in range of their objective for the evening. He also looked on the (b)(1)1.4a, (b)(1)1.4g in a position that corroborated the view he had from his outlook position in the compound. Only after all of this did the CDR authorize the engagement. The fact that (b)(1)1.4d were receiving fire at their location does not change the fact that the CDR could still determine that the threat at the time was also an imminent threat to US forces. US interpretation of the self-defense recognizes that (b)(1)1.4g (b)(1)1.4g While the ultimate decision as to whether there was PID of the target lies with (b)(3), (b)(6) based on the facts available to me, there was sufficient information for him to make the decision to authorize the strike. This view is based on the facts at the time of the engagement and not based on information that came to light following.

d. P5. (b)(1)1.4a topics. "Documentation recording the completion of training shall be maintained and provided upon request." Does SOTF-A ask for training documentation from subordinate units? Were there inspections of subordinate units that would have addressed this area?

(b)(1)1.4a, (b)(3), (b)(6) Units below the BN level would not retain documentation for their training. Inspections of the companies/AOBs would not address this area.

Facts used in the analysis in this statement are only my understanding of the facts on the ground. If there are discrepancies between the facts in my statement and the facts provided by individuals on the ground, defer to facts from the ground.

AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Oct, 2015 at Camp Vance

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

(Typed Name of Person Administering Oath)

Commander

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006 APD PE v1 01ES

Approved for Release

1. You, (b)(3), (b)(6) _____, are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: _____

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23rd day of October, 2015.

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

Signature of Witness

Interviewee

Approved for Release

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
CAMP VANCE, BAF, AFG	2015/10/23	2245D*	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS

(b)(3)

9.

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

(b)(1)1.4a, (b)(3), (b)(6)

Typed below are my responses answered to the best of my knowledge to questions as directed by appointed investigators for the MSF Incident on 03 October 2015:

2. Who requested and approved the AC-130?

As I work the night shift the request for AC-130 is not in my perview. I do not believe the approval authority for AC-130 is within SOTF's oversight.

4. What units were involved in the 2 OCT mission to secure the NDS compound?

Boots on ground units to physically secure the NDS site were the (b)(1)1.4c AOB-N teams were enabling from the P-GOV Compound.

6. Who was involved writing and approving the CONOP to include legal review?

SOTF-A staff was involved writing and vetting a CONOP for the retaking of Kunduz. The plan was (b)(1)1.4c, (b)(1)1.4d while someone within the SOTF put the CONOP to PowerPoint for approval.

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g

29. What was the objective of the fires?

I do not have information regarding this question. (b)(3), (b)(6)

SOTFNB FOLLOWS

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 12 PAGES (b)(3), (b)(6)

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD PE v1 01ES

Approved for Release

9. STATEMENT *(Continued)*

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

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

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

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

AFFIDAVIT

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

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

WITNESSES:

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscri[redacted]d by law to administe[redacted] 15

at Co[redacted]

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

[redacted]Oath)

(Typed Name of Person Administering Oath)

COMMISSIONED OFFICER

(Authority To Administer Oaths)

INITIALS OF PE[redacted]AKING STATEMENT (b)(3), (b)(6)

PAGE 2 OF 2 PAGES

DA FORM 2823, NOV 2006

APD PE v1.01ES

Approved for Release

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
CAMP VANCE, BAF, AFG	2015/11/06	2245D*	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS

(b)(3)

9.

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

1. When did you assume your duties as (b)(3), (b)(6)?

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

2. What are your duties while on shift?

My duties as Night (b)(3), (b)(6) are:

(b)(1)1.4a, (b)(3), (b)(6)

3. What was going on in the OPCEN the night of 02-03 Oct?

From my SITREP records, there were (b)(1)1.4a on-going during POD 2-3. I have attached SITREPS from 1-3 OCT for additional SA.

-Kunduz Clearance

(b)(1)1.4a

4. Who was the senior officer in the OPCEN on the night of 02-03 OCT?

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

5. What is the wake-up criteria?

Please see attached wake-up criteria document.

CONT. NEXT PAGE

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD PE v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT BAF, AFG DATED 2015/11/06

9. STATEMENT *(Continued)*

6. What information were you/ OPCEN tracking regarding the missions during the POD 2/3 Oct, involving the USSF ground unit's support to the (b)(1)1.4d clearing operations?

I was tracking the (b)(1)1.4d were going to clear and secure the NDS compound on the east side of the city. I was not aware of additional NDS compounds inside the city. I was aware that USSF involved were isolated at the PGOV compound, and that this mission was crucial to allow freedom of maneuver for all friendly forces involved in the operation.

7. Did you ever receive the grids to the location of the clearing operations? If so, did you plot them?

On the original CONOP, the NDS compound was annotated. I believe when the team reported higher, they reported that the (b)(1)1.4d were going to clear the originally reported NDS compound. I was not around during that report. Yes. All relevant grids for operations are plotted in the OPCEN.

8. What information did the JTAC (on shift) relay to you/ OPCEN regarding the strike (Pre/ during strike)?

9. When did you hear of a possible CIVCAS dealing with the strike? What actions did you take?

(b)(1)1.4a, (b)(3) reported all significant data to me. (b)(1)1.4a, (b)(3) reported (b)(1)1.4a, (b)(3) was going "Hot." A grid was not provided by (b)(1)1.4a, (b)(3), (b)(6) if it was (b)(1)1.4a, (b)(3) would have relayed it to me. We do not normally intervene for reporting when an ODA is conducting operations. Given the previous 18 hours, the teams had been fighting very, and had conducted several danger close missions (air to ground engagements within range of a significant probability of incapacitating friendly forces). Sometime during the strike, I asked (b)(1)1.4a, (b)(3) to get a grid if possible-this was in reference to a report from (b)(3), (b)(6) that MSF was reporting a significant event taking place around the MSF compound possibly bombs exploding near the Trauma center. At the same time (b)(1)1.4a, (b)(3) was attempting to view impacts from the (b)(1)1.4a, (b)(3) engagement, but could not see them due to being tasked to view the original NDS compound. (b)(1)1.4a, (b)(3), (b)(6) had been zooming out to attempt to find impacts on the (b)(1)1.4a, (b)(1)1.4g and look for impacts. The next three events happened very close to each other, and I do not recall if this was the correct order. (b)(1)1.4a, (b)(3) was able to find impacts (or a (b)(1)1.4a, (b)(1)1.4g in the city, and a grid was reported. 2) (b)(3), (b)(6) came in the OPCEN and reported that the MSF Trauma center was hit with an airstrike. 3) When (b)(1)1.4a, (b)(3) was able to reach (b)(1)1.4a, (b)(3), (b)(6) received a grid and it was plotted in the OPCEN.

Directly after those events we contacted the ground force to request an immediate SITREP on (b)(1)1.4a, (b)(1)1.4g as the event grids all lined up with the MSF Trauma Center. I think there were (b)(1)1.4a, (b)(1)1.4g calls. During the first one I explained to (b)(3), (b)(6) what the SOTF was (b)(1)1.4a, (b)(1)1.4g. If there was a second one, I was not speaking with the ground force.

10. What are the OPCENs procedures, for a strike that is being controlled by ground forces?

The ground force will control strikes in 2 different scenarios:

(b)(1)1.4a, (b)(1)1.4g

11. Were you able to (b)(1)1.4a, (b)(1)1.4g, (b)(3), (b)(6)

Yes. The SOTF-A OPCEN was able to (b)(1)1.4a, (b)(1)1.4g, (b)(3), (b)(6)

12. What was (b)(1)1.4a, (b)(3) looking at? Why?

13. Why wasn't (b)(1)1.4a, (b)(3), (b)(6) monitor the AC-130 engagement or the PCOP given the integrated defense given the imminent threat?

(b)(1)1.4a, (b)(1)1.4d, (b)(3), (b)(6)

14. What time do you come on shift on the evening of the 2nd of October 2015?

15. When do you go off shift (shift change)?

I began this particular shift around (b)(1)1.4a, (b)(3), (b)(6) was on a mission with the (b)(1)1.4a and my presence was requested in the JOC. I was relieved from this shift around (b)(1)1.4a the following day.

CONT. NEXT PAGE

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823, NOV 2006 APD PE v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT BAF, AFG DATED 2015/11/06

9. STATEMENT *(Continued)*

16. Is there a shift change brief? If so, what does it entail? Are CONOPs briefed?
Yes. Each AST covers operations in their AOs for the previous 12 hours, next 24 in detail, and a quick rundown of operations for the next 72 hours. (b)(1)1.4a and confirmed assets are on-station or requested for upcoming operations. An (b)(1)1.4a of forces. OPCEN leadership deliver closing comments. Yes CONOPs are briefed to the OPCEN.

17. Was the normal staff on duty during the evening of 2 Oct 15?
Yes

18. Is there a battle drill when an air to ground engagement is being conducted? What is your role during the engagement?
(b)(1)1.4a, (b)(1)1.4g

19. Was information being passed to the OPCEN leadership?
Information flow was managed and reported. As (b)(3), (b)(6) I assume they were tracking all major events ongoing in the operations center, but am not certain. Their answers will be more accurate.

20. Do you monitor (b)(1)1.4a, (b)(1)1.4g that the OPCEN Log?
Yes, I (b)(1)1.4a, (b)(1)1.4g is not the OPCEN Log. The OPCEN log is the (b)(1)1.4a, (b)(1)1.4g

21. Describe your actions in the OPCEN on the night of the 02 October 2015
I do not completely recall many specific events of this evening. I remembered coming on shift early and leaving late by looking at the SITREP for that evening. I remember the pieces of the MSF event because I have been asked questions about it many times. I have also personally reflected about the incident. When working in the OPCEN everyday it is difficult to remember specific days. I can remember a specific incident, but not routine things. Shift Change briefs, answering phones, editing and sending the SITREP, keeping the TOC updated about information from radio reports, and other duties listed above (question 2) are routine activities that are conducted nightly.

22. What is or is there a battle drill to monitor operations when systems go down (b)(1)1.4a, (b)(1)1.4g? How do you maintain situational awareness?
A (b)(1)1.4a, (b)(1)1.4g a relatively common in the OPCEN situation in the OPCEN. This does not affect the team's ability to fight and defend itself. The OPCEN will continue to (b)(1)1.4a, (b)(1)1.4g if available to monitor the situation on the ground.

23. Do you conduct (OPCEN) CONOPS briefs for each shift for operations that day/night?
As answered in question 16, yes, CONOPs are briefed during shift change.

24. What checks do you perform / what are your duties as part of the CONOPS briefs and during execution?
During shift change, when CONOPs are briefed, I check the status of enabling efforts. For higher level operations we conduct a "conditions check" to verify all staff agencies and supporting arms agree that an operation should be conducted.

25. Do you consult / check a No Strike List as part of your duties?
(b)(3), (b)(6) Yes, I now verify the NSL is updated on the portal when it is received from higher agencies-it was not sent at all prior to the strike. I now receive updates every day. The COP manager has it available for viewing on the map in the OPCEN.

26. On the night of 2nd morning of the 3rd of October 2015 did you have situational awareness that AOB-N was conducting an engagement on a Taliban controlled compound prior to the first round being fired?
I did not specifically know it was a compound they were firing on. As discussed in the answer above in question 9, I was aware only (b)(1)1.4a, (b)(3), (b)(6) was going "hot."

27. While on duty on the night of the 2nd and morning of the 3rd of October 2015, do you recall any information being briefed about an MSF Trauma Center (Hospital)? Any calls or radio (to include (b)(1)1.4a, (b)(1)1.4g transmissions reference the MSF Trauma Center? I recall multiple (b)(1)1.4a, (b)(1)1.4d, (b)(1)1.4g, (b)(3), (b)(6) prior to the strike and after the strike. I did not read them. But prior to the strike he told me (b)(1)1.4a, (b)(1)1.4d, (b)(1)1.4g MSF grids and additional information. After the strike I recall he may have sent (b)(1)1.4a, (b)(1)1.4d, (b)(1)1.4g. After the strike either he, or I, requested that the (b)(3), (b)(6) call the TOC on the (b)(1)1.4a, (b)(1)1.4g

28. Do you recall the (b)(3), (b)(6) coming into the OPCEN? What time?
I do not recall the times (b)(3), (b)(6) visited the OPCEN

29. If so, what did he discuss with the Battle Captain / Battle NCO?
Please refer to question/answer number 9.

30. What actions followed?
Please refer to question/answer number 9.

31. Do you monitor (b)(1)1.4a, (b)(1)1.4g or any (b)(1)1.4a, (b)(1)1.4g a speaker, or headphones by station in the OPCEN? I monitor command (b)(1)1.4a, (b)(1)1.4g. The speaker is at my back at level with my right ear when I am sitting down.

