



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
HEADQUARTERS, COMBINED/JOINT TASK FORCE (CJTF)-82
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

CJTF-82-CG

19 NOV 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation - Escalation of Force (EOF) Incident Involving 1st Platoon, A Company, 2nd Battalion, 503rd Airborne Infantry Regiment on 6 October 2007

1. I have reviewed the AR 15-6 investigation into the EOF incident on 6 October 2007 that resulted in the death of two local nationals. The Investigating Officer found that the on scene commander's assessment of the vehicle as a deadly threat was reasonable, and that his order to engage the vehicle was authorized as self-defense. I approve the findings and recommendations of the investigating officer with the following exceptions and substitutions:
 - a. The recommendation that the command make condolence payments to the families of the deceased local nationals is returned to the unit for appropriate action.
 - b. The recommendations to include EOF procedures and actions in pre-operation briefings and to conduct quarterly EOF briefings with every soldier are returned to the unit for appropriate action.
2. The investigation is returned to the unit for appropriate action consistent with the Investigating Officer's findings and recommendations and my additional instructions above.

A handwritten signature in cursive script, reading "David M. Rodriguez", is positioned above the typed name.

DAVID M. RODRIGUEZ
Major General, USA
Commanding

CENTCOM 009168

Page 2 redacted for the following reason:

(b)(5), (b)(3), (b)(6)



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DEPARTMENT OF DEFENSE
HEADQUARTERS, COMBINED/JOINT TASK FORCE (CJTF)-82
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

06 OCT 2007

CJTF-82-CS

MEMORANDUM FOR MAJ (b)(3), (b)(6) Headquarters and Headquarters Company, 173rd Airborne Brigade Combat Team, Task Force Bayonet, Afghanistan

SUBJECT: Appointment as AR 15-6 Informal Investigating Officer

1. You are hereby appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into the escalation of force incident by 1st Platoon, A Company, 2nd Battalion, 503rd Airborne Infantry Regiment which occurred on 6 October 2007, and resulted in the death of two individuals.

2. The scope of the investigation should include the following:

- a. The facts and circumstances surrounding the escalation of force incident, including the nature and extent of injuries and fatalities sustained;
- b. A determination of whether the personnel engaged were enemy or civilian personnel;
- c. The mission and purpose of the patrol at the time of the incident and the risk assessment conducted;
- d. The threat the vehicle or personnel presented to U.S. forces;
- e. The escalation of force procedures utilized and a determination of whether their use was appropriate under the circumstances;
- f. The traffic control measures utilized at the time of the incident;
- g. The training or instruction the patrol received on escalation of force methods and procedures;
- h. Whether condolence payments were made or if such payments would be appropriate; and
- i. The lessons that can be learned and a determination of the necessity of any re-training.

3. This will be an informal AR 15-6 investigation. This will be your primary duty until completed and takes precedence over all other duties and assignments. All statements will be in

CENTCOM 009170

CJTF-82-CS

SUBJECT: Appointment as AR 15-6 Informal Investigating Officer

written form and sworn, using DA Form 2823. If witnesses have redeployed, seek to conduct telephonic interviews of them at their home station.

4. If, during the course of the investigation, you suspect that anyone involved has violated any criminal laws, you should advise that person of their Article 31 Rights, prior to questioning. If anyone attempts to interfere with or obstruct your investigation, notify the appointing authority immediately.

5. Use AR 15-6 to guide the investigation. Consider any evidence in the investigation that you determine to be relevant and material to the incident. You should make appropriate findings and recommendations based on the facts gathered during the investigation. The completed investigation should include:

- a. This letter of appointment;
- b. A completed DA Form 1574;
- c. A memorandum for record with your findings and recommendations. Your findings are to be based on the facts you gather and your recommendations should include whether any adverse action is appropriate;
- d. An executive summary;
- e. An index of exhibits;
- f. A chronology of your investigation;
- g. All exhibits labeled in successive order;
- h. A list of all persons interviewed and those from who no statement was taken; and
- i. Proper classification markings.

6. If Afghanistan National Security Forces (ANSF) were involved in this incident, your findings and recommendations are to include any lessons learned you discover during the course of your investigation that may benefit the ANSF.

7. You may consider any evidence in your investigation that you determine to be relevant and material to the above areas. This investigation is your primary duty until completed and takes precedence over all other duties and assignments.

CJTF-82-CS

SUBJECT: Appointment as AR 15-6 Informal Investigating Officer

8. No military or civilian witnesses can be ordered to give testimony that may incriminate them. However, you can direct a military or civilian witness to provide testimony if you believe they have relevant information that is not incriminating.

9. MAJ (b)(3), (b)(6) has been designated as your legal advisor. He will assist you with any legal issues that may arise during your investigation. He can be contacted at DSN (b)(2)High or at (b)(3), (b)(6) @afghan.swa.army.mil.

10. Submit your completed report no later than 21 October 2007 to MAJ (b)(3), (b)(6) for legal review. If any circumstances prevent a timely completion of your report, submit requests for delay to me for approval.

11. The point of contact for this memorandum is CPT (b)(3), (b)(6), CJTF-82, Chief of Administrative Law at DSN (b)(2)High

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

LTC, GS
Deputy Chief of Staff

Page 6 redacted for the following reason:

(b)(5), (b)(3), (b)(6)

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Commander, Combined/Joint Task Force-82, Bagram Airfield, APO AE 09354
(Appointing authority)

on 9 October 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Fenty, Jalalabad, Afghanistan at 1200Z
(Place) (Time)
on 9 October 2007 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1200Z on 5 November 2007
(Time) (Date)
and completed findings and recommendations at 1330Z on 5
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any?(See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

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

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

See attached sheet

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

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

See attached sheet

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

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

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

(Recorder)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY

The findings and recommendations of the (investigating officer) (board) (substitutions). (If the appointing authority returns the proceedings to the corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

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

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



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
TASK FORCE BAYONET, 173RD AIRBORNE BRIGADE COMBAT TEAM
COMBINED JOINT TASK FORCE-82
FORWARD OPERATING BASE FENTY, AFGHANISTAN
APO AE 09354

TF-BAYONET

5 November 2007

MEMORANDUM FOR MG Rodriguez, CJTF-82 CDR, Bagram Airfield, Afghanistan

SUBJECT: 15-6 Investigation Report of ABLE MAIN, 1/A/ 2-503RD ABN IN, ABLE MAIN (Kunar) vicinity the villages of Khur Baugh and Khaki Bandeh, Konar Province, Afghanistan, resulting in the death of two Non-combatants on 6 October 2007

1. Facts.

a. The mission of the patrol was to conduct a route reconnaissance of the road from the Pech valley up to Khaki Bandi and on to Khur Baugh, to see if it was trafficable by High Mobility Multipurpose Wheeled Vehicle. A secondary objective was to conduct Key Leader Engagements with the village elders of the villages of Khaki Bandi and Khur Baugh (Exhibit B).

b. Prior to the mission 2LT b)(3), (b)(6) stated that the patrol had received intelligence that the village of Khur Baugh was a safe haven for 20-30 ACM (Exhibit C). This information was issued by the Co CDR, he received it from the daily BN INTSUM and understanding the atmospheric of his battle space.

c. Immediately after arriving at the south end of the village of Khur Baugh the patrol started to receive (b)(2)High

(b)(2)High

d. While in the village and after receiving the initial (b)(2)High, the patrol interpreter questioned a boy in the village. He asked if there were any ACM in the village or the whereabouts of the ACM. The boy indicated by pointing with his hand and sweeping it across the entire village.

e. 2LT b)(3), (b)(6) reported the activity to CPT b)(3), (b)(6), the Able Co. CDR, who instructed him to move south out of the village, find some defensible terrain to observe the enemy activity while coordinated for (b)(2)High. While 2LT b)(3), (b)(6) moved his element out of the village to the south he observed 3 ACM positioning themselves in an observation post on the high ground north of the patrol's position to observe the movement of the patrol and continued to receive ACM (b)(2)High (b)(2)High on the patrol's movement out of the village.

f. 2LT b)(3), (b)(6) found a piece of defensible terrain of the road just northeast of the village of Khaki Bandi and south of the village of Khur Baugh and continued to observe

CENTCOM 009178

TF-BAYONET

SUBJECT: 15-6 Investigation Report of ABLE MAIN, 1/A/ 2-503rd ABN IN, ABLE MAIN (Kunar) vicinity the villages of Khur Baugh and Khaki Bandeh, Konar Province, Afghanistan, resulting in the death of two Non-combatants on 6 October 2007

the ACM OP overwatching their position. 2LT (b)(3), (b)(6) called in his position and current status and instructed his PLT Forward Observer to conduct a Call for Fire on the enemy OP.

g. Simultaneous to these events, the patrol interpreter relayed to 2LT (b)(3), (b)(6) that 15 different personalities were talking on the (b)(2)High coordinating ACM efforts to move and try to encircle 2LT (b)(3), (b)(6) patrol. He stated that a number of the code names being used were also the code names used during an attack on 2LT (b)(3), (b)(6) platoon during the 26 September 2007 Troops In Contact (TIC).

h. It was at this time, these events happen simultaneously, that 2LT (b)(3), (b)(6) received a report from the ABLE Co HQ that the (b)(2)High had a visual confirmation of personnel identified north of his position. 2LT (b)(3), (b)(6) ordered his Forward Observer to initiate the Call for Fire he had worked up on the ACM OP, he then observed a HILUX pickup truck with men in the back coming down the road from Khur Baugh, just below the ACM OP, approx 100m from the ACM OP. 2LT (b)(3), (b)(6) relayed to his patrol the identification of the vehicle. It was at this time that the interpreter notified 2LT (b)(3), (b)(6) that he had intercepted ACM (b)(2)High traffic that ACM were using a truck to bring more ACM into the area. 2LT (b)(3), (b)(6) reported the truck and the ACM (b)(2)High traffic about the ACM use of the truck to the ABLE Co HQ and asked to have the (b)(2)High track the vehicle, that it posed a threat to his men and his position.

i. 2LT (b)(3), (b)(6) and his patrol continued to monitor the movement of the truck toward their position. The terrain was scattered with trees and large boulders next to the road that the truck was traveling. The truck came into view of the patrol in their defensive position, 2LT (b)(3), (b)(6) stepped out behind his covered position, shouldered his weapon and fired two shots over the vehicle in attempt to have it stop. The vehicle continued toward the patrol's position. 2LT (b)(3), (b)(6) then discharged his weapon, firing two more rounds at the right side of the vehicle, he then ordered his right side security element, consisting of PFC (b)(3), (b)(6) and SPC (b)(3), (b)(6), to engage the vehicle. PFC (b)(3), (b)(6) engaged the vehicle with a LAW rocket, which missed, he then picked up his M4 and engaged the vehicle with it, aiming at the front of the vehicle and striking the right side of the vehicle as it drove past his position. SPC (b)(3), (b)(6) also engaged the vehicle with his M4 and provided covering fire to allow PFC (b)(3), (b)(6) to move back to a consolidated position with him.

j. The effective fire by the patrol caused the vehicle to finally stop in front of SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) position where they reported to 2LT (b)(3), (b)(6) that there were women standing toward the back of the vehicle and there was a man laying on the ground near the truck.

k. It was at this time that 2LT (b)(3), (b)(6) reported the contact with the vehicle to Able Co HQ. He then instructed his interpreter to summon the village elders from the village of Khaki Bandi to assist the patrol in ascertaining if there were any casualties from the

TF-BAYONET

SUBJECT: 15-6 Investigation Report of ABLE MAIN, 1/A/ 2-503rd ABN IN, ABLE MAIN (Kunar) vicinity the villages of Khur Baugh and Khaki Bandeh, Konar Province, Afghanistan, resulting in the death of two Non-combatants on 6 October 2007

engagement. 2LT (b)(3), (b)(6) explained the entire incident to the elders who then proceeded to the truck. He instructed the elders to bring the truck and the occupants further down the road to the village of Khaki Bandi where he would meet them and render aid if needed. They elders agreed and went to the truck and moved it down to the village.