CONT. NEXT PAGE

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 3 OF 4 PAGES

DA FORM 2823, NOV 2006 APD PE v1.01ES

Public Release

9. STATEMENT *(Continued)*

32. Were you on duty in the OPCEN on the POD of 30 September, 01 October 2015?
Yes.

33. If so, do you recall operations that were conducted during the early morning hours of the first of October 2015 (Specifically (b)(1)1.4a, (b)(1)1.4g
No, not specifically.

34. When did you receive the grids for the MSF facilities? Who gave them to you?
I remember coming onto shift and seeing a piece of paper with MSF grids on them. I also remember that (b)(3), (b)(6) briefed me about it. I think this was 30 SEP15. I do not recall besides it was at least 2 days prior to the MSF strike.

35. When you called to verify if the ground forces received the (b)(1)1.4a what do you ask (did you specifically ask about the grids or just message in general)?
I did not call the ground force about a (b)(1)1.4a

36. When was the 1C CONOP posted in the battle room?
I do not have information about when CONOPs are posted in battle rooms. The admin of those rooms are not controlled at the SOTF level.

NOTHING FOLLOWS

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

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

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

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

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of November, 2015 at Bagram Air Field, AFG

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

(Typed Name of Person Administering Oath)

Commissioned Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 4 OF 4 PAGES

DA FORM 2823, NOV 2006

APD PE v1 01ES

Approved for Release

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 27 Oct 15

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23 day of October, 2015.

(b)(3), (b)(6) _____ Si(b)(3), (b)(6)e _____

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
BAGRAM AB, AFGHANISTAN	20151023	2100	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(3)

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

On 2 Oct 15 at approximately 1400Z I was informed that (b)(1)1.4a, (b)(3), (b)(6) was being directed to alert launch ISO the operations in Konduz. The early launch time was due to an open AIRTIC and because the other aircraft overhead the city were almost out of ordnance. Once I facilitated the alerting and launch of the crew, I proceeded to a planning meeting for a different mission.

(b)(1)1.4a, (b)(1)1.4g

A few hours later I was informed by (b)(1)1.4a, (b)(3), (b)(6) had engaged, resulting in a building destroyed with approximately 50 EKIA. This was the first time I was informed about the engagement.

At approximately 2355Z, (b)(3), (b)(6) Ops and told one of the gunship planners that there was a report of a CIVCAS incident on an ATG engagement, and based on the time and location he thought it was (b)(1)1.4a, (b)(3), (b)(6) engagement. The planner told me, and I immediately informed (b)(3), (b)(6). This was the first I heard that there was an issue with the engagement.

When the crew returned to Gunship ops, I immediately had the (b)(1)1.4a walk me through the engagement. I then (b)(1)1.4a, (b)(1)1.4g to verify the details, and then went to talk to (b)(3), (b)(6) and the CJSOAC-A (b)(3), (b)(6) then debriefed the crew and (b)(1)1.4a, (b)(1)1.4g. They then began fielding RFIs and passing them to (b)(3), (b)(6) and me so we could answer them. I helped (b)(3), (b)(6) build the standard MISREPs and Storyboards for the (b)(1)1.4a and the ATG engagement, as well as multiple other products for the RFIs. This lasted through the daytime and into the following POD.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	(b)(3), (b)(6)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

STATEMENT OF (b)(3), (b)(6) TAKEN AT Bagram AB DATED 20151023

9. STATEMENT *(Continued)*

AFFIDAVIT

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

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

(Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of OCTOBER, 2015 at BAGRAM AIR FIELD, AFG

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

(Typed Name of Person Administering Oath)

ARTICLE 136, JUDGE ADVOCATE

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 2 OF 2 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: _____

William B. Hickman
MG, USA
DCG-O, USARCENT

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

23 OCT 15

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23 day of OCT, 2015.

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

Signature of Witness

Signature of Interviewee

Approved for Release

25 October 2015

MEMORANDUM FOR RECORD

TO: 2-3 October 2015 Konduz Hospital Strike - Investigation Team

FROM: (b)(3), (b)(6)

SUBJECT: Personal Statement

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

(b)(1)1.4a, (b)(3), (b)(6)

incredibly jet lagged, I retired to my room to try to get my sleep schedule aligned with our operations cycle. When I reported to work the next morning (~1030Z), I learned of the strike over Konduz overnight. All of my knowledge and background was formed after the strike occurred.

3. This statement is true to the best of my knowledge. Please contact me with any questions regarding this statement.

Contact information:

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

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

Approved for Release

AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6) _____, are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: _____

23 Oct 15

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

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23 day of October, 2015.

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

Signature of Witness

Signature of Interviewee

Approved for Release

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
BAGRAM AF, AFGHANISTAN	20151025	1432	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		

8. ORGANIZATION OR ADDRESS
(b)(3)

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

This statement is Classified up to and including ~~SECRET//NOFORN~~

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g, (b)(3), (b)(6)

On the night of 2 October we were launched an hour or so early on a Troops-in-Contact call to go to Kunduz. This was my third flight over Kunduz, my second on 30 Sep being a US forces convoy escort into the city center during which we witnessed the convoy take heavy fire and engaged multiple times in defense of US and partner Afghan forces against enemy compounds and ambush locations. Prior to us pushing off station on 30 Sep we had assisted friendly ground forces, to include the controlling JTAC for 2 Sep, into what became known as the Provincial Governor compound where they strong-pointed for the next several days. So, we had good situational awareness from that sortie on friendly locations and blocking positions that was relevant in the days following to include 2 Sept as well as a fairly good indication of normal Pattern of Life and Enemy posture and tactics in Kunduz. On the 2, we pushed overhead the PGOV compound/City Center area and began fulfilling (b)(1)1.4a, (b)(1)1.4g tasks from the controlling JTAC.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, NOV 2006 PREVIOUS EDITIONS ARE OBSOLETE APD LC v1.01ES

Approved for Release

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1432 DATED 20151025

9. STATEMENT *(Continued)*

After looking at a passed Taliban C2 node and a mortar position, (b)(1)1.4a (b)(1)1.4a After that event we were passed the grids of what was communicated in the plane as a Prison Compound that (b)(1)1.4a from Camp Pamir to the S/SE, were going up to clear. I (b)(1)1.4a, (b)(1)1.4g to the grid location while we were holding round (b)(1)1.4a, (b)(1)1.4g the city center and it put me in a field with residential buildings. Nothing in the immediate location matched the target description but from training I was aware that at significant (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g. So, I (b)(1)1.4a, (b)(1)1.4g and found a large compound that appeared to match the initial target description. It had multiple one-story buildings and a wall surrounding from what I could immediately see. I confirmed there was nothing else near the original location that could match the description of a prison that I might have missed before calling "Contact". The compound was 300 meters south of where I was (b)(1)1.4a, (b)(1)1.4g which was communicated to the (b)(3), (b)(6) in a radio call/target update. (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g the newly passed objective compound area for activity. As we got closer I observed multiple (b)(1)1.4a walking in-between buildings (b)(1)1.4a, (b)(1)1.4g entrances with (b)(1)1.4a posted. After passing back the information to the JTAC, he said the compound was under enemy control and that those (b)(1)1.4a were declared hostile. At that point I just wanted to double-check and confirm this was the target compound to make sure we were not inadvertently declaring civilians hostile. I wasn't completely skeptical because of the way those (b)(1)1.4a were behaving, but I had also (b)(1)1.4a, (b)(1)1.4g So, I re-entered the coordinates to determine any system (b)(1)1.4a, (b)(1)1.4g of what I believed to be the target compound. At that location I looked and found a much smaller compound with two large buildings, what appeared to be a third smaller shack, two overhangs, a wall surrounding, what appeared to be guard towers at the four corners with a single entrance on the south side of the compound and was unable to observe any movement in that compound. At that point I had the Navigator request a more detailed target description from the JTAC and moved to the first compound while the IR stayed on the second compound. The JTAC came back with a target description of multiple buildings with a wall surrounding, and a main gate with an arch shape. I asked for further clarification on which side of the compound that gate was on, to which he replied, the North side of the compound. The gate I was able to make out at the first compound was on the north side and matched the target description. The JTAC came over and said that being 30 meters away he was confident we are on the right compound, at which point we corrected him and said the compound that matched the target description was 300 meters away from where we initially ended up from the coordinates passed. He affirmed that was our target, and we continued to characterize the compound. The JTAC renamed the convoy to Objective, OBJ, we passed what we were seeing and he began going through Ground Force Commander's intent for this target. (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(1)1.4g About this time friendly forces were pushing out of camp Pamir. The (b)(1)1.4a, (b)(1)1.4g while we further clarified the intent for the strike, mainly which building was to be targeted and intent on (b)(1)1.4a During this process, the Friendly convoy had pushed onto the main hardball as we check the final approx. distance of the friendly convoy was outside the closest known friendly within the city of 800+m. After that was verified and we had confirmed with the JTAC the building to be struck was the large T-shaped building we postured to strike to eliminate the threat before friendly forces approached what we believed without a doubt to be a hardened strongpoint/ambush location that they would have to clear. We engaged for approx. a half-hour before checking on the convoy's progress throughout at both the request of the JTAC and for our own S/A. Post engagement, the TV was safed and gun deselected in order to track the friendly posit as they pushed closer to the Obj compound. I found them approx. 700-800m out as the lead vehicle made its turn to the West. It almost immediately began shooting down the road so I started to scan ahead for any movement. About this time we saw no movement from the Obj compound and called engagement complete. A large fire was burning and had engulfed the main T building. As friendlies cleared two parallel roads, they stopped around 650m from the Obj. For the rest of our time O/S we maintained (b)(1)1.4a, (b)(1)1.4g over the friendly convoy. We discovered we had hot gun on the (b)(1)1.4a during this time and pushed to an open field near the river, outside the city, away from residential to clear the impact zone and attempt to fire the round. Cleared the round without issue and continued to monitor friendly movement. Friendlies dismounted vehicles and pushed to the end of the road 500+m from objective, one block to the N from the NE intersection of the Obj compound block. The friendly convoy didn't advanced to the compound before we had to RTB for min fuel, which we believed to be because of the large fire.

This statement is Classified up to and including ~~SECRET//NOFORN~~

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823, NOV 2006 APD LC v1.01ES

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1432 DATED 20151025

9. STATEMENT *(Continued)*

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of OCTOBER, 2015 at BAGRAM AIR FIELD AFG

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

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(3), (b)(6)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006 APD LC v1.01ES

Approved for Release

1. You, (b)(3), (b)(6) _____, are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 23 OCT 2015

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 23rd day of OCTOBER, 2015.

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

Sig

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

wee

Approved for Release

ORDER PERTAINING TO THE INVESTIGATION INTO EVENTS OCCURRING IN AND AROUND KUNDUZ, AFGHANISTAN ON OR ABOUT 3 OCTOBER 2015

1. You, (b)(3), (b)(6), are ordered not to discuss your statements made as a part of this investigation with anyone, to include other witnesses or other individuals who may have no official interest in the investigation, except myself, or a designated member of the team investigating events occurring in and around Kunduz, Afghanistan, on or about 3 October 2015, nor disclose any information that you obtained as a result of this interview until the completion of this investigation. For individuals subject to the Uniform Code of Military Justice, failure to comply with this order could result in adverse action, up to and including punitive action.

2. You will comply with all conditions and obligations imposed upon you by this Order until and unless you are released in writing from this agreement.

DATE
OF EXECUTION: 28 OCT 15

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

William B. Hickman
MG, USA
DCG-O, USARCENT

Approved for Release

PRIVACY ACT STATEMENT

The Privacy Act requires that, because information is being solicited from you which will be filed so as to be retrievable by reference to your name or personal identifier, you must be advised of the following information:

A. **AUTHORITY FOR SOLICITING INFORMATION**: 41 U.S.C. § 31; DOD 5200.1-R

B. **PRINCIPAL PURPOSES FOR WHICH INFORMATION IS INTENDED TO BE USED**: To determine the facts and surrounding circumstances being investigated by the authority of any appropriate CENTCOM regulations regarding Reports of Survey, Line of Duty Investigations, Security Investigations, or any other procedural matters regarding the gathering of evidence in the line of duty.

C. **ROUTINE USES THAT MAY BE MADE OF THE INFORMATION:** Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. **DISCLOSURE**: If you become a suspect during an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide in formation.

E. **THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED**: providing the information is voluntary subject to paragraph D. There will be no adverse effect on your for not providing this information other than certain information might not be available to the appointing or reviewing authority for their decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information to be solicited from me this 7th day of Oct, 2015.