I. 2LT (b)(3), (b)(6) not wanting to expose his patrol because he believed that there was still a threat, moved tactically down to the village of Khaki Bandi to further investigate the engagement on the vehicle. Once he arrived at the village, his patrol immediately cleared the vehicle, checking for weapons and communications equipment, none were found. It was at this time that he ascertained that a women and man were killed in the engagement and he determined that all the occupants of the vehicle were non-combatants. 2LT (b)(3), (b)(6) immediately issued a report to CPT (b)(3), (b)(6)

(All of the above facts can be referenced in exhibits A thru H)

2. Findings.

a. Based on the facts obtained in the course of this investigation, I find that 2LT (b)(3), (b)(6) correctly assessed that he and his patrol faced deadly threat from ACM forces in the vicinity of Khur Baugh and took the appropriate steps to respond to the threat by repositioning his patrol and calling for additional assets. (b)(2)High

(b)(2)High This intelligence was corroborated by (b)(2)High
(b)(2)High and the Human intelligence (HUMINT), when they asked the boy in the village about ACM activity in the area and his response.

b. Specific to the engagement of the vehicle, I find that 2LT (b)(3), (b)(6), as the on-scene commander, reasonably determined that the silver Hilux Truck was a deadly threat to his patrol. The ACM (b)(2)High indicated that the three man ACM OP was observing the patrol's position and that the ACM leadership instructed the use of a vehicle to move ACM forces into the area, coupled with the timing of visual confirmation of the vehicle with men in the back of the truck, 2LT (b)(3), (b)(6) determined that was in fact the vehicle that the ACM Commanders were referring to and that is posed a threat to his patrol, assessing that he was well in the right to engage the vehicle. I agree with his decision as the ground tactical commander.

c. I find that based on the information available to 2LT (b)(3), (b)(6) as the silver Hilux approached, he was authorized under the U.S. self-defense ROE to engage the vehicle with deadly force to neutralize the threat the vehicle presented to his patrol.

TF-BAYONET

SUBJECT: 15-6 Investigation Report of ABLE MAIN, 1/A/ 2-503rd ABN IN, ABLE MAIN (Kunar) vicinity the villages of Khur Baugh and Khaki Bandeh, Konar Province, Afghanistan, resulting in the death of two Non-combatants on 6 October 2007

d. I find that 2LT ^{b(3), (b)(6)} used the EOF procedures reasonably available under the circumstances to confirm or refute his belief that the Hilux truck contained ACM fighters moving to his location, as indicated by ACM Commander's ^{(b)(2)High}

e. I find that the occupants of the vehicle were all non-combatants. As a result of the engagement, two civilians, a man and women were mortally wounded.

3. Recommendations.

a. I recommend no disciplinary action be taken against 2LT ^{b(3), (b)(6)} or anyone involved in the engagement.

b. I recommend condolence payments be made to the families of the civilians that died as a result of this incident. I have confirmed with A/2-503 Commander that this provision has already been coordinated for.

c. I recommend that EOF procedures and actions be included in every patrol brief, throughout the entire Brigade Combat Team before an operation is executed and a quarterly EOF brief to every soldier to emphasize any changes and to reinforce the training.

5. Point of contact is the undersigned at ^{(b)(2)High} or ^{(b)(3), (b)(6)} @afghan.swa.army.smil.mil

^{(b)(3), (b)(6)}

MAJ, FA
Investigating Officer



REPLY TO
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DEPARTMENT OF THE ARMY
TASK FORCE BAYONET, 173RD AIRBORNE BRIGADE COMBAT TEAM
COMBINED JOINT TASK FORCE-82
FORWARD OPERATING BASE FENTY, AFGHANISTAN
APO AE 09354

TF-BAYONET

5 November 2007

MEMORANDUM FOR MG Rodriguez, CJTF-82 CDR, Bagram Airfield, Afghanistan

SUBJECT: Executive Summary of ABLE MAIN, 1/A/ 2-503rd ABN IN, ABLE MAIN (Kunar) vicinity the villages of Khur Baugh and Khaki Bandeh, Konar Province, Afghanistan, resulting in the death of two Non-combatants on 6 October 2007.

1. Summary of events.

a. On the morning of 6 October 2007, (b)(2)High lead by 2LT (b)(3), (b)(6) , conducted a dismounted patrol to the village of Khur Baugh, vic grid (b)(2)High . The patrol was made up of 14 Paratroopers and 1 local national interpreter. The purpose of our patrol was to conduct a route reconnaissance of the road, to determine feasibility of traffic along the ground LOC and engage the Khur Baugh villagers to discuss security issues, and disseminate I/O themes.

b. The platoon departed at 052115Z OCT07 and proceeded East along the Pech River Road. After identifying the approach road in the vicinity of Mulchana, the patrol headed North along the Kur Baugh Road. The patrol arrived on the South end of the village of Khur Baugh at approximately 060135Z OCT07 and immediately began receiving (b)(2)High that indicated that the ACM were observing the patrol, with the intent of surrounding the patrol and attacking when the patrol left the village. The patrol pulled back from the village and took up a covered and concealed position on defensible ground and noticed that ACM forces established a three-man observation post overlooking their position.

c. It was at this time that 2LT (b)(3), (b)(6) interpreter received (b)(2)High that ACM elements were moving in vehicles moving down the road to ambush the CF. The Able Co CP confirmed that the (b)(2)High had visually identified a truck moving north to south along the switchback roads that the Patrol had just traveled. The patrol leader decided to call for fire on the three ACM OP. At that time, 2LT (b)(3), (b)(6) observed a silver Hilux truck moving down the hill towards his position. The truck was carrying a group of 5-8 military-aged men, hanging off the back of the truck. The truck was several hundred meters to the north of the (b)(2)High element. 2LT (b)(3), (b)(6) requested that the (b)(2)High continue to observe the truck because the terrain did not allow him to keep constant observation of the truck as it traveled down the road, the (b)(2)High Co CP confirmed that it would maintain contact with the (b)(2)High . The terrain along the road had tree outcroppings and large rock formations.

d. The truck, hidden by the terrain, came back within view about 100m to the north of the defensible terrain that the patrol had occupied. The Platoon Leader, 2LT (b)(3), (b)(6) moved from his fighting position and fired two warning shots over the truck with the intention of alerting the truck to stop. The truck did not stop, but continued down the road toward the patrol's position. 2LT (b)(3), (b)(6) then gave the order for his right side security position to engage the vehicle. PFC (b)(3), (b)(6) engaged the vehicle with a LAW rocket, which missed, he then picked up his M4 and engaged the vehicle with small arms fire. SPC (b)(3), (b)(6) , also part of the security element on the right flank of the patrol, engaged the vehicle with his M4. The truck came to a halt. Several soldiers quickly noticed women and reported to the (b)(2)High (Exhibit A)

2. The scope of this investigation consists of:

CENTCOM 009182

TF-BAYONET

SUBJECT: Executive Summary of ABLE MAIN, 1/A/ 2-503rd ABN IN, ABLE MAIN (Kunar) vicinity the villages of Khur Baugh and Khaki Bandeh, Konar Province, Afghanistan, resulting in the death of two Non-combatants on 6 October 2007

a. Facts and Assumptions surrounding the escalation of force incident, including the nature of injuries and fatalities sustained;

b. A determination of whether the personnel engaged was enemy or civilian personnel;

c. The threat the vehicle or personnel presented to U.S. forces;

d. The escalation of force procedures utilized and a determination of whether their use was appropriate under the circumstances;

d. The training or instruction the patrol received on escalation of force methods and procedures;

e. Whether condolence payments were made or if such payments would be appropriate; and

f. The lessons that can be learned and determination of the necessity of any re-training.

3. During the conduct of the investigation, I reviewed statements collected by CPT (b)(3), (b)(6) the A/2-503rd Company commander. Upon my arrival to (b)(2)High I questioned 2LT (b)(3), (b)(6), the PLT LDR of the unit in contact, SPC (b)(3), (b)(6), one of the soldiers that discharged his weapon and PFC (b)(3), (b)(6) another soldier that discharged his weapon in the engagement. I set the parameters of the investigation to the individuals that discharged their weapons in the engagement and that were directly involved in the engagement with the vehicle.

4. Included in this Investigation is DA Form 1574, the exhibits A thru T (includes (b)(2)High and storyboard with pictures), and the investigation report. (b)(2)High
(b)(2)High

5. Point of contact is the undersigned at (b)(2)High or
(b)(3), (b)(6) @afghan.swa.army.smil.mil

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

MAJ, FA
Investigating Officer

INDEX

A. Serious Incident Report		
B. DA 2823 – Sworn Statement of 2LT	(b)(3), (b)(6)	(6 Oct 07)
C. DA 2823 – Sworn Statement of 2LT		(9 Oct 07)
D. DA 2823 – Sworn Statement of SPC	(b)(3), (b)(6)	(6 Oct 07)
E. DA 2823 – Sworn Statement of PFC	(b)(3), (b)(6)	(10 Oct 07)
F. DA 2823 – Sworn Statement of PFC	(b)(3), (b)(6)	(6 Oct 07)
G. DA 2823 – Sworn Statement of SPC	(b)(3), (b)(6)	(10 Oct 07)
H. DA 2823 – Sworn Statement of CPT		
I. DA 2823 – Sworn Statement of SGT		
J. DA 2823 – Sworn Statement of PFC		
K. DA 2823 – Sworn Statement of PFC		
L. DA 2823 – Sworn Statement of SGT		
M. DA 2823 – Sworn Statement of SPC	(b)(3), (b)(6)	
N. DA 2823 – Sworn Statement of PFC		
O. DA 2823 – Sworn Statement of SPC		
P. DA 2823 – Sworn Statement of PFC		
Q. DA 2823 – Sworn Statement of SPC		
R. DA 2823 – Sworn Statement of PFC		
S. EOF mIRC Record		
T. Able SIGACT Storyboard and Photos		