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

Approved for Release

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is PMG

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

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	2. DATE	3. TIME	4. FILE NO.
BAF, AFGHANISTAN	23OCT15	1150(L)	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
(b)(3), (b)(6)	(b)(3)
6. SSN: (b)(3), (b)(6) — 7. GRADE/STATUS: (b)(3), (b)(6)	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army AR 15-6 Investigator and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: Art. 92, Dereliction of Duty

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

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

5. COMMENTS *(Continue on reverse side)*

Have you previously been read your rights previously No (b)(3), (b)(6)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights

☒ I want a lawyer ☐ I do not want to be questioned or say anything

2. (b)(3), (b)(6)

A[illegible]RN STATEMENT *(DA FORM 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 1989 EDITION OF NOV 84 IS OBSOLETE. APD LC v2.02ES

Approved for Release

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position.
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent *(i.e., fewer than 30 days ago)*, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

APD LC v2.02ES

Approved for Release

24 October 2015

MEMORANDUM FOR Record

SUBJECT: (b)(3), (b)(6) -Afghanistan, Bagram Airfield; Article 31 Rights; Investigation into Potential Civilian Casualty (CIVCAS) Incident in Kunduz, Afghanistan

1. This investigation was appointed to conduct an investigation into reports that US Forces struck facilities and individuals at or near the Medecins Sans Frontieres (MSF) Trauma Center in Kunduz City, Afghanistan, on or about 3 October 2015.

2. On 23 October 2015, at the SOTF-A Headquarters, (b)(3), (b)(6) was interviewed by the Investigation Team for approximately twenty minutes.

3. (b)(3), (b)(6) stated that he was aware that the intended target on the night of 3 October was not struck, and that the MSF hospital was mistakenly struck. He detailed his actions during the events in Kunduz City 29 September through 3 October, the concept of operations (CONOPS) and actions on the original objective, the actions of the (b)(1)1.4d during the event, and his understanding of the integrated defense plan of the Provincial Chief of Police Compound.

4. He confirmed that he was relying on the (b)(1)1.4c, (b)(1)1.4d on the objective, the Joint Tactical Air Controller (JTAC) call sign (b)(1)1.4a, (b)(3), (b)(6) relayed his words to the aircrew of (b)(1)1.4a, (b)(3), (b)(6) (b)(1)1.4a, (b)(3), (b)(6) the words contained in the transcript of radio conversations between the JTAC and the crew of the aircraft on the night of Period of Darkness 2/3 October were his words, he was not physically observing either the intended or the struck target, and told the aircraft to soften up the building. At that point of the interview, the IO informed (b)(3), (b)(6) of his rights under Article 31.(b), Uniform Code of Military Justice (UCMJ).

5. (b)(3), (b)(6) invoked his rights under Article 31 and chose to consult with counsel prior to making any statements to the investigation. (b)(3), (b)(6) consulted with counsel, (b)(6) (b)(3), (b)(6) US Army Trial Defense Service. Counsel has informed the investigation that (b)(6) (b)(3), (b)(6) would prefer to cooperate with the investigation, but has requested the investigating officer provide questions to (b)(3), (b)(6) in writing. Efforts are underway to provide the investigating officer's questions to (b)(3), (b)(6) via his counsel.

6. POC for this memorandum is (b)(3), (b)(6) (b)(3), (b)(6) @afghan.swa.army.mil.

ROBERT ARMFIELD
Brig Gen, USAF
Assistant Investigating Officer

Approved for Release

The investigation interview of (b)(3), (b)(6) at Bagram Airfield Afghanistan on 28 October 2015 at approximately 1400 hours, convened pursuant to memorandum of appointment by General Campbell, dated 17 October 2015.

Present for the Interview included:

Major General William Hickman, Investigating Officer

Brigadier General Sean Jenkins, Deputy Investigating Officer

Colonel (b)(3), (b)(6) *Investigation Team Special Forces Subject Matter Expert*

LTC (b)(3), (b)(6) *Investigation Team Legal Advisor*

Lt Col (b)(3), (b)(6) *Investigation Team Intelligence Subject Matter Expert*

MAJ (b)(3), (b)(6) *Interviewee*

CPT (b)(3), (b)(6) *Defense Attorney for Interviewee*

CW4 (b)(3), (b)(6) *Investigation Team Targeting Subject Matter Expert*

(b)(3), (b)(6): We are going to use that device so I am (b)(3), (b)(6) I am the legal advisor to General Hickman and the investigative team here investigating the alleged civilian casualty incident in Kunduz Afghanistan on or about the period of darkness 2 to 3 October 2015. As we've discussed earlier, the ground rules for this interview we have present (b)(3), (b)(6), from US Army Trial Defense, (b)(6) (b)(3), (b)(6), then we also have present from the investigation team, Major General Hickman, Brigadier General Jenkins, (b)(3), (b)(6), our SME for Special Forces. We have our chief targeter, (b)(3), (b)(6), and also (b)(3), (b)(6) from INTEL. The ground rules are, so previously we spoke to you, (b)(3), (b)(6), and we did advise you of your Article 31b rights. At that time you requested an attorney. Is that correct?

(b)(3), (b)(6): Yes, Sir.

(b)(3), (b)(6): Okay, knowing that, you have agreed to speak to the investigation team that is present here today. Is that correct?

(b)(3), (b)(6): Yes, Sir.

(b)(3), (b)(6) Okay. Subject to those, anything else I've missed (b)(3), (b)(6)?

(b)(3), (b)(6): No, Sir, just for the record, (b)(3), (b)(6) stationed here at Bagram Airfield, Afghanistan, gentlemen.

(b)(3), (b)(6): I'll turn it over to you (b)(3), (b)(6)

Approved for Release

(b)(3), (b)(6): Okay, so I think you've met, have you met the rest of the team besides me so far?

(b)(3), (b)(6): I don't think I've officially met (b)(3), (b)(6) Sir, but we saw you guys here before.

(b)(3), (b)(6): Okay, I'm (b)(3), (b)(6), I'm just, I am the (b)(3), (b)(6) (b)(3), (b)(6) presently and then detailed to be part of this investigation. I've previously served as (b)(3), (b)(6) here in Afghanistan just as far as kind of my background.

(b)(3), (b)(6): Yes, Sir. You definitely look familiar, Sir.

(b)(3), (b)(6) I've been around, that's for sure.

So we just want to, just in follow up to the previous interview which I was obviously not here for. I just wanted to follow up with a few more questions. It's a laundry list, so we'll try to knock these out and we'll certainly provide you with a copy of the entire list if you didn't already have it, but we'll try to make sure you get a copy for sure.

(b)(3), (b)(6): I want to be supportive, Sir, I'll answer whatever I can comfortably answer here and the rest of it, we'll just step out and I just need a few minutes if there is something I don't feel comfortable answering right here.

(b)(3), (b)(6): Okay, absolutely. So, the first one I think is going to be pretty easy. We just want to talk in general about your pre-mission training. So, prior to your departure, just talk us, in general, but fairly detailed kind of what you did, and really what your focus was on. Was it on, did you focus on train, advise and assist or did you focus on movement to contact, offensive operations, defensive operations,

(b)(3), (b)(6): Yes, Sir

(b)(3), (b)(6): With the full gamut, where was it or how was it balanced or weighted

(b)(3), (b)(6): Yes, Sir, it was very

(b)(3), (b)(6): and kind of where did you go to do your pre-mission training?

(b)(3), (b)(6): Yes, Sir. It was very heavily weighted in favor of train, advise, and assist type operations. We were well aware of what the operational environment is here in the RS context and we knew that it was, getting outside of the wire to do combat operations was mostly a thing of the past and we were really here to enable if that. We really wanted to improve Afghan capacity and their ability to do independent ops. So our

Approved for Release

pre-mission training event for the AOB was we participated in (b)(1)1.4d (b)(1)1.4d We were partnered with 7 different partnered forces from different national contingents, (b)(1)1.4d it was quite a few.

(b)(3), (b)(6): Yep

(b)(3), (b)(6): and it was focused entirely on very much bread and butter troop leading procedures seven dash eight TAA.

(b)(3), (b)(6): Okay.

(b)(3), (b)(6): The (b)(1)1.4d were a little upset because it was (b)(1)1.4d unit, and so they became trainers as well and we partnered them up with someone so that they felt better about it. They didn't, they didn't appreciate not hitting an aircraft in favor of talking about troop leading procedures.

(b)(3), (b)(6): Yeah, roger that.

(b)(3), (b)(6): So that that was our main focus, Sir. I arrived in the company, actually, I got pulled back in from where I was after I completed ILE.

(b)(3), (b)(6): Yes, okay, good.

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

(b)(3), (b)(6) Absolutely.

(b)(3), (b)(6): So I got released from (b)(3), (b)(6) and went out to do that, so that was, I hit the ground running with that.

(b)(3), (b)(6) Okay, good.

(b)(3), (b)(6): Once we were done with (b)(1)1.4d, Sir, all that was left after that in terms of train up was our academics week.

(b)(3), (b)(6): Okay.

(b)(3), (b)(6): And that's where we covered all the intricate details of ROE, current authorities, we did numerous VTCs with the SOTF forward here as well as SOJTF. We met with (b)(3), (b)(6) in the rear at the (b)(1)1.4a to get his Guidance. So we came over very clear of what the current expectations in environment were. We were permitted to do what we were expected to do and which

Approved for Release

way people saw the trends going in terms of US partnership. So we were very aware of what we thought we would be doing. Now what's actually happened has diverged a little bit, but we all know how things

(b)(3), (b)(6): Oh yeah, of course.

(b)(3), (b)(6): continuously change.

(b)(3), (b)(6): Yeah, of course. Yep, okay. So talk to me a little bit about your relief in place timeline and kind of what overlap you had, just some specific dates if you have them.

(b)(3), (b)(6): Yes, Sir.

(b)(3), (b)(6): When you got here, when your actual RIP date was, and stuff like that.

(b)(3), (b)(6): Yeah, I actually benefitted from a very extended RIP compared to historically. I came out on the first chalk of personnel. I was on the ground on (b)(1)1.4a and I was out to (b)(1)1.4a which is (b)(3), (b)(6) location which is on the southern end of Kabul, Sir, it's next to what used to be (b)(1)1.4a It's part of that whole (b)(1)1.4a complex.

(b)(3), (b)(6) Okay.

(b)(3), (b)(6): So, I got there by (b)(1)1.4a was the day I arrived there and immediately began transition activities. The current (b)(3), (b)(6) was actually forward in the Kogeony District, Nangahar Province as part of an EAP package that TAAC-E was doing to advise.

(b)(3), (b)(6): Help me out with EAP

(b)(3), (b)(6): Expeditionary Advisory Package, Sir.

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

(b)(3), (b)(6): So they were, they had, forward TAA node to advise the (b)(1)1.4d (b)(1)1.4d They were conducting a large operation called (b)(1)1.4a I arranged for some air to get out there and I did the intial part of my RIP with my counterpart on the ground in Kogeony District alongside the TAAC-E leadership.

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

(b)(3), (b)(6): So, I got to see firsthand, before the rest of my guys even showed up, what TAA was like over here at this point of the war, because it was very different than when I was here the last time. So, I managed to get about 48 hours there, I went

Approved for Release

back to (b)(1)1.4a and we ended up actually doing (b)(3), (b)(6) I believe on (b)(3), (b)(6) So, I had a healthy amount of time compared to what people traditionally get.

(b)(3), (b)(6) Yep, fair enough, okay. How often have you conducted combat ops in an urban environment in your personal career?

(b)(3), (b)(6): Sir, I was a (b)(3), (b)(6) in Ramadi, Iraq in (b)(3), (b)(6) OIF, so I was, that was nothing but urban for a year. It was a different environment, but, then Kunduz, but to be fair, I didn't see much of Kunduz. I saw it at night during penetration to get into the city, then from the perimeter from then on, so, it was different, but I have quite a bit of experience with urban combat. My experience in Paktika, we actually, we made it quite a point to avoid, it's much more rural province, but we made quite a point to avoid urban contact. It was a routine talking point in our Shurahs when we'd go into a village. You know, we're always ready to fight but we all agree let's do it outside the village.

(b)(3), (b)(6): Yeah.

(b)(3), (b)(6): Everyone had their standing rules of engagement with that and as General Jenkins knows there is plenty of fights to be had in Paktika, but it generally took place outside the city.

(b)(3), (b)(6): Yep, okay. How long had you worked with (b)(3), (b)(6)? I see probably, I don't want to put words in your mouth, but you obviously had just shown up to the Company…

(b)(3), (b)(6): and actually, Sir, (b)(1)1.4a I can't say it's persistently present in Kunduz, it's technically a cold base, but they've been there the whole time. They are not an organic part of my Company in the rear. Now we developed a relationship.

(b)(1)1.4a, (b)(3), (b)(6)

(b)(3), (b)(6) Yes, Sir, now of course, it would have been foolish of us not to develop a relationship with them before we came over and we did that. They received all of our briefs they gave us their back briefs. I did not know (b)(3), (b)(6) by name; however, until I got on the ground for this on 29 September.

(b)(3), (b)(6): Okay.

(b)(3), (b)(6) I knew the leadership of the ODA, but I couldn't have told you more than a couple guys on the team.

Approved for Release

(b)(3), (b)(6) So then I'll ask the next question anyway. So, did you train with (b)(3), (b)(6) prior to coming to Afghanistan?

(b)(3), (b)(6): No, I did not, Sir.

(b)(3), (b)(6) Okay. Did (b)(1)1.4a participate in PMG with you guys, but part of (b)(1)1.4a (b)(1)1.4a they weren't did they not get sliced to (b)(1)1.4a?

(b)(3), (b)(6): No, Sir, they did not. We couldn't even bring our (b)(1)1.4a to (b)(1)1.4d. The restrictions, we could only bring (b)(1)1.4a. The remainder conducted alternate activities back in CONUS, two of them went to AP Hill, Virginia and they partnered up with our support company and used that as their TAA force. We had another one that went to Fort Pickett and did the same thing there, but we did not have (b)(1)1.4a for any of the pre-mission train up.

(b)(3), (b)(6): Okay, fair enough. So talk to me a little bit about your experience with AC-130 gunships in general, do you have you used them before in combat, in training, and if so where, and talk to us a little about

(b)(3), (b)(6) No, I have not, Sir, I have had them overhead in Paktika on five, maybe six occasions, but it wasn't something I routinely got, for one thing, doing, doing offensive half operations was still the exception to what we normally did in Paktika, we would do it, but it wasn't our primary purpose, and even when we did, there were so many US Forces and elements present in Afghanistan back then, it was generally reserved for (b)(1)1.4a

(b)(3), (b)(6): Trust me, I know.

(b)(3), (b)(6): So, there were a handful of occasions where I had it, Sir, but I never employed it even when I did have it. This was the first time.

(b)(3), (b)(6) Okay, so for (b)(1)1.4a where did Kunduz province fall in kind of your level of priority as you kind of prioritized the effort of your Company?

(b)(3), (b)(6) Yes, Sir. In terms, if I was to rank each of our (b)(1)1.4a, (b)(1)1.4g provinces in AOB North in order of relative importance to me, Kunduz was number two; however, I had briefed on several occasions, I did not believe, and ironically, I probably jinxed myself with this, I said, I did not believe that we should get involved in Kunduz any further than TAA, unless the provincial capital falls because structurally it is such a political and ethnic problem, it's not something that we can effectively weigh in on. The only thing that I said was a show stopper was we can't lose the provincial capital, because it had already been surrounded when we got here. We knew it was coming, but we didn't expect it until the spring and we sure didn't think they could take a provincial capital. I don't think anybody really did.

Approved for Release

(b)(3), (b)(6) Right. So had you ever been in Kunduz city prior to the 30th of September or so?

(b)(3), (b)(6): No, Sir.

(b)(3), (b)(6): So getting into the operation a little bit, when was the last night prior to the operation or I suppose during, but probably not during. Prior to the operation when is the last time you had more than four hours of sleep? Do you remember what period of darkness that might have been?

(b)(3), (b)(6): POD 26 to 27 September, Sir.

(b)(3), (b)(6): Okay, at about, without getting into detail, did you get a full eight hours of sleep or

(b)(3), (b)(6): I probably got a solid six hours, Sir. That's generally what I shoot for, but then after that, things started deteriorating, then the city fell, and the next day, I was in Kunduz so there wasn't much sleep to be had.

(b)(3), (b)(6): Yeah, no, roger that. So we're going to talk a little bit about persons designated with special status. If you can remember who you made the request to, why did you make the request, and what did you understand that to mean as far as this operation went.

(b)(3), (b)(6) Yes, Sir, we had been briefed as part of our pre deployment training about PDSS and we had covered it with our counterparts forward. In the case of this, because we weren't sure what type of authorities this operation would go under even after, we had talked to General Campbell on VTC, but we didn't discuss authorities on it.

(b)(3), (b)(6): Yeah.

(b)(3), (b)(6) He was very much in a hurry to get back to DC, he had a lot on his plate.

(b)(3), (b)(6) Right.

(b)(3), (b)(6) I always go under the default that we are going to be operating under RS, that's just the safe bet.

(b)(3), (b)(6): Yep, sure.

(b)(3), (b)(6): So I knew that PDSS in those situations would be a requirement. What I understand that to mean is if I have a document that says PDSS has been

Approved for Release

granted for this list of partnered forces for this period of time, then that means if I see a (b)(1)1.4a, (b)(1)1.4g

(b)(3), (b)(6): Right.

(b)(3), (b)(6) Hostile Intent, I may be wrong, but I was under the assumption, or I believe that hostile intent is not sufficient for me to engage under PDSS, and I may be wrong, but again, better to err on the side of caution.

BRIGADIER GENERAL JENKINS: Okay, so Can we go to the SVCT?

(b)(3), (b)(6) Sir, of course.

BRIGADIER GENERAL JENKINS: Can you, I know it's been some time, but just kind of the conversation, so you're out at the camp,

(b)(3), (b)(6) Yes, Sir

BRIGADIER GENERAL JENKINS: They're in the SVCTs, right, you've got the commander here that's on speaker phone with (b)(3), (b)(6) who's on the SVCTs because it's over a unique system

(b)(3), (b)(6): Yes, Sir

BRIGADIER GENERAL JENKINS: and we learned that today. Can you recall any of the discussion, I know you had a speaking part

(b)(3), (b)(6): Yes, Sir.

BRIGADIER GENERAL JENKINS: In that, really given the conditions of the city of Kunduz and the provincial capital. Any guidance that you got, anything said would be helpful.

(b)(3), (b)(6): Well, Sir, the primary conversation was between General Campbell and then (b)(1)1.4d, (b)(6)

BRIGADIER GENERAL JENKINS: Tracking.

(b)(3), (b)(6): General Campbell was understandably upset. Not only was it a shock and travesty that they had (b)(1)1.4d (b)(1)1.4d We learned that it was a little more formidable force than we thought, but I definitely supported and reinforced the General's opinion that it hadn't been a (b)(1)1.4d He was very pointed in his questions to (b)(1)1.4d, (b)(6) of what are you doing to retake the city and (b)(1)1.4d, (b)(6) understands a good bit of English, can speak some, and he was already very, he was (b)(1)1.4d

Approved for Release

General Campbell was very straightforward with him about his expectations and (b)(1)1.4d, (b)(6), because he was not using the interpreter that I had next to me, continued to answer questions that were not the ones that General Campbell was asking and after about three times of repeating himself, General Campbell was somewhat upset

BRIGADIER GENERAL JENKINS: Sure.

(b)(3), (b)(6): understandably, and that's when I inserted myself into the discussion and said

BRIGADIER GENERAL JENKINS: On behalf of (b)(1)1.4d, (b)(6) basically, yeah.

(b)(3), (b)(6): General, I've got this

(b)(3), (b)(6) So I told him what the plan was for employment of (b)(1)1.4d (b)(1)1.4d in the city. I said that there was a back fill plan that (b)(1)1.4d, (b)(6) (b)(1)1.4d, (b)(6) had briefed to us. We were skeptical of it. We had heard it before, but nonetheless, it was very clear from General Campbell and I fully concurred that the sooner we got into the city, the better because based on my experience with urban combat, from when I was a young Lieutenant, the more time an urban defender has time to prepare, the worse it's going to get for everybody. (17: 20). Any civilians that are left in the city the people on offense and everything else. It's only going to get worse and so we all agreed it had to happen fast and the only people who were willing to go in unfortunately were people who did not know the city of Kunduz.

BRIGADIER GENERAL JENKINS: Right, Okay. Any guidance to you, specifically, you and the team?

(b)(3), (b)(6) Sir, it wasn't specific guidance to me and the team, it took it more as being directed at (b)(1)1.4d, (b)(6), but the intent was make sure this happens. I, I definitely left the VTC feeling like and totally agreeing that this was a vital operation that had to happen. It had to happen as soon as possible, failure was not an option on this operation. It would have regional strategic impact if it didn't happen, so I felt that whatever words specifically were spoken to (b)(1)1.4d, (b)(6) it was understood by all that this had to happen immediately and I had to make sure that it happened. We had to get in there and take the city.

BRIGADIER GENERAL JENKINS: Okay, thank you.

(b)(3), (b)(6): Okay, getting briefly back to the PDSS, was PDSS approved?

(b)(3), (b)(6): Yes, sorry, Sir, I totally forgot to cover that part.

BRIGADIER GENERAL JENKINS: No worries, I interjected.

Approved for release

(b)(3), (b)(6): So we brought it up, actually the night before we ended up going into the city. When I got off the helicopter, (b)(1)1.4d, (b)(6) came up and said basically they're abandoning the perimeter and the base is about to fall and so, we quickly told the (b)(1)1.4a that were there put together a quick CONOP drive north, and reestablish the perimeter. And so, while we were focusing on that, I called back here to to SOTF, I believe I talked directly to (b)(3), (b)(6), and inquired about (b)(1)1.4a (b)(1)1.4a This is not the movement into the city. He started the works in motion to get PDSS for what we knew, I mean, I still was skeptical we would actually end up going in to the city the next day, but we definitely had to lean that way and so he started the ball in motion to make sure that we had it for the next one. But he said for that night, we wouldn't need to worry about it because based on the nature, the task and purpose of saving the base and defending the perimeter, it would be covered by self-defense. There's no way around that, so it wasn't going to be necessary for that. No one was projecting, so we did get PDSS granted. I remember getting confirmation about two hours before we launched on the (b)(1)1.4a they gave us. I had asked originally

BRIGADIER GENERAL JENKINS: And for which units?

(b)(3), (b)(6) I was told for all the ones on the CONOP, Sir, so that would have covered (b)(1)1.4d

BRIGADIER GENERAL JENKINS: (b)(1)1.4d

(b)(1)1.4d, (b)(3), (b)(6) wasn't initially on it, Sir. They ended up eventually joining us. (b)(1)1.4d unfortunately has been the most (b)(1)1.4d which is really saying something. They (b)(1)1.4g yet and things started going so bad in this province that they were pushed forward to static checkpoints, so most of (b)(1)1.4d was not familiar with Kunduz city either. They'd been on perpetual (b)(1)1.4d

(b)(3), (b)(6): Which CONOP do you believe you were operating underneath of there during the period of darkness between 2 and 3 October?

(b)(3), (b)(6) There was only 1, Sir, so, let's see, Dash 002. Alright, well this one's got the, they all have cover sheets, okay, prison, yeah, because this one has the 31 September even though there is no 31 September. Yes this is all correct, just let me make sure that this one is something different. Yes, this is the original one. (b)(1)1.4d, (b)(6) (b)(1)1.4d, (b)(6) original plan, Sir, the one that for the record here is listed as, let's see here, I can't find the distinguishing mark for this one, but it's got the NATO Resolute Support Cover Sheet says Kunduz City Foothold Establishment with (b)(1)1.4d who was

Approved for Release

not part of the operation. This one was what was initially submitted, it wasn't even truly submitted. It made it to SOTF as far as I know

(b)(3), (b)(6): Yep.

(b)(3), (b)(6): because we were, when we, like when I was en route on the 29th, I was in the air they were putting this together in preparation in case there was going to be some situation where we had to go into the city, but that night, we ended up having to defend the airfield.

(b)(3), (b)(6): Defend the airfield, right.

(b)(3), (b)(6): By the next day the plan had shifted and we were all glad it shifted from the west side of the city and the hospital to the east. One thing we discussed and we discussed later on when we were in the city, okay, so the one we actually used (b)(1)1.4a-09-002, Kunduz Clearing Patrol. That is the CONOP we used.

BRIGADIER GENERAL JENKINS: Do you recall when that came back approved?

(b)(3), (b)(6) Not the exact date time group, Sir, but it would have been around 2030, 2100, just before when our scheduled execution time was. We weren't able to launch on time anyway. As like a final insult to injury no one on (b)(1)1.4a would provide the (b)(1)1.4a with fuel for the vehicles even though the (b)(1)1.4a were the only force that were willing to go fight in the city so they had to find a source of fuel before we could leave. We didn't end up SP'ing until about 2300 or so.

BRIGADIER GENERAL JENKINS: Yep, okay.

(b)(3), (b)(6): Jumping around a little bit, but getting back to the VTC, were you the only US member

(b)(3), (b)(6): Yes, Sir.

(b)(3), (b)(6): in the VTC at your position.