UNCLASSIFIED

* ~~SECRET//NOFORN~~ *

DTG: 06 OCT 2007
FROM: A CO 2-503D
TO: TF BAYONET
INFO: EOF INCIDENT KUR BAUGH, WATAPOR DISTRICT

- (U) ~~SECRET~~
MSGID/GENADMIN/AFRD-PMO//
- (U) SUBJECT: ~~(S)~~ SERIOUS INCIDENT REPORT
- (U) 1. ~~(S)~~ CATEGORY: MILITARY

- (U) 2. ~~(S)~~ CATEGORY: MILITARY

- (U) ~~(S)~~ TYPE OF INCIDENT: EOF INCIDENT

- (U) 3. ~~(S)~~ DATE/TIME OF INCIDENT: 06 OCT 2007

- (U) 4. ~~(S)~~ LOCATION: KHAKI BANDEH, KUR BAUGH VILLAGE, WATAPOR DISTRICT, KONAR PROVINCE, AFGHANISTAN

- (U) 5. ~~(S)~~ OTHER INFORMATION
- (U) 5.A. ~~(S)~~ RACIAL:
- (U) 5.B. ~~(S)~~ TRAINEE INVOLVEMENT:

- (U) 6. ~~(S)~~ PERSONNEL INVOLVED: 2LT (b)(3), (b)(6) SGT (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) SGT (b)(3), (b)(6) SPC (b)(3), (b)(6) , PFC (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) SPC (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) PFC (b)(3), (b)(6) and interpreter (b)(6)

- (U) 7. ~~(S)~~ DETAILS, TIMES, ETC.
1/A PATROL NORTH TOWARD THE VILLAGE OF KHUR BAUGH, VIC GRID (b)(2)High

2115Z SP ABLE MAIN
2215Z SH
2255Z SH
2325Z SH (b)(2)High
0005Z SH
0130Z SH
0228Z ARRIVE KHUR BAUGH (b)(2)High
0335Z A1 ENGAGES ACM SPOTTERS WITH INDIRECT
0342Z A1 ENGAGES TRUCK
0409Z A1 MOVES TO KHAKI BANDI

CENTCOM 009185

Exhibit A

0445Z A1 BEGINS MOVEMENT TO ABLE MAIN

(b)(2)High CONDUCTED A DISMOUNTED PATROL TO THE VILLAGE OF KHUR BAUGH, (b)(2)High THE PATROL WAS MADE UP OF 14 PARATROOPERS AND 1 LOCAL NATIONAL INTERPRETER. THE NCOIC OF THE PATROL WAS 3RD SQUAD LEADER SGT (b)(3), (b)(6) THERE WAS ONE FIRE TEAM FROM 2ND SQUAD LED BY SPC (b)(3), (b)(6) ONE FIRE TEAM FROM 3RD SQUAD LED DIRECTLY BY SGT (b)(3), (b)(6), ONE MACHINE GUN CREW LED BY SPC (b)(3), (b)(6) AND A HEADQUARTERS ELEMENT LED BY SGT (b)(3), (b)(6) THE FOLLOWING MEN WERE ON THE PATROL: 2LT (b)(3), (b)(6) SGT (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) SGT (b)(3), (b)(6) SPC (b)(3), (b)(6) PFC (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) SPC (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) PFC (b)(3), (b)(6), PFC (b)(3), (b)(6) AND INTERPRETER (b)(6) THE PURPOSE OF OUR PATROL WAS TO CONDUCT A ROUTE RECONNAISSANCE OF THE ROAD, TO DETERMINE FEASIBILITY OF HMMV TRAFFIC. IF POSSIBLE, ENGAGE THE KHUR BAUGH VILLAGERS TO DISCUSS SECURITY ISSUES, AND DISSEMINATE I/O THEMES.

THE PLATOON DEPARTED AT 052115Z OCT 07 AND PROCEEDED EAST ALONG THE PECH RIVER ROAD. AFTER IDENTIFYING THE APPROACH ROAD IN THE VICINITY OF MULCHANA, THE PATROL HEADED NORTH ALONG THE KHUR BAUGH ROAD. THE PATROL STOPPED FIVE TIMES FOR SHORT HALTS (b)(2)High BREAK. THE PATROL ARRIVED ON THE SOUTH END OF THE VILLAGE OF KHURBAUGH AT APPROXIMATELY 060135Z OCT 07. THE PATROL IMMEDIATELY BEGAN RECEIVING (b)(2)High THAT INDICATED THAT THE ACM WERE OBSERVING THE PATROL (b)(2)High

(b)(2)High

(b)(2)High IN THE VILLAGE, AN INTERPRETER SPOKE WITH A YOUNG TEENAGE BOY AND ASKED HIM IF HE HAD SEEN OR HE KNEW THE LOCATION OF ACM. THE BOY INDICATED TO SEVERAL AREAS AROUND THE VILLAGE. THE PATROL LEADER RELAYED THIS INTELLIGENCE TO THE COMPANY CP AND THE PATROL MOVED TO THE SOUTHEAST, WHERE THERE WERE A FEW SMALL BANDEHS ON EASILY DEFENDABLE TERRAIN. THIS TERRAIN WAS VIC KHAKI BANDEH, ONE OF THE 19 SUB-VILLAGES THAT MAKE UP KHUR BAUGH. THE COMPANY REQUESTED (b)(2)High AND COORDINATED TO RECEIVE CAS. THE

(b)(2)High

CENTCOM 009186

(b)(2)High

(b)(2)High THE PATROL OCCUPIED THE DEFENDABLE GROUND AND BEGAN LOOKING FOR ENEMY MOVEMENT.

THE PATROL QUICKLY OBSERVED THREE MEN, THEY WERE OBSERVING THE PATROL AND MOVING BACK TO COVER. THE (b)(2)High (2)HiATOON LEADER ASCERTAINED IMMINENT THREAT TO MY MEN, BASED ON (b)(2)High AND THE ACTIONS OF THIS ELEMENT. HOWEVER, THE PATROL LEADER DID NOT WANT TO FIRE UPON THEM, BECAUSE THE (b)(2)High INDICATED THAT THERE WAS STILL CONFUSION ABOUT THE PATROLS LOCATION. THE PATROL LEADER DID NOT WANT TO GIVE AWAY HIS POSITION. THE INTERPRETER CONTINUED TO RECEIVE A MULTITUDE OF (b)(2)High DURING THE NEXT FEW MINUTES. THE (b)(2)High STATED THAT THE ENEMY WAS SURROUNDING THE CF. THE ACM WERE MOVING FROM ALL DIRECTIONS AND (b)(2)High THE TERRAIN AND POSITION OF THE CF THAT CONFIRMED THE THREE MAN ACM OP. IN ADDITION, THERE WERE SEVERAL (b)(2)High THAT THERE WERE ACM ELEMENTS MOVING IN VEHICLES MOVING DOWN THE ROAD TO AMBUSH THE CF. THE (b)(2)High CONFIRMED THIS TRUCK MOVEMENT. THE PATROL LEADER DECIDED TO CALL FOR FIRE ON THE THREE ACM OP. AT THAT TIME, THE PATROL LEADER OBSERVED A SILVER HILUX TRUCK MOVING DOWN THE HILL TOWARDS HIS POSITION. THE TRUCK WAS CARRYING A GROUP OF 5-8 MILITARY MEN, HANGING OFF THE BACK OF THE TRUCK. THE TRUCK WAS SEVERAL HUNDRED METERS TO THE NORTH. THE (b)(2)High REQUESTED THAT THE (b)(2)High CONTINUE TO OBSERVE THE TRUCK, WHICH IT DID.

THE TRUCK, OBSECURED BY THE TERRAIN, CAME BACK WITHIN VIEW ABOUT 100M TO THE NORTH. HOWEVER, THE PATROL LEADER KNOWS THAT THE ACM HAVE A TTP TO BAIT CF INTO FIRING ON NON-COMBATANTS. HE SHOWED HIS WEAPON TO THE VEHICLE TO STOP AND THEN FIRED TWO WARNING SHOTS OVER THE TRUCK WITH THE INTENTION OF ALERTING THE TRUCK TO STOP AND DECLARE ITS INTENTIONS. THE TRUCK DID NOT STOP, BUT CONTINUED ON ITS COURSE. THE (b)(2)High FIRED TWICE MORE AND ORDERED HIS MG TO OPEN FIRE. THE PATROL FIRED A LAW ROCKET, WHICH MISSED AND THEIR M-4'S. THE TRUCK CAME TO A HALT. SEVERAL SOLDIERS QUICKLY NOTICED WOMEN AND REPORTED TO THE (b)(2)High MANUEVERED THE PATROL TO THE TRUCK QUICKLY TO CLEAR THE TRUCK. THE (b)(2)High REPORTED TO THE CO CP. THE WOMEN WERE YELLING AND WAVING TOWARD UNSEEN PERSONNEL, PRESUMED ACM THAT THE WOMEN OBSERVED. AFTER CLEARING, THE (b)(2)High FOUND NO WEAPONS OR COMBATANTS AND IDENTIFIED TWO DECEASED NON-COMBATANTS. THE (b)(2)High INSTRUCTED THE INTERPRETER TO SUMMON THE ELDERS FROM KHAKI BANDI TO ASSIST WITH THE INCIDENT.

CENTCOM 009187

THE ELDERS FROM KHAKI BANDEH APPEARED AND ASSISTED, WHILE THE (b)(2)High EXABLE 16AINED THE CIRCUMSTANCES. THE CO ORDERED THE (b)(2)High TO SEND THE TRUCK WITH THE CASUALTIES TO THE BOTTOM OF THE MOUNTAIN TO LINK-UP WITH A MOUNTED OVERWATCH ELEMENT, (b)(2)High THIS CLEARED THE VILLAGE AND ALLOWED THE (b)(2)High TO CONTROL THE CROWD. THE TRUCK MOVED DOWN HILL TO THE TRUCK TO FURTHER ASSESS THE CASUALTIES AND PREPARE FOR POSSIBLE CASEVAC. THE (b)(2)High ENGAGED THE ELDERS ABOUT FORMING A SHURA TO VISIT VPB ABLE MAIN TO RESOLVE THE ISSUE. THE MOUNTED PLATOON, LED BY (b)(2)High RECEIVED THE TRUCK WITH TWO DECEASED APPROXIMATELY 20 MINUTES LATER. (b)(2)High CONDUCTED A THOROUGH SEARCH AND ASSESSMENT. THE PL FOUND TWO DECEASED (WOMAN AND MAN) AND SEVERAL BULLET HOLES IN THE TRUCK. (b)(2)High TOOK PICTURES AND ASKED SEVERAL QUESTIONS, BEFORE ENGAGING THE ELDERS FOR ANOTHER SHURA AND OFFERING CONDOLENCES. THE TRUCK RETURNED TO KUR BAUGH WITH THE TWO DECEASED. (b)(2)High LED MY PATROL BACK DOWN TOWARD ABLE MAIN USING THE ROAD. THE PATROL ARRIVED BACK AT ABLE MAIN WITH ALL MEN, WEAPONS, AND EQUIPMENT ON OR ABOUT 060645Z OCT 07.