(b)(3), (b)(6): Yes, Sir.

(b)(3), (b)(6): The only people who were there it was (b)(1)1.4d, (b)(6) myself, my interpreter, and down at the end there were the (b)(1)1.4d personnel who were maintaining the infrastructure.

(b)(3), (b)(6) Okay. Again, just to cover this for the, so you got a bunch of information from the VTC, did you relay any instructions that General Campbell gave to you or to (b)(1)1.4d, (b)(6) to your force prior to departure?

Approved for Release

(b)(3), (b)(6): Sir, I definitely included as part of my commanders comments at the end as part of my pre-mission CONOP brief and rehearsal, I definitely had comments at the end that just underlined the strategic importance of this. This wasn't our normal operation. This wasn't to disrupt prioritized threat network. This was to make sure that the Afghans were able to re-secure a Capital City and we didn't have much access to the media at that point in time, but I think that everyone understood very well that this was something that was going to be in international headlines and it was going to be a big issue for everyone.

(b)(3), (b)(6) Absolutely, so on that line too, you remember making a statement to the effect of, "the whole world is watching?"

(b)(3), (b)(6): That sounds like the kind of fire up speech I would have given, Sir.

(b)(3), (b)(6): Roger, that. So as you were departing, besides one over fifty map, did you have any other (b)(1)1.4a, (b)(1)1.4g or anything going in?

(b)(3), (b)(6): The controllers, Sir, they tried to make (b)(1)1.4a, (b)(1)1.4g for everyone, I can't call them truly (b)(1)1.4a, (b)(1)1.4g. They tried to make imagery with grids on them for some fire de-confliction purposes. It wasn't like we had numbered buildings. That would have been basically impossible on something this size especially in the time we had available. They tried to print imagery; however, (b)(1)1.4a infrastructure, being a cold base, on top of not getting as much love up there, they had one old printer and it was printing out these giant magenta blobs. They were worthless so nobody ended up using them. I think the all the JTACs still brought them out, but they wouldn't have been valuable.

(b)(3), (b)(6) They were useless, yeah.

(b)(3), (b)(6): They still had their digital means, until we started running out of batteries.

(b)(3), (b)(6) Yeah.

(b)(3), (b)(6): and that ended up contributing to the perfect storm with the batteries.

(b)(3), (b)(6): Sure. How long did you guys think you were going to be gone when you departed on the 30th?

(b)(3), (b)(6): 24 hours, Sir, max. We had 36 hours, maybe 48 hours' worth of supplies, but we, I really thought and I told General Campbell in the VTC, I believe this was a well-coordinated attack by a small group of dedicated individuals, maybe (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d

Approved for Release

(b)(3), (b)(6), (b)(1)1.4c, (b)(1)1.4d

thought they launched a simultaneous attacks on a few weak check points and everybody had basically thought the Mongol hoard is coming and abandon the City. I did not, I fully expected that we would meet some stiff but brief resistance moving into the city, and they would realize okay they're not going to let us have it, they would move back to their perimeter, and they would enjoy the spoils of what they came in to get, all the ammunition and vehicles that they had already plundered. That's what I expected. So I really thought that the Afghans would see that it wasn't that big of a deal and they would all come back in.

(b)(3), (b)(6): Yeah, okay.

BRIGADIER GENERAL JENKINS: What do you think that the, and I know it's an estimate, did you have an INTEL brief upfront as you were getting ready to depart on the 29th via SVTCs or via (b)(1)1.4a, (b)(1)1.4g?

(b)(3), (b)(6): I had products passed to me from SOTF Headquarters, Sir, as well as what my (b)(1)1.4a center could piece together. It was more related to the insurgent leadership in the Province. Now some of those reports would have the standard blurb about is responsible for (b)(1)1.4a, (b)(1)1.4c

BRIGADIER GENERAL JENKINS: (b)(1)1.4a. I don't want to put words in your mouth, but leadership.

(b)(3), (b)(6): I was tracking the leadership very well despite not knowing Kunduz, itself, Sir. (b)(3), (b)(6) has a focus on (b)(1)1.4a, (b)(1)1.4c so I was very familiar with (b)(1)1.4a, (b)(1)1.4c

BRIGADIER GENERAL JENKINS: Okay, okay.

(b)(3), (b)(6): But I, as for number of enemy combatants that would have been pure speculation.

BRIGADIER GENERAL JENKINS: If you could estimate a cap

(b)(3), (b)(6): A cap that what I

BRIGADIER GENERAL JENKINS: Do you think its thousands; do you think its hundreds?

(b)(3), (b)(6): That I actually saw, Sir?

BRIGADIER GENERAL JENKINS: No, no.

(b)(3), (b)(6): or what I expected?

Approved for Release

BRIGADIER GENERAL JENKINS: What you expected.

(b)(3), (b)(6): Based on my experience working with Afghans, Sir, and our consistent (b)(1)1.4d math, I would have expected that the most they could have mustered for this was maybe 300. I figured Province-wide, it's not hard to believe that there would have been 100 to 150 in each district, so maybe you figure they've got their standing home defense force that are more like the militia levy, and they have their foreign fighters that they can bring together, whether it's IMU or whoever they can bring together for an assault like this. So, I couldn't imagine going in that there would be more than 300.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6): But I didn't truly consider the max number.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6) So fast forwarding to the night of the incident, we understand that you started initiating a rest plan, and on that, I think (b)(3), (b)(6) had the first shift, (b)(3), (b)(6) had the second shift, and then you came on at midnight does that sound roughly accurate?

(b)(3), (b)(6): That sounds right, Sir, I honestly can't remember which one of them came and woke me up. I think (b)(3), (b)(6) did. I can't remember for sure.

(b)(3), (b)(6): Okay, that frankly doesn't matter. So, but you did come on duty at roughly midnight on

(b)(3), (b)(6): It was a little before that, Sir, they got me up right as resupply convoy was approaching

(b)(3), (b)(6) As the (b)(1)1.4c came back in

(b)(3), (b)(6): This actually, no, Sir, this isn't the (b)(1)1.4d We were so down on supplies that they brought out a little (b)(1)1.4d re-enforcement package. They came out with I don't remember how many vehicles, but they had the international truck from (b)(1)1.4a and that had a 55 gallon drum of Class III for us with a pump, a bunch of water, a few cases of MREs, little bit of small arms ammo, no batteries unfortunately, that's what we needed the most, but it was the international truck with an escort. It took sporadic contact on the way in, but didn't receive the, you know, the brunt of anything.

(b)(3), (b)(6): So, again, you came on duty somewhere between 2300 and midnight?

(b)(3), (b)(6): Yeah, somewhere in there, Sir.

Approved for Release

(b)(3), (b)(6): So about how many calls did you receive from the (b)(1)1.4d or any other Afghan Security Force Personnel with regards to kind of the (b)(1)1.4d plan to come up and retake the NDS facility?

(b)(3), (b)(6): The plans that I had gotten, Sir, all the plans were worked out as far as I knew before they ever left. I hadn't gotten any updates on a change to the plan.

(b)(3), (b)(6): Before you left on the 30th or

(b)(3), (b)(6) No, Sir, so, on the 2nd.

(b)(3), (b)(6): So where did you, just talk us through how you learned of the plans for the (b)(1)1.4d to retake the NDS.

(b)(3), (b)(6) Yes, Sir. Okay Sir, so on the 2nd at the height of the contact in the afternoon around 17 or 1800, we were really being strongly tested, had to employ several danger close strikes, the (b)(1)1.4d had taken some wounded, we helped them get those guys stable, they had loaded them into their ambulance (b)(1)1.4d I convinced the Commander on the ground who after now since I have been fed all these great line and block diagrams with all the mug shots, I believe it was the (b)(3), (b)(6) but he talked about wanting to take them back right then. It was still daylight out, the contact was ridiculous, I convinced him that was a bad idea. The guys were stable; it could wait until it was dark. He came back at some point soon after that and said they had targets in mind, and I said something to the effect of okay so, you know, brief (b)(3), (b)(6), and tell him what you want to do and what you need and we'll figure it out. So he gave a patrol brief to (b)(3), (b)(6) at some point. I thought it was right around at that timeframe, but I believe that they've said it was a little later than that, but I don't know for sure, so

(b)(3), (b)(6) Okay, that's good

(b)(3), (b)(6): He gave it to (b)(3), (b)(6) came to me once things had started to get more under control. When there wasn't any more human waves coming at the towers, he came up, he showed me the plan, it was written on a piece of green write in the rain paper that he had torn out. It had a grid, said, I think it was NDS prison was what the nomenclature was for it. They said they were going to do it as part of a re-supply operation. They'd go back to (b)(1)1.4a they'd drop off their casualties, pick up what supplies were needed, and they would drive back out. There was actually two targets they said they were going to hit, but they didn't even have a location for the other one, so we didn't concern ourselves much with it, they just said it was further north, like up around the market somewhere. So, we focused on NDS prison. When I plotted the grid, the NDS prison we were tracking, just kind of like how we were tracking a different hospital than the one that ends up becoming in question, we were tracking a prison right along (b)(1)1.4a, south of where the complex is right there and that

Approved for Release

was one of our objectives on the initial infiltration. The grid didn't plot there so I was a little confused and I was told by I think it was the (b)(6) at that point, oh there's another one, there's a different one and this was a consistent theme throughout our time there. There were multiple things called the NDS headquarters, the NDS prison. There was all kinds of posts throughout a City of this size and even the (b)(1)1.4d don't think fully appreciated it. I always assumed they were getting their information from the NDS, but I couldn't be sure. So, okay, fine, other NDS prison, that's fine. What do you need? He asked if they would have air support. It's been an ongoing concern even now, even once things are pretty stable up there, will we have air support? And I told him, as long as you're part of our integrated defense, then you're covered, so no issues, if you're part of our integrated defense, and the way I define it, I didn't spell it out to him, it wasn't really something he needed to fully understand, but if it was within a range where if they put a DISHKA or ZPU on a roof that they could shoot down into our compound, or effectively against our HESKO walls, I considered that to be our imminent threat/self-defense bubble because we knew they possessed those weapons, they had been employing them against us, and (b)(1)1.4a, (b)(1)1.4g and those HESKOs were basically what was keeping us alive, so I considered that to be an imminent threat. The only communication I had after that was after I was woken up, I inquired about when they were going to leave. There was a call back to whoever it was in the rear I don't know who the (b)(6) spoke to from the (b)(1)1.4d but he said I'm planning on SPing about 0130.

BRIGADIER GENERAL JENKINS: Do you recall the name of the LNO?

(b)(3), (b)(6): I don't, Sir. I eventually was sent a picture of the guy who I believe it to be. It wasn't part of the initial line and block diagram that the CCAT team sent to me. They found it later and said what about this guy, said well it was dark when everything happened, but he was definitely the closest match, but I can't remember his name.

(b)(3), (b)(6): My understanding is that the general reporting chain how things are reported up came from an Afghan and the (b)(1)1.4d to a Terp?

(b)(3), (b)(6): The one who was the (b)(6) did not speak English, so I did have to use an interpreter when I was speaking to him

(b)(3), (b)(6): So maybe there were two Terps, maybe an Afghan, no so well it went to Afghan

(b)(3), (b)(6): So, if I wanted to get information, Sir, I would have to talk to my interpreter, who would talk to the (b)(6), who would call to somebody

(b)(3), (b)(6): At the (b)(1)1.4d

Approved for Release

(b)(3), (b)(6) Call back to (b)(1)1.4a and yes, it was somebody back there, Sir.

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

(b)(3), (b)(6) and I never asked them to specify, like are you talking to the (b)(1)1.4d (b)(1)1.4d commander

(b)(3), (b)(6): So you don't know who you were talking, I don't want to put words in your mouth, do you know who you were talking to?

(b)(1)1.4d, (b)(3), (b)(6)

(b)(3), (b)(6): Sure, okay. At any point, did you provide the SOTF with what you thought the (b)(1)1.4d plan was to go to the NDS facility?

(b)(3), (b)(6): I definitely called up that they had a plan and route back that they were going to try, I don't remember which tactical term I used, I believe it was secure, the NDS prison so they were tracking that. I don't remember providing any grids. I may have given them a more detailed brief, but I sure don't remember it, Sir. I'm sure that I told them that en route back they were going to secure/clear, one of those terms, the NDS prison.

BRIGADIER GENERAL JENKINS: On the way back up from the Camp to your location?

(b)(3), (b)(6) Yes, Sir. I can't remember when I reported it. I don't know if I reported it right after they told me, they gave me the initial WARNO they were going to do it or after I got the patrol brief from (b)(3), (b)(6).