COMMENTS: (b)(2)High INDICATE A LARGE NUMBER OF ACM OPERATE OUT OF KHAKI BANDI. (b)(2)High INDICATE THAT THEY RECIEVE THEIR ORDERS FROM SOMEONE IN THE WATAPOR VALLEY. THE ACM WERE SUPRISED BY OUR APPEARANCE IN KHUR BAUGH. THEY WERE CONFIDENT IN THEIR ABILITY TO DESTROY A SMALLER U.S. FORCE. THEY HOWEVER HAD TROUBLE ORGANIZING AN EFFORT QUICKLY.

(b)(2)High

(b)(2)High

(U) 8. ~~(S)~~ REMARKS:

(U) 9. ~~(S)~~ PUBLICITY: N/A

(U) 10. ~~(S)~~ COMMANDER REPORTING: CPT (b)(3), (b)(6)

(U) 11. ~~(S)~~ POINT OF CONTACT: CPT (b)(3), (b)(6) (b)(2)High

12. DOWNGRADING INSTRUCTIONS:

*

~~SECRET//NOFORN~~

*

UNCLASSIFIED

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 ABLE MAIN, AFGHANISTAN	2. DATE (YYYYMMDD) 2007/10/06	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS Aco 2/503 PIR			

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

ON THE 5TH OF October, I WAS ON A PATROL TO KUR BAGH IN AFGHANISTAN. WE LEFT THE FOB ABLE MAIN AT APPROXIMATE 2300 AND BEGAN TO CLIMB THE MOUNTAIN TO KUR BAGH. AT 0230z WE REACHED THE VILLAGE OF KUR BAGH AND CONDUCTED A SECURITY HALT OUTSIDE THE VILLAGE. A SMALL ELEMENT OF ABOUT 5 PERSONAL WENT TO INVESTIGATE THE VILLAGE. AND ASKED WHERE THE ACM WAS. THE TEENAGER POINTED TO THE SURROUNDING HILLS. WITH THIS KNOWLEDGE, THE PL HAD US FALL BACK TO A DEFENSIVE POSITION AND AWAIT ORDERS FROM (b)(2)High WHILE AT THE DEFENSIVE POSITION THE PL SAW A MAN LOOKING AT OUR POSITION. HE THEN BEGAN TO INCREASE SECURITY AROUND US. I AS THE FO, PLOTTED A GRID TO THE PERSONNEL WATCHING US AND HAD (b)(2)High FIRE 2 ROUNDS OF HE DELAY AT THE TARGET. IN THE MEANTIME, OUR INTERRUPTER WAS (b)(2)High FOR ANY SUSPICIOUS ACTIVITY. HE THEN TOLD THE PL THAT THE (b)(2)High WAS THAT THERE WERE A SMALL GROUP OF FIGHTERS THAT KNEW THAT WE WERE IN THE AREA, AND THAT THEY WERE CALLING FOR MORE FIGHTERS TO CAPTURE US. THEY SAID THAT THEY HAD A BLUE/ GRAY TRUCK WITH ACM READY TO ENGAGE.

THE PL HAD A SECURITY ELEMENT AT OUR 3 O'CLOCK AND THE PL CALLED (b)(2)High UP TO ABLE MAIN. THE ORDERS WERE TO ENGAGE THE TRUCK IF IT MOVES ON OUR POSITION. THE PL THEN RELAYED THE ORDER TO THE SECURITY FORCE TO OUR NORTH. THEY THEN SAW A BLUE/GRAY TRUCK STARTING TO ROLL UP TO OUR POSITION. THE GUNNERS FIRED TWO WARNING SHOTS AND THE TRUCK DIDN'T STOP. SO THE GUNNERS MOVED ON TO THE NEXT PART OF THE FOB AND ENGAGED THE TRUCK WITH A LAW AND SMALL ARMS FIRE.

AFTER THE TRUCK HAD STOPPED, IT WAS THEN THAT THE GUNNERS SAW THAT THE TRUCK HAD WOMEN AND CHILDREN IN IT. THERE WERE TWO KILLED IN THE ATTACK. WE ALL THEN MOVED TO KHAKI BANDEH TO ADMINISTER AID AND HELP WITH THE DEAD. WE SENT THE TRUCK WITH THE BODIES DOWN TO THE MOUNTAIN TO AN ELEMENT THAT HAD BEEN DISPATCHED TO SERVE AS A (2)Hi WE THEN BEGAN OUR MOVEMENT BACK TO ABLE MAIN. THE ENEMY WAS ON THE (b)(2)High ASKING WHERE WE WERE BECAUSE THEY STILL WANTED TO ENGAGE US.

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

10. EXHIBIT L	1 (b)(3), (b)(6)	PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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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 BE INDICATED.

9. STATEMENT (Continued)

~~(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 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES:

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

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

NO 21503
ORGANIZATION OR ADDRESS _____

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

NO 21503
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 _____ MAKING STATEMENT

(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 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 KHAKI BANDEH, PECH RIVER VALLEY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 0943	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS ABLE CO, 2-503RD, 173RD AIRBORNE BRIGADE COMBAT TEAM			

9.
I, SPC (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the evening of 05 October 2007 at around 2125 Zulu our element (which consisted of PFC(3), (b) PFC(3), (b) SPC(3), (b) SGT(3), (b) of 3rd Squad Bravo team. SPC(3), (b) PFC(3), (b) PFC(3), (b) of 2nd Squad Bravo team. PFC(3), (b) PFC(3), (b) SPC(3), (b) of Gun 2 of Weapons. LT(3), (b) SGT(3), (b) PFC(3), (b) SPC(3), (b) and interpreter (b)(6) from Headquarters element), headed to a village to the Southside of Able Main called Kur Bagh to conduct a leaders engagement and road recon. We arrived at our destination of Kur Bagh at around 0215 Zulu. Upon arrival SPC(3), (b) noticed two teenagers walking toward our element. We asked our interpreter (b)(6) to have them stop so we could ask them a couple of questions, like if they knew of any ACM in the area. At this time we were receiving some (b)(2)High saying they had eyes on us as well. After (b)(6) asked the kids where the ACM were located the kid immediately pointed to the entire ridge that was surrounding us. LT(3), (b) called this information up to the company and no longer than 5 minutes later we were instructed to push back South towards the nearby village of Khaki Bandeh. As we continued to walk South towards Khaki Bandeh our element noticed that we were being watched by two or three men on a ridge just West of our position. Stopping just North of Khaki Bandeh we set up our fighting positions as SGT(3), (b) called a fire mission on that West ridge. After the fire mission was completed, (b)(2)High said that the ACM were getting into a truck to come to our position to try and kill or capture us. Our element was in a 360 degree security perimeter, separated by a large boulder. My half (including PFC(3), (b) SPC(3), (b) PFC(3), (b) PFC(3), (b) SGT(3), (b) and Lt(3), (b)) were facing Kur Bagh, while the other half was facing south towards Khaki Bandeh. Moments after the (b)(2)High (b)(2)High about the truck PFC(3), (b) and Lt(3), (b) had eyes on a grey truck on the road to our north. Lt(3), (b) fired a couple warning shots at the truck, and when the vehicle continued its movement PFC(3), (b) shot a LAW and about 10 shots at the truck, while Lt(3), (b) shot some rounds at it as well. I could not see the truck or PFC(3), (b) or Lt(3), (b) during the exchange, but immediately after I heard the gun team saying that the truck had been filled with non combatants and that they believed they one or more non combatants had been hit and injured or killed. At this point Lt(3), (b) called up the sit rep to company, at which point we decided to have the villagers from Khaki Bandeh drive the truck and casualties down and we would meet them in Khaki Bandeh to render aid and further assess the situation. Once in Khaki Bandeh it was decided for the villagers to drive the truck and casualties down to the bottom, to the Oech River Road, where they would link up with another element from 1st platoon. We followed the truck down the road to the bottom, at a good distance behind. At the bottom it was confirmed that two non combatants had been killed in the exchange and the bodies were going to be taken away for investigation. At this point our element continued on for FOB Able Main, which we arrived back at around 0700 Zulu on 06 October 2007.

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

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

10. EXHIBIT <i>M</i>	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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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.

9. STATEMENT (Continued)

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

AFFIDAVIT

I, SPC (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, _____

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

(Signature of Person Making Statement)

WITNESSES:

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

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

ABLE CO. 2-503D _____

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

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

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

OF _____ PRESS _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

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

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 Vicinity of the village of Kurbagh	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS PFC./E-3	
8. ORGANIZATION OR ADDRESS A Co. 2-503			

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

On the 6th of Oct. we conducted a foot patrol up to Kurbagh to conduct a leaders engagement. We started getting (b)(2)High suggesting the ACM were going to ambush and capture the element. We headed back down the same route we brought up, and stopped about 200 meters above Kaki Bandi. At the time of the incident my Team Leader (Spc.)(3), (b)(and PFC.)(3), (b)(and I were pulling far side security. We heard 2LT(3), (b) talking but couldn't make out the conversation, then rounds were fired along with a LAW. Then we moved down to the Village of Kaki Bandi and established security. Locals brought down a truck with bodies in it and talked to 2LT(3), (b)and then we headed back down the mountain to Able Main.

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

10. EXHIBIT <i>N</i>	11 INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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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.

9. STATEMENT (Continued)

[Redacted statement content]

(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 ... 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:

SGT (b)(3), (b)(6)
A CO 2-503D (b)(3), (b)(6)
ORGANIZATION OR ADDRESS
SGT (b)(3), (b)(6)
A CO 2-503D
(b)(3), (b)(6)

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)

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 Vicinity of the village of Kurbagh	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC/E-4	
8. ORGANIZATION OR ADDRESS Able Co. 2-503			

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

On October 6th a) (2) High foot patrol stepped off at approximately 2100 zulu to the village of Kurbagh. We walked up the trail north of Able Main towards the village. Shortly after we passed Khaki Bandeh we recieved (b)(2) High saying they see us walking to thier village. We continued to Kurbagh and recieved more (b)(2) High that they were gathering forces and planning on capturing us since our personel number was low. SGT(P)(3), (b) along with the interperetor went to talk to two teenagers that SPC(3), (b) stopped. SGT(P)(3), (b) asked them if there were ACM in the area. The teenagers said yes and pointed to the ridge line around us. We then started to head back south towards Khaki Bandeh we stopped about 200 meters from Khaki Bandeh and set up security to get further guidance from (2) Hig We spotted 3-4 men watching us from a far ridge. PFC(3), (b) positioned the m240 and observed them. We then see a truck with about 4-5 men drive past the OP. The interperetor told us (b)(2) High that they were trying to get a truck to chase us. I heard us fire two shots then a LAW and M4 fire followed. Three women were yelling they came to our postion then 4 men came. 2LT(3), (b) and the interperetor were talking to the group of locals. The locals went to put the bodies in the truck and take them to Khaki Bandeh. We picked up and followed two elders to Khaki Bandeh set up a perimeter and 2LT(3), (b) began talking to the elders and relatives to the deceased. The truck drove down the trail to link up with an element from 3rd platoon and we followed behind the vehicle. Our patrol walked to the bottom of the mountain linked up with SSC(3), (b) (then headed back to Able Main.

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

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

10. EXHIBIT 0	11. INITIALS OF PERSON MAKING STATEMENT (3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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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.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1600 DATED 2007/10/06

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 _____. 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 OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, (b)(3), (b)(6) MENT.

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

(Person Making Statement)

WITNESSES:

SGT. (b)(3), (b)(6)
ABLE CO. 2-503D.

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

SGT. (b)(3), (b)(6)
ABLE CO. 2-503D

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

ORGANIZATION OR AGENCY

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

PAGE 2 OF 2 PAGES

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 KHAKI BANDEH, PECH RIVER VALLEY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 0943	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-3/ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS ABLE CO. 2-503RD, 173RD AIRBORNE BRIGADE COMBAT TEAM			

9.

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

On the evening of 05 October 2007 at around 2125 Zulu our element (which consisted of PFC(3), (b)PFC(3), (b)SPC(3), (b)SGT(3), (b)of 3rd Squad Bravo team. SPC(3), (b)PFC(3), (b)6PFC(3), (b)of 2nd Squad Bravo team. PFC(3), (b)PFC(3), (b)SPC(3), (b)of Gun 2 of Weapons. LT(3), (b)SGT(3), (b)PFC(3), (b)SPC(3), (b)and interpreter (b)(6) from Headquarters element), was headed to a village to the Southside of Able Main called Kur Bagh to conduct a leaders engagement and road recon. We arrived at a village just South of Kur Bagh called Khaki Bandeh. Pushing North we arrived at our destination of Kur Bagh at around 0215 when SPC(3), (b)noticed two teenagers walking toward us. We asked our interpreter(b)(6) to have them stop so we could ask them a couple of questions, mainly to see if they knew of any ACM in the area. At this time we were receiving some (b)(2)High saying they had eyes on us so we wanted to question the kids to see if they knew anything. After(b)(6) asked the kids where the ACM were located the kid didn't hesitate to point to the entire ridge that was surrounding us. LT(3), (b) called this information up to the company and no longer than 5 min we were instructed to push back South towards Khaki Bandeh. As we continued to walk South towards Khaki Bandeh our element noticed that we were being watched by two or three men on a ridge just West of our position. Stopping just North of Khaki Bandeh we took our fighting positions as SGT(3), (b)called a fire mission on that West ridge. After the fire mission we were receiving (b)(2)High saying that the ACM were using a truck to move to our position so they could capture us. At this time our element was split: myself, PFC(3), (b)PFC(3), (b)PFC(3), (b)6 SPC(3), (b)and SGT(3), (b)were on the South side of a boulder watching the South while the other half of the element were watching the North. As LT(3), (b) received word of the (b)(2)High ACM using a truck to come to our position he immediately came to the South side of the boulder to inform us to watch for a truck on the South Road. Not even one minute after receiving this (b)(2)High PFC(3), (b)noticed a truck moving down the hillside. At this point LT(3), (b) fired a couple warning shots but the truck continued to keep going. LT(3), (b) gave the order to shoot the vehicle. Being on the South side of the boulder I did not see what happened after the order to shoot the vehicle, but I heard about 8-10 gun shots and the sound of either a LAW or a Small D. After the shots the truck finally stopped and all I heard was that their were non combatants in the vehicle. LT(3), (b) immediately called up to the company to give a sit rep on what was going on. We assessed the situation and decided to move down to Khaki Bandeh so we could care for the wounded. The truck drove down to Khaki Bandeh and we set in security while LT(3), (b) talked to the villagers and the nationals in the truck. The truck took off down the road taking what was later to be known as 2 deceased to the PECH RIVER road. Our element continued down the mountain heading towards Able Main where we arrived at around 0700 Zulu on 06 October 2007.

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

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

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

STATEMENT OF PFC (b)(3), (b)(6) _____ TAKEN AT ABLE MAIN DATED 2007/10/06

9. STATEMENT (Continued)

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

AFFIDAVIT

I, PFC (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,

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

WITNESSES:

SFC (b)(3), (b)(6) _____
ABLE CO. 2-503D

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

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

A _____

OR (b)(3), (b)(6) _____
IS _____

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)

PAGE 2 OF 2 PAGES

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.

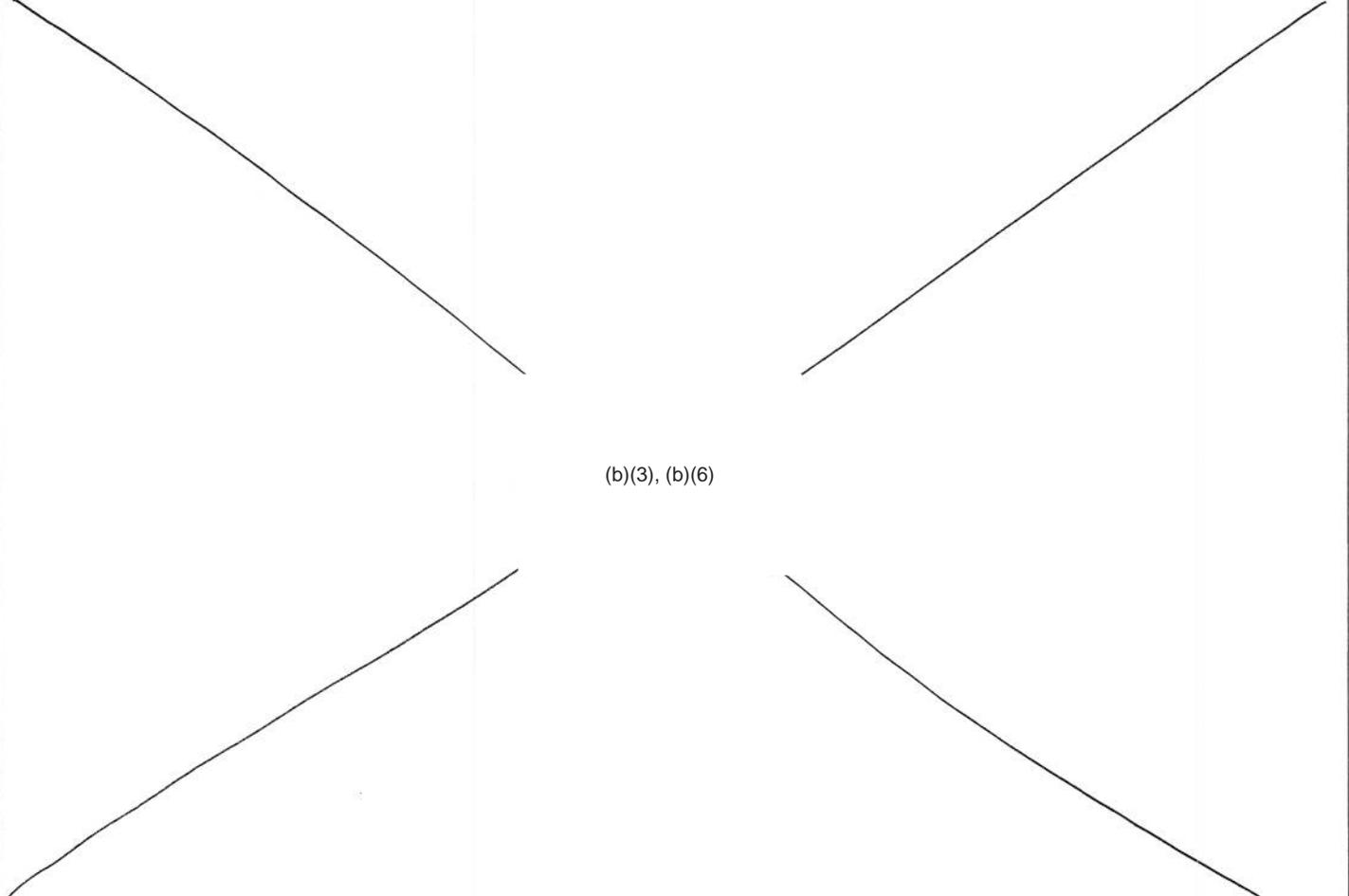
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Vicinity of the village of Kurbahl	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SPC./E-4	
8. ORGANIZATION OR ADDRESS A Co. 2-503			

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

On October 6th, 2007, we conducted a foot patrol to the Village of Kurbahl to conduct a leaders engagement. When we reached Kurbahl, we started getting (b)(2)High stating they (ACM) were preparing to attack us. We then headed back down the mountain the same way we had come up. We stopped at a big rock outcropping about 200 meters above the Village of Kaki Bandi and set up a definsive position. My team and I were pulling far side security on the backside of the rock formation. We were facing south, overwatching the Village of Kaki Bandi and the road running through it. A little while after we set in, I heard people in our element talking, then gunshots, and a LAAW being fired. The terp started talking to locals after the firing stopped. We then moved down to Kaki Bandi, set up security. A couple minutes later, some locals brought down a truck with bullet holes in it, with two bodies inside. They talked to (2)H then we followed the truck down the mountain, from there we continued back to Able Main.



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

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

STATEMENT OF (b)(3), (b)(6) _____ TAKEN AT 1600 _____ DATED 2007/10/06 _____

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 _____. 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, C

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

(Statement)

WITNESSES:

SGT. (b)(3), (b)(6) _____

ABLE CO. 2-50 _____

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

ORGANIZATION OR ADDRESS _____

SGT. (b)(3), (b)(6) _____

ABLE CO. 2-503 _____

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

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)

PAGE 2 OF 2 PAGES

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 Vicinity of the village of Kurbagh	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS PFC./E-3	
8. ORGANIZATION OR ADDRESS A Co. 2-503			

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

On October 6th we went on a foot patrol to Kurbagh. When we reached Kurbagh we got (b)(2)High the ACM were getting ready to attack us so we started heading down the mountain and set up a defensive position above the village of Kakibandi. My team and I were pulling far side security and heard gun shots. I couldnt see what was going on from my position. We then headed down to Kakibandi where locals brought down the bodies in the truck. They talked to 21.I(3), (b)and then we headed back down to Able Main.

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

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1600 DATED 2007/10/06

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 . 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) (Taking Statement)

WITNESSES:

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

ABLE CO. 2-503D

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

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

ABLE CO. 2-503D.