BRIGADIER GENERAL JENKINS: Okay

(b)(3), (b)(6) I can't remember

(b)(3), (b)(6) So in your discussion with the (b)(1)1.4a at some point you got from from a Terp from the Terp to the (b)(6), they provided a description of the NDS objective. Do you remember when you got that or from whom, any idea from whom in the actual (b)(1)1.4a other than the Terp, you got it from, and then do you remember what that description was?

Approved for Release

(b)(3), (b)(6): I do, Sir, but this is actually getting close to the strike piece of it can we take a break, Sir.

The interview was recessed at 15:05 Local.

The interview reconvened at 15:10 Local.

(b)(3), (b)(6) In your discussions with the (b)(1)1.4d through an (b)(6) or interpreter, what is your impression of the original description they gave you for the NDS facility.

(b)(3), (b)(6): Yes, and this is where it gets confusing I think for the investigation team because there's the (b)(1)1.4a you have to go off and there's the way I recall it

(b)(3), (b)(6) And that's what we are looking for. That's what we want is what you recall, that's what we're trying to, exactly, because we've got the (b)(1)1.4a and we know what was said there

(b)(3), (b)(6): yeah.

(b)(3), (b)(6) and we understand the disconnect there so we're really looking for

(b)(3), (b)(6): yeah, the way I

(b)(3), (b)(6): is what you understood,

(b)(3), (b)(6) Yes Sir.

(b)(3), (b)(6) not, we understand the whole telephone game and how things go and there was a telephone game between you and (b)(3), (b)(6) (b)(3), (b)(6) to the crew

(b)(3), (b)(6): Yes, Sir.

(b)(3), (b)(6) There's a big line there, so what we are looking for is what you understood.

(b)(3), (b)(6): Understand, so the way I remember everything happening was that (b)(3), (b)(6) asked me for a description of the target. I asked the (b)(1)1.4d, (b)(6) and the description I got, and this is before they even SP'd from (b)(1)1.4a was a long T-shaped building with a small off shoot. I can't remember the word I would have used for it. In a walled in compound with multiple out buildings and there was a gate facing to the north with an arch.

(b)(3), (b)(6): Okay.

Approved for Release

(b)(3), (b)(6): And that was the description that I remember.

(b)(3), (b)(6): That you received?

(b)(3), (b)(6): receiving and then passing through (b)(3), (b)(6) to the Air Crew. Now the (b)(1)1.4a makes it sound like they describe it and pass it to us. I don't remember it happening that way.

(b)(3), (b)(6): That's fine. I appreciate your response.

(b)(3), (b)(6): Okay, Sir.

(b)(3), (b)(6): So now we're going to move in to it a little further and again please take whatever time you guys need. From your perception, your expectation, what was the purpose of the AC-130 fires and then what purpose did you pass through the JTAC. What did you expect to get passed to that AC-130 crew as far as your purpose for the AC-130 fires.

(b)(3), (b)(6): The AC-130's overall purpose for the operation was self-defense of our perimeter, now in the case of where the (b)(1)1.4 were going, it fell within what I considered to be our self-defense bubble.

(b)(3), (b)(6): Sorry about that

(b)(3), (b)(6): No problem, Sir. So

BRIGADIER GENERAL JENKINS: Can you say that statement again. It fell within your perimeter for the self-defense.

(b)(3), (b)(6): Yes, Sir, I considered it to be within that. There were buildings where if a heavy weapon were placed on top of it, it could accurately engage us and pose a pretty significant threat. So, as (b)(1)1.4g (b)(1)1.4g it's still a delay and we were talking about distances of City blocks here where dismounted insurgents with chest racks on cover distance very quickly and we knew that they had pretty significant numbers by this point in time so I wanted to make sure that any fire if it was required was going to be very responsive, now the task and purpose that I passed for those fires was that if the (b)(1)1.4 were to take fire en route to the objective and they got fixed in place what I wanted to do was to reduce heavy weapons and strong points so that they would be able to effectively maneuver on to the objective.

(b)(3), (b)(6): Okay.

(b)(3), (b)(6): I mean honestly, a (b)(1)1.4g (b)(1)1.4g I can't expect them to assault that.

Approved for Release

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

(b)(3), (b)(6): But they can't sit out there and die on the road.

(b)(3), (b)(6) Yeah.

(b)(3), (b)(6): So that was, that was the intent, the task and purpose for the fires.

(b)(3), (b)(6): From your understanding, did the JTAC accurately pass your guidance to the AC-130 crew. I don't know if you were standing right next to (b)(3), (b)(6) (b)(3), (b)(6) or where you were

(b)(3), (b)(6): I was walking

(b)(3), (b)(6): physically with him, but I know you were all kind of around a HMMWV but

(b)(3), (b)(6) I generally tried to stay with him, Sir. I was walking around a lot, but he did ask me for clarification on what my intent was and that is when I remember very specifically spelling it out reduce heavy weapons and strong points to allow friendly force to maneuver. So that, there shouldn't have been any confusion after that. I don't know what he passed before that, I mean I do now that I have read the (b)(1)1.4a

(b)(3), (b)(6) Right, right.

(b)(3), (b)(6): But I never used the words to my knowledge that he passed.

(b)(3), (b)(6): So you were confident that (b)(3), (b)(6) understood your intent.

(b)(3), (b)(6) Well, yeah, I'm confident that after he got clarification, there was no doubt.

(b)(3), (b)(6) Okay.

(b)(3), (b)(6) And again, this is why I wanted to go through it prior to the actual contact. Because if they were going to take contact, I did not want to play twenty questions while they were taking fire. So I wanted to make sure that we were on target and that everyone understood exactly what needed to happen.

(b)(3), (b)(6): Yes, okay. So as you came, so what authorities and what evidence did you have of those authorities to authorize the AC-130 to then begin engaging on the objective?

Approved for Release

(b)(1)1.4a, (b)(1)1.4g, (b)(3), (b)(6)

(b)(3), (b)(6) Okay.

(b)(3), (b)(6) While our physical perimeter was smaller than that, it fell within the imminent threat of destruction to our force perimeter.

(b)(3), (b)(6): Okay

(b)(3), (b)(6): And so, that's what I considered.

(b)(3), (b)(6) Okay. What evidence did you have that insurgents were located at the objective and then what evidence did you have that there weren't any civilians at the objective or in the objective building.

(b)(3), (b)(6) Well, Sir, in terms of insurgent presence, everything west of route (b)(1)1.4a was swarming with insurgents and that was confirmed over the previous 48 hours by (b)(1)1.4c Squad sized elements maneuvering with heavy weapons, with HMMWVs that they had seized, it was something we knew, we knew from the reports that were furnished to me by AOB and SOTF going in that insurgents had seized everything in the City of value and were also present in various homes and non-government structures. So in terms of that specific location when I believed the target to be on the National Directorate of Security location.

(b)(3), (b)(6) That's where we're going all along here

(b)(3), (b)(6): Yes, nobody squats in an NDS facility. That is something that I can safely say. An abandoned house, an abandoned old government building, maybe. The last place that you are going to decide to shack up whether, if you are a civilian or somebody who's not associated with the NDS, no one goes to the NDS to camp out. That's not the place you want to go. You're just going to have trouble if you do that.

(b)(3), (b)(6) Yep, fair enough.

(b)(3), (b)(6) So when I, and I asked to the (b)(1)1.4d I'm like confirm that this, because after we had the (b)(1)1.4a, (b)(3), (b)(6)

(b)(3), (b)(6) Yeah (b)(1)1.4a

(b)(3), (b)(6): Yes, Sir, I said confirm this has been taken over by the insurgents. I knew there was no friendly forces. And they said absolutely confirmed and

Approved for Release

since we were getting the vast majority of the grids and other (b)(1)1.4c from the NDS, it was reasonable to believe that the NDS was (b)(1)1.4c about their own location having fallen, and when I combine it with talking with the (b)(1)1.4c when they were giving the building description, they said there was going to be a guard force that was about squad sized, there was about a squad sized element of guard forces. They were going to be behaving a certain way. Everything correlated, the POL correlated, the building description, the (b)(1)1.4c were very clear that this is under insurgent control and that drove my thought process going into it. This is definitely under enemy control.

(b)(3), (b)(6): Okay, so let's talk then about positive identification. What technique did you use to positively identify the insurgents?

(b)(3), (b)(6): Sir, since I couldn't directly observe the location I knew that I needed more than (b)(1)1.4c to do it. So my initial one was obviously the (b)(1)1.4c, (b)(1)1.4d providing intelligence about where they were going and what its enemy disposition was, so that was the first one. That alone wouldn't have convinced me to strike it; however, when I had an (b)(1)1.4a, (b)(1)1.4g that describes a target, the disposition of the target and the pattern of life on it that's completely consistent with what I've heard from the Afghans, so now I've got (b)(1)1.4a, (b)(1)1.4c saying, same thing, so that reinforces it, but what did it for me in the end was when I believed the (b)(1)1.4c convoy to be at that parallel cross street

(b)(3), (b)(6): Yep.

(b)(3), (b)(6): or the perpendicular cross street

(b)(3), (b)(6): Yep.

(b)(3), (b)(6): to the facility, I heard sustained automatic weapons fire and when I tried to find the

(b)(3), (b)(6): that's when you were talking to them on the phone?

(b)(3), (b)(6): Well, I was, we were

(b)(3), (b)(6): Oh, you could hear it from your own location.

(b)(3), (b)(6): I could hear the fire, yes, Sir, and I mean, there was always some, even in the middle of the night, there was always sporadic fire.

(b)(3), (b)(6): Sure.

(b)(3), (b)(6): But this was sustained bursts of automatic weapons fire.

(b)(3), (b)(6): Right.

Approved for Release

(b)(3), (b)(6): and it was coming from that general direction. And so I asked the (b)(1)1.4d, (b)(6) are they in contact. He can't get through them at first,

(b)(3), (b)(6): Yep.

(b)(3), (b)(6): and so I think okay so that's a sign that their probably in contact.

(b)(3), (b)(6): Yep.

(b)(3), (b)(6): Fire continues and I ask him again and he says strike now. I assume they are decisively engaged

(b)(3), (b)(6): Yep.

(b)(3), (b)(6): based on my own hearing of close proximity fire from that direction.

(b)(3), (b)(6): Yep.

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

(b)(3), (b)(6): Okay. What pattern of life was established on the objective?

(b)(3), (b)(6): Yeah, so.

(b)(3), (b)(6): and then what pattern of life did the AC-130 pass to you or the JTAC to describe the activities by the individuals on the objective.

(b)(3), (b)(6): Sir, the best of my knowledge when they were describing, the Afghans were describing to me what the target looked like and enemy disposition, you know, they said there's a hundred of them inside there that are there for a meeting, planning the next assault. I told them, yeah, it's unlikely that we're going to find a hundred people packed into any structure anything like that and they said well there's guards. There's about a squad and there's going to be a couple by the gate. What gets passed from the aircraft is there's a (b)(1)1.4a there's (b)(1)1.4g that appear to be guards near the gate, and so it checked out with what we were expecting to see. I mean it was frankly, with the amount of contact that we had received and the vast majority of it coming from the west, it was unthinkable for me to believe that there would have been anything functional over there in terms of essential services.

(b)(3), (b)(6): Yeah, okay. Sir, I think that concludes our questions

(b)(3), (b)(6): Your portion.

Approved for Release

(b)(3), (b)(6): Unless there are any follow up questions, General Jenkins, General Hickman…

BRIGADIER GENERAL JENKINS: I'm just going to look through my notes real quick here

(b)(3), (b)(6): Thank you (b)(3), (b)(6) I appreciate it.

(b)(3), (b)(6) Of course, Sir.

(b)(3), (b)(6): Thank you very much for answering these questions for us.

(b)(3), (b)(6) We want to participate as much as possible

(b)(3), (b)(6) We're just trying to get to the, you know this is a very complex, complicated situation and we're just, we are really just trying to get to the bottom of it because there is

(b)(3), (b)(6) I understand, Sir.

(b)(3), (b)(6) There is so much information out there and this is

(b)(3), (b)(6) I can't wait for some accurate information to get out based on what I've seen in the news

(b)(3), (b)(6) Us too, trust me.

BRIGADIER GENERAL JENKINS: I'm just going to revisit real quick (b)(3), (b)(6)

(b)(3), (b)(6) Yes, Sir.

BRIGADIER GENERAL JENKINS: The (b)(6) passed you the description of the objective through the interpreter.

(b)(3), (b)(6): That is the way I remember it, Sir.

BRIGADIER GENERAL JENKINS: Okay

(b)(3), (b)(6): Is that they passed it to me, we passed it to the aircraft

BRIGADIER GENERAL JENKINS: Long T-shaped building, I don't want to put words in your mouth, just so I'm correct, Long T-shaped building with small off shoots and out buildings and gates surrounded by a compound. Was there a mention of a gate with an arch?

(b)(3), (b)(6) Yes, Sir.

Approved for Release

BRIGADIER GENERAL JENKINS: And was there a mention of which side it was on from which direction?

(b)(3), (b)(6): They said North.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6): Now, looking at it now with the imagery and all that, you can see the NDS has a south facing gate, but what was passed to me was North.

BRIGADIER GENERAL JENKINS: Okay, alright, and again the assessment, go back to, what during this development here, so this is 2400-0001 on the 3rd this is as you're going through this process

(b)(3), (b)(6): He came on shift

(b)(3), (b)(6): Yes, Sir, it's about 0100 when we started talking with the crew about the specifics.

BRIGADIER GENERAL JENKINS: Okay. Any push to, and I know you're limited on battery power, you do, you can (b)(1)1.4a the HMMWVs.

(b)(3), (b)(6): Yes, Sir.

BRIGADIER GENERAL JENKINS: But at most you're doing six batteries at once so that's not a lot for the amount of operators you've got out on the objective there with the ODAs. Is there any push of information from the SOTF? Are they monitoring?

(b)(3), (b)(6): They were definitely monitoring (b)(1)1.4a, (b)(3)1.4a Sir, now they were aware that I was bouncing around quite a bit and once I didn't have my (b)(1)1.4a, (b)(3)1.4a on the move capability any more, it was more like me periodically popping in to the truck to relay how heavy the contact was or what direction it was coming from.

(b)(3), (b)(6): Did you have an RTO that was kind of responsible for monitoring traffic at all times?

(b)(3), (b)(6): There was most of the time, Sir, however; on that day, in particular, it was all hands on deck during the day defending the perimeter.

(b)(3), (b)(6): Right.

(b)(3), (b)(6): and the RTO duty was really whoever was in the GFC position when we were in the rest plan. We stayed in the truck after dark.

BRIGADIER GENERAL JENKINS: Okay, so you ran a CP out of the HMMWV like you did as a, kind of how we grew up, like the HUMMER top

Approved for Release

(b)(3), (b)(6) Yes, Sir, map on the hood and sitting in the TC seat with the radio turned up. Now, I can't guarantee what (b)(3), (b)(6) did on their shift, but I definitely walked away from it periodically, but it, I, they, I talked to them on (b)(1)1.4a, (b)(1)1.4g as well pretty frequently because frankly the type of traffic I was going to pass on (b)(1)1.4a, (b)(1)1.4g was going to continue to be, yes, we're still taking fire, not helpful, but I could talk to them on (b)(1)1.4a, (b)(1)1.4g and we could go through like the resupply COAs. When we decided we were going to stay later, as they started, I would call up to them on the (b)(1)1.4a, (b)(1)1.4g and they would tell me what COAs they were working for how we were going to get re-supplied, what the status was of the forces at (b)(1)1.4a By then (b)(3), (b)(6) was there, so he was trying to help with getting the necessary supplies on to the convoy, so there was an exchange of information back and forth.

BRIGADIER GENERAL JENKINS: Sure

(b)(3), (b)(6) But they really had to rely on us for enemy disposition

BRIGADIER GENERAL JENKINS: Okay. Do you recall a PRT map, was there a pull of a PRT map?

(b)(3), (b)(6): This is the worst part of it, Sir. We ended up finding a PRT produced map from 2013 after this engagement happened when we moved across the street into the provincial governor's actual office area, and it was a big beautiful laminated map with nice crisp imagery and it had everything labeled with 10 digit grids, schools, clinics, everything. It actually had some stuff that isn't on the initial no strike list that we saw after all this happened when that started getting disseminated. It was a great piece of work and we found it buried in the corner of the provincial governors compound the day after the strike, so.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6) Gentlemen, do we have a blow up of this Map here. While he's doing that, Sir, I recommend we have him identify a couple few things where route (b)(1)1.4a was on the map and where he last saw the (b)(1)1.4a convoy that he discussed.

(b)(3), (b)(6) Sure, pull the map out. We'll take care of this.

MAJOR GENERAL HICKMAN: I don't want to do it while they're messing around there, so go ahead and, do you want to ask him some questions?

(b)(3), (b)(6) I have a green highlighter here so can you just highlight route (b)(1)1.4a (b)(1)1.4a is?

(b)(3), (b)(6) Okay, Sir.

(b)(3), (b)(6) Also, mark where you believe saw the convoy.

Approved for Release

(b)(3), (b)(6): route (b)(1)1.4a is the generally north-south running road. It's the primary thoroughfare in the city that leads to the market and traffic circle. It runs generally parallel to Highway 3 and you diverge a little as you get closer to (b)(1)1.4a but it runs directly along-side the provincial governor's compound. Now where I saw the convoy,

(b)(3), (b)(6): You can use the pen

(b)(3), (b)(6): Okay, Sir, you need me to label (b)(1)1.4a then, is that what you're?

(b)(3), (b)(6): No, no.

(b)(3), (b)(6): No, just use the pen to mark where you last saw the (b)(1)1.4d convoy.

(b)(3), (b)(6): This is where I believed the convoy to be

[Indicates on Map]

(b)(3), (b)(6): at this intersection of route (b)(1)1.4a and I believe it is called route (b)(1)1.4a and that route (b)(1)1.4a is the east west running road if that is called route (b)(1)1.4a east west running road that runs to what I now know to be the MSF Hospital. Now, my reasoning for believing they were there because I have seen the (b)(1)1.4a and I'm aware there's a disparity there. The reason I believe they were there is the Afghans do employ their own form of (b)(1)1.4d and that's present in the (b)(3), (b)(6) There was an (b)(3), (b)(6) present at this intersection.

[Indicates on Map]

(b)(3), (b)(6): Now, it could be that it was a (b)(1)1.4a, (b)(1)1.4g and I did not notice in the dark and with everything else going on that it was (b)(1)1.4a, (b)(1)1.4g, but I saw (b)(1)1.4a, (b)(1)1.4g there and when everything was happening, I was able to move up, you might have seen it when you were at the provincial compound, there was a green building in the southwest corner near the tower. I moved up on to the balcony there. I saw what appeared to be a (b)(1)1.4a, (b)(1)1.4g would suggest convoy. Now, I can't confirm that it was an (b)(1)1.4a, (b)(1)1.4g and not a (b)(1)1.4a, (b)(1)1.4g because (b)(1)1.4a, (b)(1)1.4g.

(b)(3), (b)(6): Right.

(b)(3), (b)(6): So when I saw (b)(1)1.4a, (b)(1)1.4g that suggests to me convoy is there and I heard the fire coming from this general direction.

(b)(3), (b)(6): That direction, yep.

Approved for Release

[Indicates on Map the location of the convoy]

(b)(3), (b)(6): At that point in time it all added up to me.

(b)(3), (b)(6): Yep, Okay.

MAJOR GENERAL HICKMAN: So let me ask the questions then, okay.

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: Do you know when the grid was passed to the aircraft so that they could start searching for the compound for the objective that night?

(b)(3), (b)(6) The exact time, I don't, Sir

MAJOR GENERAL HICKMAN: In generally speaking how far in advance?

(b)(3), (b)(6): I want to say probably half hour to forty minutes before the engagement.

MAJOR GENERAL HICKMAN: Yeah, Okay. Of course we can look at the (b)(1)1.4a but it was at least forty minutes, I think it was a little farther than that, but a significant amount of time relatively speaking

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: This wasn't an immediate CAS

(b)(3), (b)(6) No, it wasn't.

MAJOR GENERAL HICKMAN: in the sense of what you all did many times the day before when you had seconds or minutes to engage the target. Okay, so did you know where, did you know where, when the AC-130 put the grid in their system that the, what objective, or point on the ground they identified?

(b)(3), (b)(6): I couldn't see (b)(1)1.4a, (b)(3), (b)(6) because we didn't have the (b)(1)1.4a, (b)(3), (b)(6) so

MAJOR GENERAL HICKMAN: Did they tell you though, what they found when they put the grid in the system?

(b)(3), (b)(6) They reported back to, I mean, it's hard for me to remember what actually heard from (b)(1)1.4a, (b)(3), (b)(6) and what I know from having seen the transcripts of the (b)(1)1.4a but I know that they told him that the grid didn't make sense.

MAJOR GENERAL HICKMAN: So what actions were taken after that? What do you mean didn't make sense, let me ask you that question?

Approved for Release

(b)(3), (b)(6): I know from the transcripts they said it plotted in an open field. I can't remember if that was the exact verbiage he passed.

MAJOR GENERAL HICKMAN: But it was not.

(b)(3), (b)(6): But he said that the grid didn't make sense.

MAJOR GENERAL HICKMAN: Okay, implying it did not what, it wasn't what?

(b)(3), (b)(6) That it could not be what we were looking for

MAJOR GENERAL HICKMAN: What were you looking for?

(b)(3), (b)(6): I was looking for something that appeared to be the NDS compound, Sir, with the description that

MAJOR GENERAL HICKMAN: At this time did you have the description, or you just know it was a compound?

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: You already knew it was a T-Shaped building?

(b)(3), (b)(6): Yeah we did, Sir, yeah, so.

MAJOR GENERAL HICKMAN: Okay, so before you even got the grid you knew the description of the building?

(b)(3), (b)(6) Yeah, because I definitely passed him when he asked for a description of it, I passed it to (b)(3), (b)(6) off the top of my head.

MAJOR GENERAL HICKMAN: So what did the crew do to try to find, where you told the actions the crew took to try to find the compound?

(b)(3), (b)(6): No, Sir. They, he called contact basically after a while

MAJOR GENERAL HICKMAN: What's that mean?

(b)(3), (b)(6) when he called contact, Sir, it basically means they have identified the target.

MAJOR GENERAL HICKMAN: Yes.

(b)(3), (b)(6) I don't know what the exchange was with that.

MAJOR GENERAL HICKMAN: Okay, so they identified a compound?

Approved for Release

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: At this time you still think it's the NDS compound, hindsight we know it wasn't.

(b)(3), (b)(6): Yes Sir.

MAJOR GENERAL HICKMAN: They found a compound. You still think it's the NDS compound.

(b)(3), (b)(6) Yes Sir.

MAJOR GENERAL HICKMAN: Why do you, because of why? Why do you think they are on the right compound?

(b)(3), (b)(6) The description of the target structure and the pattern of life, Sir.

MAJOR GENERAL HICKMAN: Okay, so let me ask again what was the pattern of life?

(b)(3), (b)(6) They said it was going to be about a squad sized element.

MAJOR GENERAL HICKMAN: Yeah, but what did the aircraft tell you the pattern of life was?

(b)(3), (b)(6): (b)(1)1.4a

MAJOR GENERAL HICKMAN: Okay.

(b)(3), (b)(6) I believe that they also passed to them that there was two that appeared to be performing guard duty near the gate.

MAJOR GENERAL HICKMAN: Yeah, okay, so in your mind nine individuals. Why did you determine that they were hostile or had hostile intent or did you determine that they were hostile?

(b)(3), (b)(6) I made the determination that they were hostile based on believing that it was indeed the NDS compound, sounds based on description that we were sure of it, Sir, and the (b)(1)1.4c said, without question, the facility had been taken over.

MAJOR GENERAL HICKMAN: Yeah, okay, so it's based off (b)(1)1.4c, (b)(1)1.4d?

(b)(3), (b)(6) Yes, Sir, and the (b)(1)1.4a, (b)(1)1.4g

MAJOR GENERAL HICKMAN: Yes, but the (b)(1)1.4a, (b)(1)1.4g told you what?

(b)(3), (b)(6): They told me what was present on the objective, Sir.

Approved for Release

MAJOR GENERAL HICKMAN: Which were nine individuals?

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: No other, any other description of these nine individuals?

(b)(3), (b)(6) I don't recall any, Sir.

MAJOR GENERAL HICKMAN: Okay. Okay, so my last question let's go back to what we were talking about on the map here, so you saw an (b)(1)1.4a, (b)(1)1.4g You're not sure if it was (b)(1)1.4a

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: And you heard firing at the same time

(b)(3), (b)(6): Yes Sir.

MAJOR GENERAL HICKMAN: is that a true statement, because again, I don't want to tell you something you don't already know

(b)(3), (b)(6) Yes Sir.

MAJOR GENERAL HICKMAN: So, in your mind, I'm going to go back up then, but you already answered the question, but I want to hear it one more time, why do you think you are allowed to provide fire support for the (b)(1)1.4d

(b)(3), (b)(6) Sir, at this point

MAJOR GENERAL HICKMAN: Just any, just in general

(b)(3), (b)(6): No, yeah, in this case, Sir, where I believed them to be was well within what I considered to be our integrated defensive posture

MAJOR GENERAL HICKMAN: Okay, and that's what you said earlier and I understand that totally. So why, what, how did you identify where the fire was going so you knew where to put the AC-130 fires on to protect the force?