ORGANIZATION OR ADL

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)

PAGE 2 OF 2 PAGES

Pages 37 through 40 redacted for the following reasons:

(b)(2)High

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 Able Main, Manangay, Konar, IRoA	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 0825Z	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS 01/Active Duty	

8. ORGANIZATION OR ADDRESS

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

CPT (b)(3), (b)(6), my Company Commander, directed me to conduct a dismounted patrol to the village of Khur Baugh, vic grid (b)(2)High. Fourteen Paratroopers and one local national interpreter comprised my patrol. The NCOIC of the patrol was 3rd Squad Leader SGT(3), (b)(6) there was one Fire Team from 2nd Squad led by SPC(3), (b)(6) one Fire Team from 3rd Squad led directly by SGT(3), (b)(6) one machine gun crew led by SPC(3), (b)(6) and a headquarters element led by SGT(3), (b)(6). The following men were on the patrol: 2LT(3), (b)(6) SGT(3), (b)(6) PFC(3), (b)(6) SPC(3), (b)(6) SGT(3), (b)(6) 6PFC(3), (b)(6) PFC(3), (b)(6) SPC(3), (b)(6) 6SPC(3), (b)(6) PFC(3), (b)(6) SPC(3), (b)(6) PFC(3), (b)(6) PFC(3), (b)(6) and interpreter (b)(6) (b)(6)

The purpose of our patrol was to conduct a route reconnaissance of the road, to determine feasibility of HMMV traffic for future operations. Our second purpose was to engage the Khur Baugh villagers concerning security issues and to disseminate I/O themes. We were also going to We departed at 052115Z0CT07 and proceeded East along the Pech River Road. After identifying the approach road in the vicinity of Mulchana, we headed North. We stopped _____ (b)(2)High _____ We arrived on the South end of the village of KhurBaugh at approximately 060228Z0CT07. Upon arrival in the village we began receiving (b)(2)High from ACM commanders stating my elements strength and disposition. They reported to each other that we were only 10 men in strength, and felt confident that they could capture such a small force. The ACM commanders decided that they would welcome us, be hospitable while others moved to ambush locations and would attack us as we were leaving the village. They also said that one of the ACM on the "down side" from which I interpreted the village of Pangigal, should place an IED on the road, to hit us as we were leaving. The interpreter spoke with a young teenage boy and asked him if he had seen or he knew the whereabouts of ACM in the vicinity. The boy indicated the entire village of Khur Baugh by sweeping his hand from one end of the village to the other. I relayed this intelligence to CPT(3), (b)(6) CPT(3), (b)(6) directed me to proceed South toward the village of Khaki Bandi. He wanted me to be within eye sight of (b)(2)High to better support us. He also told me that I should find some defensible terrain, because he was coordinating for CAS. He said that intelligence air assets were enroute. I moved my element South toward defensible terrain in the vicinity of Khaki Bandi. (b)(2)High ACM commanders continued to track our progress. I spotted a group of three men, who continued to place themselves on highground overlooking our movement, and I determined that this was an ACM element reporting our disposition. (b)(6) told me that there were at least 15 different people speaking (b)(2)High indicating a sizable force upwards of 100 men), and many of their code names were the same as the fighters that had attacked us in Quoro on 26 SEP 07. I relayed this information to my Company Commander. I found a position just to the Northeast of Khaki Bandi that I felt I could defend. We began observing registration fires onto unoccupied terrain to prepare for defense. I again observed the ACM spotters, they would scan for us then seek cover or lay in the prone. They were scanning a sector of terrain, then reporting to their higher if it was occupied by us. They had not yet seen our exact location. I felt they were an imminent threat to my men, but did not want to use direct fire upon them, because I did not want to indicate our position. Also they were around 400m uphill and I felt I could only kill them with my M240 machinegun, which would again pinpoint my location. (b)(2)High reported the movement of large groups of locals on the battlefield. We received (b)(2)High from ACM commanders that there was a coordinated effort to locate and encircle us. I ordered my FO to call for indirect fires on the enemy OP which was directly Northwest of us. We were in the middle of the fire mission when I saw through my(2)High to the North a silver Hilux truck moving down hill toward my position, that was carrying a group of 5-8 men. When I called out the suspect vehicle, my interpreter said that ACM commanders were discussing the use of a truck to ferry men into our area. I called up this information to my Company HQ. They said that air assets had identified the truck and asked me if I felt the truck was a threat. They asked me to PID the truck. I told them to direct the air asset to fire upon the truck, that it was a threat to my men. The truck was moving down switch backs so was coming in and out of my position's view. Even though I felt that the truck was a threat, I have personally seen ACM bait U.S. forces into firing onto non-combatants. So when the truck came back into my patrols view, I shouldered my rifle. I then fired two warning shots over the top of the vehicle, with the intention of causing the truck to come to a stop and declare its intentions. The truck did not stop but continued to come down the road toward us. I told my right side security, who could observe the truck to open fire. I fired twice more, myself and then heard my men open fire as well. They fired a LAW rocket (which missed) and their M-4 carbines (which hit). The men who fired were PFC(3), (b)(6) and SPC(3), (b)(6) The truck came to a halt. PFC(3), (b)(6) and SPC(3), (b)(6) reported that there were women standing behind the truck and a man laying near the truck. I reported this to CPT(3), (b)(6) I began organizing a group to move forward to clear the truck then render aid. The problem was that our location was now known and I could see that we were being observed. The truck was also completely in the open and had high ground on three sides. The women were also yelling and waving toward people

10. EXHIBIT B	(b)(3), (b)(6)	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" AT THE END DATED _____

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

9. STATEMENT (Continued)

that were nearby and hidden. I instructed my interpreter to summon the men from Khaki Bandi (which was just below us). When the men showed up I instructed the women to go down to the village. I then explained to the men from Khaki Bandi what had happened and why it had happened. I then asked them for their help moving the dead or wounded toward their village where I could render aid without exposing my unit to enemy observation and fire. The villagers carried out my instructions quickly and efficiently. My patrol followed two village elders down to a parking area next to the village. The villagers asked if the dead could be taken immediately back up to Khur Baugh. I said no that they need to bring them to me, as part of an investigation. They agreed. When the truck pulled up, it was manned by three men from Khur Baugh. One identified himself as a relative to the deceased. I quickly cleared the truck. There were two deceased in the truck, a young man and a woman. I visually inspected the truck, there were several bullet holes in the right rear door, a shattered right side window, and several bullet holes in the front windshield. By this time a crowd from Khaki Bandi had started to form, around 10-15 people. The men from Khur Baugh were angry, so I explained what had happened. That seemed to calm them down somewhat, but were still upset, and asked to return their deceased to Khur Baugh. The crowd continued to grow. One of the local men told me a large crowd was moving down the hill from Khur Baugh and I should tell my men not to shoot them. I instructed the villager to intercept the crowd and order them not to approach any closer. I was instructed by CPT (3), (b) to begin an investigation and so, search the men, the vehicle, and begin documentation. I updated CPT (3), (b) on the situation, and advised him that the atmosphere was turning bad. So I recommended that the men descend to the Pech Road and meet with 3rd Platoon. 3rd Platoon had uparmored HMMVs and heavy weapons. This would quash any thoughts of turning violent. CPT (3), (b) agreed with the recommendation and ordered me to make it so. I ordered the men to descend with their vehicle and deceased. They did not want to but I explained to them, that there had to be an investigation. I thanked the villagers of Khaki Bandi for their assistance. I then told them that they would need to come to Able Main for a Shura, I told the men of Khur Baugh the same. They all agreed. The villagers of Khaki Bandi departed. The men from Khur Baugh descended. I led my patrol back down toward Able Main using the road. My Company Commander told me I should not delay, because other platoons were supporting my movement. My Company HQ advised me that the truck had arrived at the bottom, was searched and the people questioned. They then released the truck to return to Khur Baugh. We arrived back at Able Main with all men, weapons, and equipment on or about 060645Z OCT 07.

(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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

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

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

ORGANIZATION OR ADDRESS _____

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

St _____ by law to
administer oaths, this _____ day of _____
at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

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 ABLE MAIN, AFGHANISTAN	2. DATE (YYYYMMDD) 2007/10/09	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS O-1/ ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS ABLE CO, 2-503RD, 173RD AIRBORNE BRIGADE COMBAT TEAM			

9. I, 2LT(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. When was the last time you conducted or were part of EOF Training and who taught the class?
(A) I had been briefed on EOF by my Company Commander within the last 4 weeks. I briefed my Squad leaders the same da (b)(3), (b)(6)

2. Does your PLT have an EOF kit? If so, did you bring any items from the kit on the patrol?
(A) We do have an EOF kit, we did not carry one with us, we improvise when in rough terrain (b)(3), (b)(6)

3. What is your definition of imminent threat?
(A) When I feel that my men or myself are in danger of losing life or limb from a third party (b)(3), (b)(6)

4. What is your definition of PID?
(A) If a person, persons, or object poses an imminent threat to my men or myself (b)(3), (b)(6)

5. Is there a designated individual in the patrol to execute a warning shot if needed? Explain if needed (b)(3), (b)(6)
(A) Leaders can give warning shots or a Paratrooper if a leader is not at hand.

6. Explain the events that brought you to determine to engage the vehicle? Imminent Threat? PID?
(A) We had prior intelligence from Battalion that 20-30 ACM fighters were in the village of Khur Baugh. We had (b)(2)High that indicated a Company minus was in our vicinity. We had (b)(2)High that the ACM we were in contact with were high level commanders. We had (b)(2)High that indicated they were going to attack us. We had (b)(2)High that indicated that they were attempting to encircle my element. We had a local villager demonstrate to us that there were ACM in and through out the village of Khur Baugh. We had (b)(2)High that there were groups of men to our immediate North. We had (b)(2)High that indicated that the enemy was using a truck to maneuver ACM fighters on our position. I could see ACM scouts relay our position. I could see ACM scouts attempting to ascertain our position. I could see a truck moving toward our position carrying a group of men. I could not let a group of ACM cut our line of communication. I could not let a group of ACM maneuver to our rear. (b)(3), (b)(6)

7. Explain in detail the events from when you engaged with warning shots to when the firing ceased.
(A) I had determined to use lethal force based upon the level of threat. I only gave warning shots, because it is an ACM TTP to bait U.S. forces into firing upon Non-Combatants. I determined we would not lose the ability to destroy the vehicle and kill the ACM if I gave two warning shots, on the chance we were being baited by the ACM scouts. I stepped out from behind cover, shouldered my carbine, shot twice overtop of the vehicle, when the vehicle continued moving I ordered my right side security to open fire. I fired twice at the vehicle, the vehicle had still not stopped, then my right side security fired. They fired a LAW, and then fired their carbines at the vehicle until it came to a stop. Once the vehicle had come to a stop, two women became visible to my men. They reported this to me. I reported this to my Company Commander and prepared men to move to and clear the vehicle.

8. Who ordered PFC (3), (b)(6) to engage with the LAW? Explain the event. I ordered PFC (3), (b)(6) to deploy his LAW, when we spotted the vehicle and had a (b)(2)High that indicated the ACM were using a truck to maneuver on our element. Anti-armor weapons are PFC (3), (b)(6) primary weapon systems. After I fired two shots above the vehicle I ordered PFC (3), (b)(6) and SPC (3), (b)(6) to fire upon the vehicle. It was my intent th PFC (3), (b)(6) initiate on the vehicle with the LAW and he did so.