(b)(3), (b)(6): I'm sorry, Sir, I don't fully understand

MAJOR GENERAL HICKMAN: Okay, You felt the (b)(1)1.4 vehicles were at that intersection.

(b)(3), (b)(6): Yes, Sir

Approved for Release

MAJOR GENERAL HICKMAN: You also heard fire coming from the West or from the Southwest?

(b)(3), (b)(6) Yes, Sir.

MAJOR GENERAL HICKMAN: Yes or No?

(b)(3), (b)(6): Yes, Sir. True.

MAJOR GENERAL HICKMAN: Okay so how did you, what process did you go through to identify where the fire was coming so you could protect the (b)(1)1.4d force?

(b)(3), (b)(6) Sir, this is, based on our infiltration of the City, we had also taken fire down all of these east west running roads as we came in. This was where they were setting up their ambush positions, and so when they took fire here, I believed that, well I didn't know that this is what they were aiming at. I believe that they were taking fire from down the street, one of these long axis, so there wasn't much more thought process on that. It was this has to be where it is coming from.

MAJOR GENERAL HICKMAN: Okay, listen to the question. The (b)(1)1.4d were taking fire, is what you believed because you thought you knew where they were looking at your (b)(1)1.4d, and you heard fire in the distance. How did you determine where the AC-130 fires were going to land based on the fires, the contact, the (b)(1)1.4d were having?

(b)(3), (b)(6): Sir, I, my process was I knew that they were going to a certain location and they believed that place to be the enemy C2 node with all the fighters, so that's where the fire would be coming from and if not, that's what was going to break up the assault.

MAJOR GENERAL HICKMAN: Okay. Okay, you kind of said two different things here, they're at the intersection taking you believe they're taking fire, and I am trying to understand how you identified where the fire was coming and decided where to fire the AC-130 at. You said you thought they were coming down, I don't want to put words, you said you thought the fire would be coming down from those two east west roads.

(b)(3), (b)(6) Yes, Sir, it made the most sense that they would be receiving fire from down one of the long east west roads and since that's where I expected them to go, that's where I expected the fire to come from.

MAJOR GENERAL HICKMAN: Okay, but you authorized fire to be fired in to a building on the NDS facility.

(b)(3), (b)(6) Yes I did.

Approved for Release

MAJOR GENERAL HICKMAN: Okay, that's all I got.

(b)(3), (b)(6) Okay, does anyone have any more follow ups?

(b)(3), (b)(6): Sir, you want to

BRIGADIER GENERAL JENKINS: Yeah, if you would just real quick (b)(3), (b)(6) if you could come up, Blue Pen

(b)(3), (b)(6): Yes Sir.

(b)(3), (b)(6) I got a better, I got a black sharpie that

BRIGADIER GENERAL JENKINS: Alright, just put the friendly positions, so we understand just where you had in terms of the towers.

(b)(3), (b)(6) Well the towers themselves, Sir.

BRIGADIER GENERAL JENKINS: Yeah, right, we were there yesterday, so it's not really the towers you got them.

(b)(3), (b)(6): These were the two that made the most contact.

BRIGADIER GENERAL JENKINS: Yep.

(b)(3), (b)(6) Then there was a usually a nice presence up here on top of the roof, there's a (b)(1)1.4c, (b)(1)1.4d position there, and this is just at the time of the strike

BRIGADIER GENERAL JENKINS: Yeah.

(b)(3), (b)(6): Ok, then (b)(1)1.4d had well actually they had abandoned these positions to do the resupply. Normally they had vehicles at the intersections here

[Indicates location on Map]

(b)(3), (b)(6): that would kind of bob back and forth almost like berm drills.

BRIGADIER GENERAL JENKINS: Okay, alright, so that's kind of the set as we go into the term from 2 to 3 October.

(b)(3), (b)(6) Yes Sir, that's the closest. (b)(1)1.4d that weren't really doing much for the defense. There was Afghans along the street here.

[Indicates location on Map]

Approved for Release

(b)(3), (b)(6) This road's blocked off right here as you saw.

BRIGADIER GENERAL JENKINS: Yep, okay.

(b)(3), (b)(6) So the Afghan had their vehicles here,

[Indicates location on Map]

(b)(3), (b)(6) I was located right about here,

[Indicates location on Map]

(b)(3), (b)(6) I mean moving around, but

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6): that's generally where my truck was

(b)(3), (b)(6): Where you put that, pardon me, Legal Advisor, where you put that X could you mark it with (b)(3), (b)(6) and where put those circles, put an F so that we know what we're looking at, so

[interviewee marks X with (b)(3), (b)(6) and, marks F where the circles are]

BRIGADIER GENERAL JENKINS: Okay, just got a couple more quick questions. Did you, and I know your running like a small CP out of a HMMWV

(b)(3), (b)(6) Yes, Sir.

BRIGADIER GENERAL JENKINS: And probably sitting in the right seat with the (b)(1)1.4a, (b)(1) Do you recall any (b)(1)1.4a, (b)(1)1.4g coming in?

(b)(3), (b)(6) Yes.

BRIGADIER GENERAL JENKINS: Through the day or night and they should be, as you shift change between yourself and the other (b)(1)1.4a, do you kind of go in there, you know, you can review all the messages that have come in in the past?

(b)(3), (b)(6) Yes, Sir, and we always did a handover brief for everything.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6): Based on (b)(1)1.4a, (b)(1)1.4g conversations, anything. There was one message that I remember getting that day and it had a big list of grids, and it was for the (b)(1)1.4d which is Northwest of Kunduz City. There's, there was an ANA garrison from the (b)(1)1.4d that had become isolated out there, which, had found out later that it wasn't really that they were isolated, they were told to go there and

Approved for Release

they were told they couldn't leave, but they'd passed us a list of friendly grids and a list of enemy grids that was threatening the garrison. So that was another thing I had talked though with (b)(3), (b)(6) was the potential for if that position needed support from some of our air assets later, but it was so far outside, I left that to SOTF.

BRIGADIER GENERAL JENKINS: Okay, on that, did you keep a JOC log? You know you can type in the system or on paper of calls coming in or calls going out.

(b)(3), (b)(6) No, Sir, the only people keeping logs that I remember were the controllers.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6) They, they kept, they had their boards with all their controls that they'd keep logs on.

BRIGADIER GENERAL JENKINS: Yeah, but they swipe that each time, right?

(b)(3), (b)(6) They did, Sir, yeah.

BRIGADIER GENERAL JENKINS: So it doesn't remember each one and each entry.

(b)(3), (b)(6) No, it doesn't.

BRIGADIER GENERAL JENKINS: Okay, do you keep a log of (b)(1)1.4a, (b)(1)1.4g calls that come in?

(b)(3), (b)(6) No, I did not, Sir.

BRIGADIER GENERAL JENKINS: Okay, but that gets passed on in the changeover?

(b)(3), (b)(6) Yes, Sir.

BRIGADIER GENERAL JENKINS: Received calls, so a call of, hey this is a grid to the MSF, there's no recollection of?

(b)(3), (b)(6) No, Sir

BRIGADIER GENERAL JENKINS: Okay, that being called out from

(b)(3), (b)(6) Like right after the strike after they told me to come up on (b)(1)1.4a, (b)(1)1.4g and told me about that, I went back to check on (b)(1)1.4d to take a look at the grids and everything that they were passing me and then there was a (b)(1)1.4a that says Doctors without borders says you're striking their facility.

BRIGADIER GENERAL JENKINS: And what system was that was on?

Approved for Release

(b)(3), (b)(6) That was on (b)(1)1.4d Sir.

BRIGADIER GENERAL JENKINS: On (b)(1)1.4d?

(b)(3), (b)(6): Yeah, I think that yeah the JOC personnel after we've done numerous AARs about the incident ourselves.

BRIGADIER GENERAL JENKINS: Yeah.

(b)(3), (b)(6) They passed a blanket (b)(1)1.4a, (b)(1)1.4g regarding the MSF they said. I did not receive that message. Now (b)(3), (b)(6) was the one who was normally responsible for passing that stuff. I had talked to him on the (b)(1)1.4a, (b)(1)1.4d earlier. And he asked me if I had seen the (b)(1)1.4d. I thought he was talking about the (b)(1)1.4d and I said, yeah, I got the message, so

BRIGADIER GENERAL JENKINS: And he said after words, he meant the doctors without borders.

(b)(3), (b)(6) Yeah.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6): That's correct, Sir, one of many more things that contributed to this.

BRIGADIER GENERAL JENKINS: Well it's part of why we are here, so we learn from it, right, so again, we've talked the change-over and I think enough with the sleep cycle as you're moving through this and everybody's been going for sixty hours and then trying to catch a little bit there and then you're up through that time period. With the (b)(1)1.4d again, just to reiterate, you don't know who's on the far end. You assume it's the (b)(1)1.4d or

(b)(3), (b)(6) There's somebody responsible, yes, Sir.

BRIGADIER GENERAL JENKINS: Somebody responsible, okay, and the (b)(6) that's with you, when did that (b)(6) detach from you and get to go back to the (b)(1)1.4d?

(b)(3), (b)(6) Must have been the next morning, Sir.

BRIGADIER GENERAL JENKINS: Okay.

(b)(3), (b)(6) because most of the time out there, we dealt with one of the few whose names I remember was (b)(6), he was one of the officers. He was with us most of the time, and so

Approved for Release

BRIGADIER GENERAL JENKINS: Through the second and third, the first, second, third?

(b)(3), (b)(6): Yeah, most of the time, Sir, he was the one that was in there. So I knew him. He lived with us over at the governor's compound the last night we were there and the day of the fourth, but we saw him very frequently.

BRIGADIER GENERAL JENKINS: Okay, and finally, just on procedures and systems. Was the SOTF aware that your (b)(1)1.4a, (b)(1)1.4g?

(b)(3), (b)(6): I believe so, Sir. We had told them that our battery situation was such that we were down to rotating (b)(1)1.4g I can't remember specifically saying myself that the (b)(1)1.4a, (b)(1)1.4g but I do believe that everyone in the fires cell was tracking that we did not have (b)(1)1.4a, (b)(1)1.4g

BRIGADIER GENERAL JENKINS: Alright, and you were tracking the systems down in the aircraft so

(b)(3), (b)(6): Yes, Sir

BRIGADIER GENERAL JENKINS: that would have just compounded it (b)(1)1.4a, (b)(1)1.4g or not.

(b)(3), (b)(6): Yes, Sir. We had, you know, we had windows were there was very good comms on a lot of things, but there was some like the (b)(1)1.4a, (b)(3), (b)(6) the running joke among the controllers was that we could never make contact with (b)(1)1.4a, (b)(3), (b)(6) ourselves, so there was, there was always some kind of (b)(1)1.4g but we had good (b)(1)1.4a, (b)(1)1.4g with the aircraft.

BRIGADIER GENERAL JENKINS: Okay, did you ever request to (b)(1)1.4a, (b)(3), (b)(6) to cover the threat

(b)(3), (b)(6): Over this one, Sir?

BRIGADIER GENERAL JENKINS: The danger, well or over you to watch your perimeter.

(b)(3), (b)(6): No, honestly, Sir, I don't remember tasking (b)(1)1.4a, (b)(3), (b)(6) with anything.

BRIGADIER GENERAL JENKINS: So (b)(1)1.4a, (b)(3), (b)(6) remained under SOTF control?

(b)(3), (b)(6): Yes, Sir.

BRIGADIER GENERAL JENKINS: Okay.

Approved for Release

(b)(3), (b)(6) AC-130 is what I was concerned about because that was the thing that would fire if there was any trouble. (b)(1)1.4a, (b)(1)1.4g (b)(1)1.4a, (b)(3), (b)(6)

BRIGADIER GENERAL JENKINS: Okay, okay, I'm good, anyone?

(b)(3), (b)(6): Gentlemen can we take a few moments just to kind of compare notes in case there is anything that (b)(3), (b)(6) wants to kind of just share before we conclude the interview, is that okay?

BRIGADIER GENERAL JENKINS: Sure, Absolutely.

(b)(3), (b)(6) Thank you.

(b)(3), (b)(6) Is that something I should step out for?

(b)(3), (b)(6): No, you and I, so yes.

(b)(3), (b)(6) Back on the time is 15:47 Local.

(b)(3), (b)(6) Gentlemen, I don't think there is anything we need to add unless there is anything else from all you

[All Interviewers responded no]

Interview concluded at 15:47 at Bagram Airfield Afghanistan.

Approved for Release