9. Did you ever order to disable the vehicle? Explain. I did not order to disable the vehicle. I felt that the vehicle was an imminent threat and wanted the vehicle destroyed. I had asked for air assets to destroy the vehicle, but they had not reacted quick enough. (b)(3), (b)(6)

10. EXHIBIT C	11. INITIALS (b)(3), (b)(6)	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT (EN 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.

9. STATEMENT (Continued)

Nothing follows 9 Oct 07

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

AFFIDAVIT

I, 2LT (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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, I

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

WITNESSES:

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

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

1SG (b)(3), (b)(6) _____
ABLE CO, 2-503D

ORGANIZATION OR ADDRESS _____

Subscr _____ 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 PER _____

EMENT _____

(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 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 N. ABLE MAIN, VIC. KACUBANDAY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1530	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS A CO 2-503D ABN IN			

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

We left able main around 2100 Zulu to conduct a leader's engagement. in the village of Kur Bagh. once we got to the village we received numerous (b)(2)High about ACM in the surrounding area. We then received a report from a teenager that said the ACM were all around us in the high ground. We then exited the village and proceeded to a more secure location where we short halted and then were told that the (b)(2)High picked up that they were bringing a gray silver Hylux down with men in it to locate us. In the mean we spotted an LP/OP on the distant ridge line with about 3 men. The PL (b)(3), (b)(6) had PFC (b)(3), (b)(6) move to the gun teams right side about 15-20 meters over watching the road and gave the order to engage the truck if it continued to move down the road. In the meantime PFC (b)(3), (b)(6) had me move closer to (b)(3), (b)(6) in order to cover him in the event of a firefight. Once I got there the PL let off two warning shots and the vehicle did not stop. PFC (b)(3), (b)(6) then engaged the vehicle with the LAW rocket. I then provided covering fire for (b)(3), (b)(6) to move back to my covered and concealed position. It was at this point we realized they were non combatants and a cease fire was immediately called. We then talked to the women and a few men to get information on if anyone was hurt or injured. We then had the men drive the truck to the village of Kacubanday to assess the situation. It was then at that point in the village that I found out there was one male and one female deceased and the truck sustained damage in the form of bullet holes in the front windshield and side of passenger side doors. They then drove down to the bottom to link up with (b)(2)High and the CO. to search the vehicle and assess the situation on a higher level.

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

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

10. EXHIBIT D	11. INITI (b)(3), (b)(5)	12. MAKING STATEMENT	PAGE 1 OF 2 PAGES
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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.

STATEMENT OF (b)(3), (b)(6) TAKEN AT ABLE MAIN DATED 2007/10/06

9. STATEMENT (Continued)

(b)(3), (b)(6)
(b)(3)
(b)(3), (b)(7)a, (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)

WITNESSES:

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

A CO 2-503D ABN IN

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

SSG Foote, Ian J.

A CO 2-503D ABN IN

R 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 O (b)(3), (b)(6) STATEMENT

PAGE 2 OF 2 PAGES

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

1. LOCATION: ABLE MAIN, Afghanistan
2. DATE (YYYYMMDD): 20071010
3. TIME: 0540Z
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E3/Active
8. ORGANIZATION OR ADDRESS: A12-503 ABN IN

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
1. When was the last time you received EOF Training?
A. I received the Initial EOF/ROE brief during the RSO I when we came into Country, Sometimes members of the Squad/Patrol would ask questions before going out on patrol and the patrol leader or Squad leader would talk about situations that may come up. (b)(3), (b)(6)
2. Do you know/remember what the EOF procedures are?
A. First give a Audible warning, shout at them, show your weapon, if they don't stop fire warning shots, if they still don't stop, then engage the vehicle or person. (b)(3), (b)(6)
3. When did you receive the order to put your LAW into operation?
A. We had moved back down the hill into a defensive position amongst a rock formation, the PL informed the patrol to be on-the-lookout for a vehicle, that the ACM were coming in a vehicle. PL identified the vehicle, I heard two warning shots and then I put my LAW into operation, the vehicle came into view + then I engaged with the LAW. (b)(3), (b)(6)
4. Did the PL give the order to engage the vehicle?
A. Yes, he stated that the ACM were using a vehicle. if you saw it, to engage. (b)(3), (b)(6)
5. Where did the LAW hit?
A. I was leading the vehicle, intent was to hit the front of the truck, but it hit a retaining wall just below the vehicle. (b)(3), (b)(6)

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "S" 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.

STATEMENT OF (b)(3), (b)(6) TAKEN AT ABIE Main DATED 10 Oct 2007

9. STATEMENT (Continued)

6. After engaging the vehicle with the LAW and missing, what were your actions?

A. I immediately picked up my M4 and started to engage the front of the truck, aiming at the engine, as the vehicle moved down the road I continued to fire at the right side of the vehicle. I had 27 rounds in my magazine, one round remained after the engagement and the vehicle came to a halt. (b)(3), (b)(6)

7. Based on the entire situation/Patrol, the Intel received prior to the patrol and the (b)(2)High during the patrol, did you feel threatened, the unit threatened, that there was reasonable imminent threat?

A. Yes (b)(3), (b)(6)

8. Do you have anything else to add?

A. Yes, I want to clarify that I initially put the LAW into operation when the PL said the ACM were using a vehicle and he saw the vehicle. My team leader sent me ^{(3), (b)} to the east. At this time I safetied the LAW re-configured it, moved to the east into a defensive position. The vehicle came down the hill, the PL fired two warning shots and then the vehicle came into my view. I then armed the LAW again, stated that I identified the vehicle and then shot the LAW at the vehicle. (b)(3), (b)(6)

Nothing follows
10 Oct 07

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3), (b)(6)

TAKEN AT AB/e Main

DATED 10 Oct 07

9. STATEMENT (Continued)

Nothing follows 10 Oct 07

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

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH (b)(3), (b)(6) E (b)(3), (b)(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 IN

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

(Statement)

WITNESSES:

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

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

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

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)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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 N. ABLE MAIN, VIC. KACUBANDAY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E3	
8. ORGANIZATION OR ADDRESS A CO 2-503D ABN IN			

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

We were en route to conducting a leaders engagement in the village of Kur Bagh. we saw a non combatant and asked if the ACM were in our location and he pointed to all the surrounding ridgeline about 2-300 m above us. At that point wenwere where given instructions to fall back to the south due to our numbers. During this movement we received (b)(2)High tateing the ACM were tracking our movements and going to close in on us. Once we reached a covered location we took a short halt to let the guys rest. The ACM had a spotter trying to pinpoint our location. (b)(2)High said they were sending a truck down to dismount and overtake our position then we saw 2-3 men watching our location. The PL. saw the truck and PFC (3), (b) pushed me out the east so I could see the road better and over watch. The PL. gave orders to fire upon truck. When the truck came into view warning shots were fired by the PL and then I fired a LAW rocket to neutralize the vehicle due to the fact the truck kept moving. Then I fired shots into the driver side to stop the vehicle. once the vehicle was stopped I saw women and a cease fire was immediately called. We assessed the situation and came to the conclusion the occupants where non combatants and conducted a link up to speak with the people. I continued to pull security until we picked up and moved down to the village of Kacubanday where we set up a 360 until further guidance was given to push down the mountain the rest of the way.

(b)(6)

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

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

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

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

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 WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES:

SFC (b)(3), (b)(6)
A CO 2-503D ARN IN

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

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

IN

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

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)

PAGE 2 OF 2 PAGES

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

1. LOCATION: ABLE Main, Alcheniston
2. DATE (YYYYMMDD): 20071010
3. TIME: 0507Z
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: E-4/Active
8. ORGANIZATION OR ADDRESS: A/2-503 ABN INF, ABLE Main, Alcheniston

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
1. When was the last time you received EOF Training?
A. I received EOF training when I arrived in County, during RSOI (b)(3), (b)(6)
2. Have you received EOF Training since that time?
A. No (b)(3), (b)(6)
3. Do you remember the EOF procedures?
A. I understand it to start with an audible warning, then showing your weapon, then warning shots, then shot to disable or kill based on the threat. (b)(3), (b)(6)
4. Were you briefed on EOF procedures before you left on the patrol in question?
A. No, Sgt (b)(3), (b)(6) briefed the current Intel in the area, possibility of threat + enemy contact, MSU of the patrol + length of patrol (b)(3), (b)(6)
5. When did you first identify the vehicle you engaged?
A. (b)(2)High about the vehicle was relayed to the Patrol, we moved to our defensive position. The 1st time I identify the vehicle was right after 2LT (b)(3), (b)(6) shot 2 warning shots, then the truck came into view. I shot at the only part of the vehicle that I could see, which was the front right side back to the driver side door. I was providing covering fire to allow (b)(3), (b)(6) to move back to my position after he (b)(3), (b)(6) fired his LHW. (b)(3), (b)(6)
6. About how many rounds did you fire with your M4?
A. I fired about 10 rounds. (b)(3), (b)(6)

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

9. STATEMENT (Continued)

7. Who gave you the order to engage the vehicle?

A. 2LT (b)(3), (b)(6)

8. Based on the situation of the patrol, the Intel received over (b)(2)High reported to you by 2LT (b)(3), (b)(6) did you feel imminent threat?

A. Yes, we were a small patrol and the (b)(2)High indicated that the ACM wanted to attack us and possible capture us. I felt our patrol was in danger of being attacked, there was imminent threat. (b)(3), (b)(6)

Nothing follows 10 Oct 2007

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 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 _____ 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)

PAGE 2 OF 2 PAGES

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 ABLE MAIN, AFGHANISTAN	2. DATE (YYYYMMDD) 2007/10/10	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O-3/ ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS ABLE CO, 2-503RD, 173RD AIRBORNE BRIGADE COMBAT TEAM			

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

Questions from MAJ(3), (b)(3) CPT(3), (b)(3) in reference to the EOF incident in Kur Baugh, Afghanistan on 06 OCT 07.

1. What is the Company Training Plan for ROE and EOF?

The training plan we conducted on ROE and EOF started last year in Germany. The company conducted multiple scenario driven training exercises during three training rotations to the Joint Multinational Readiness Center and the Joint Multinational Training Center. (b)(2)High

(b)(2)High

Since coming into theater, the company trains ROE and EOF in multiple manners. Upon coming into theater, the Company trained use of EOF in our current AO with the previous unit. As part of the RIP/TOA tasks, squads conducted TCP's and went through the use of EOF TTP's in our current AO. The Company conducted the same training with ROE. As part of the RIP/TOA, the Company went through the ISAF ROE with the peers and leaders of the previous unit IOT discuss and go through vignettes.

On a everyday level. Squad Leaders and Platoon Leaders review EOF and ROE with their patrols before and after missions to constantly stay alert and prepared for different situations.

2. Does your company have EOF Kits? Any if so, how many?

The Company has two large EOF Kits. These kits are broken down and divided among the platoons and sections of the company. In addition, the company has multiple other pieces of equipment that were acquired, purchase, or built in order to increase or ability to handle EOF situations. This equipment consists of signs (in pashto and dari), orange traffic cones, different light sets, VS 17 panel marking systems, and marking lasers (PEQ-15's and .50 cal Lasers).

3. Are you going to play solatia? And if so, how?

I am requesting solatia funds at this time to pay solatia to the families of the male and female, as well as the owner of the truck. I have formed a delegation of leaders from the Watapor District with the assistance of the District Governor. The delegation consists of the Provincial Shura Rep, a former District Gov from Pech District, and elders from the Watapor District. The delegation made a trip to the village of Kur Baugh, on 09 OCT 07. The delegation took HA and Qurans, with a request for a shura at Combat Main. The Company is planning on conducting the solatia payment at that time. This process is called the "Roga Jora" process in Pashtoonwali. The process will consist of letting the families know that this was an accident and that the CF request their forgiveness. The shura is planned for several days from this time, due to the Eid Holiday.

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

10. EXHIBIT H	11. II
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(b)(3), (b)(6)

N MAKING STATEMENT	PAGE 1 OF 2 PAGES
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AKEN AT 2 DATED 10 OCT 07

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT"

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

9. STATEMENT (Continued)

(This section is crossed out with a large X and contains redacted text: (b)(3), (b)(6))

AFFIDAVIT

I, CPT (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 INF

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

WITNESSES:

SPC (b)(3), (b)(6)
ABLE CO, 2-503D
(b)(3), (b)(6)
ORGANIZATION OR ADDRESS
ISG (b)(3), (b)(6)
ABLE CO, 2-503D
(b)(3), (b)(6)
OR ESS

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)

INIT (b)(3), (b)(6) MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

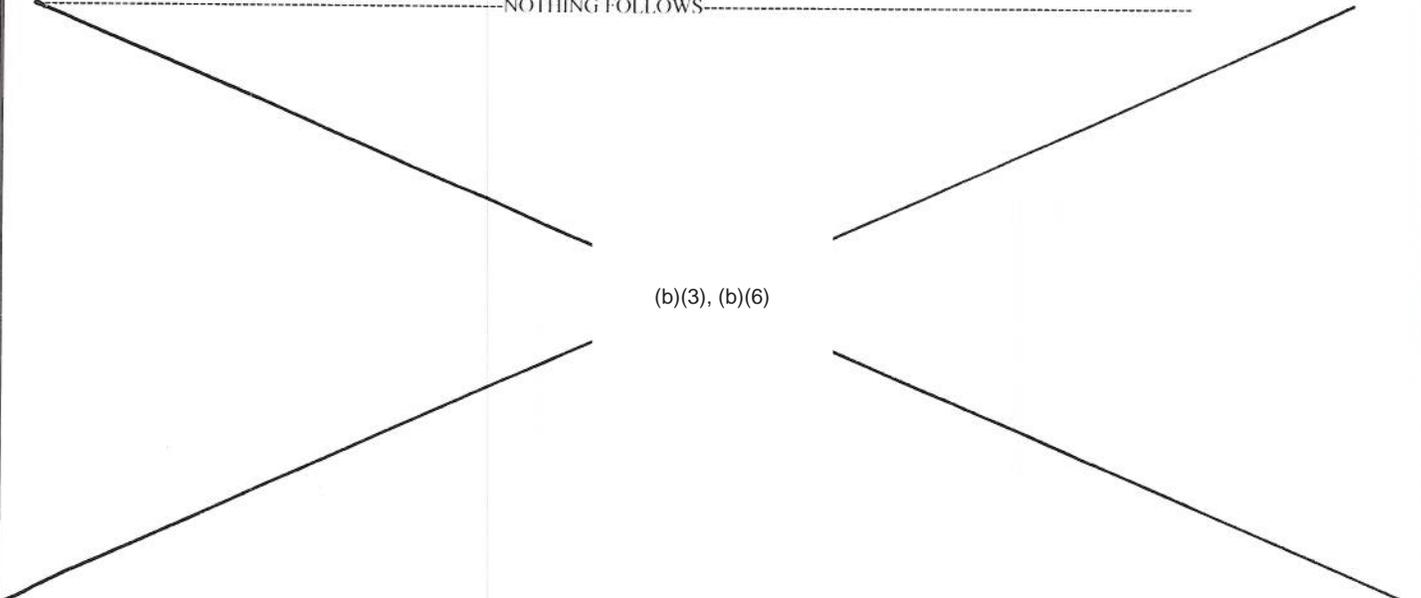
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION KHAKI BANDEH, PECH RIVER VALLEY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 0943	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5/ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS ABLE CO, 2-503RD, 173RD AIRBORNE BRIGADE COMBAT TEAM			

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

On the evening of 05 October 2007, our element (consisting of myself, my squad's Bravo Team, Gun Two of Weapons Squad, LT(3), (b) SGT(3), (b) PFC(3), (b)(SPC 3), (the interpreter)(b)(6) and Bravo Team of Second Squad) departed Able Main at 2120. Original SP time of 2100 was pushed back due to illumination issues. The intent of this patrol was to do a road recon as well as a leader's engagement at the town of KUR BAUGH. The movement went well with the element arriving at KAKHI BANDEH around 0100 on the morning of the sixth. From there we pushed on to KUR BAUGH and arrived around 0200. LT(3), (b) was calling in our current grid when SPC(3), (b) (Bravo Team 2nd SQD) called me and said that he had two local teenage males at his position. I went to his position with Zai and the local national confirmed that the town was indeed KUR BAUGH. I then asked if there were any ACM in the area. At this point in time the local national pointed out the entire ridge line. I then called LT(3), (b) and told him this. He informed the Company Commander and his guidance was to come back down to KAKHI BANDEH. At this time we started to get a lot of (b)(2)High. Most of it suggested that the ACM was trying to come down and capture our element. We moved down to about 200 meters north of KAKHI BANDEH. We set in a perimeter around a very large boulder with myself, SPC(3), (b), PFC(3), (b), (6 PFC(3), (b), PFC(3), (b) and PFC(3), (b) on the southern side of this boulder. The rest of the element was on the northern side. About ten minutes after we got set in, LT(3), (b) spotted an enemy I.P/OP, SGT(3), (b) called for fire on this position and the three men that were watching us left. (b)(2)High the ACM was using a truck to get down to us. LT(3), (b) came back to relay this information to the southern side. PFC(3), (b) then informed LT(3), (b) that he had just seen a truck and then pointed it out to the PL as it continued to move. The PL then fired approximately six rounds at the truck and told the men to fire. I heard about 10 more shots and a rocket being fired which I soon found out was a LAW. The engagement was done by the time I got to the north side of the boulder. At this point one of the paratroopers called down and said that the truck had women and a child in it. LT(3), (b) called this information up immediately to the Company. An element was put together to go assist these individuals. Upon reaching the truck it was relayed to us that two people had been killed. Some villagers from KAKHI BANDEH came up to help the locals from the truck. Our element moved down to KAKHI BANDEH. After the PL talked to the truck individuals for about 15 minutes, our element picked up and continued back down to ABLE MAIN arriving around 0700.

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



10. EXHIBIT <u>I</u>	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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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.

9. STATEMENT (Continued)

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

AFFIDAVIT

I, SGT (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,

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

WITNESSES:

SFC (b)(3), (b)(6)
ABLE CO. 2-503D

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

SSG (b)(3), (b)(6)
ABLE CO. 2-503D

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

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 N. ABLE MAIN, VIC. KACUBANDAY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E3	
8. ORGANIZATION OR ADDRESS A CO 2-503D ABN IN			

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

On the day of October 5, 2007 at around 2100 zulu a first platoon element left ABLE MAIN to conduct a leaders engagement in the villiage of Kur Bagh, to the north of ABLE MAIN. Upon arriving at one of the houses on the outskirts of the villiage at or around sunrise on the 6th ssg (3), (b) and the terp questioned a local national non combatant on the whereabouts of enemy activity in the area, his response was pointing to the entire surrounding high ground and telling us that the hills were full of ACM activity. Upon hearing this the information it was called up to the CO, the mission was fragg'd and the leaders engagement was changed to a villiage approx. 500-600 m below us called Kacubanday. During this whole time there was constant (b)(2)High saying they were watching our movement. About half way to the villiage we gob)(2)Hig giving a solid description of our current location, we set up 360 security and we spotted 3 likly ACM spotters, 2 in the prone and 1 behind a rock wall. It was at this point we started receiving more (b)(2)High saying that they were maneuvering around our location and to get the truck close and dismount. At that point the PL 21.T(3), (b) spotted a truck, we had ab)(2)Hig in the air. the PL requested up to have it neutralize the truck. At the same time we were told by 21.I(3), (b) if we see the truck to neutralize it, before the situation with the (b)(2)Hig could be figured out the truck came around the corner. The gun team was spread out between a 20 m area with the 240 covering the 3 ACM spotters the AT covering the road and the AG in between providing an extra gun for the AT in the likely situation we took fire. When the truck came around the corner the info was passed to me and right as I was about to pass the info up, the PL took two shots at the truck, it was at that point the AT fired his warning shots, after warning shots were fired I was told the truck was still moving, at that point I moved into the location of the AT so I could have eyes on the situation, while I was moving the AT fired a LAW rocket at it to disable the vehicle, the shot was missed by around 3-5 m and two M-4 rifles opened up due to the fact the vehicle was still moving. After the first few shot were fired the vehicle stoped and, 3 women stepped out of the vehicle crying and screaming, we immediatly called a cease fire and I set the guys in to an over watch of the vehicle. Information on the occupancy of the vehicle was passed along to the PL and SS(i)(3), (b)(after the women and local villiagers came down to talk to us about the situation the PL made the call to move the rest of the way to the villiage. Once down to the villiage of Kacubanday we set up 360 security and the PL and terp engaged in discussions with the elders of the villiage. He then made the call to move the rest of the way down the mountain and return to base.

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

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

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

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

10. EXHIBIT 5	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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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.

STATEMENT OF (b)(3), (b)(6) _____ TAKEN AT ABLE MAIN DATED 2007/10/06

9. STATEMENT (Continued)

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

(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 WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNI _____

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

WITNESSES:

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

A CO 2503D ARN IN _____

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

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

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

ESS _____

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)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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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 KHAKE BANDEH, PECH RIVER VALLEY	2. DATE (YYYYMMDD) 2007/10/06	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-3/ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS ABLE CO, 2-503RD, 173RD AIRBORNE BRIGADE COMBAT TEAM			

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

On the evening of 05 October 2007 at around 2125 Zulu our element (which consisted of PFC(3), (b) PFC(3), (b) SPC(3), (b)(SGT(3), (b) of 3rd Squad Bravo team. SPC(3), (b)(PFC(3), (b)(PFC(3), (b)(PFC(3), (b)(of 2nd Squad Bravo team. PFC(3), (b) PFC(3), (b)(SPC(3), (b)(of Gun 2 of Weapons. LT(3), (b)SGT(3), (b)PFC(3), (b)(SPC(3), (b) and interpreter (b)(6) from Headquarters element). Exfiled Able main to the village to the Southside of Able Main called Kur Bagh to conduct a leaders engagement and road recon. We walked up and arrived at our destination where we asked some villagers where the ACM was located around the village. The villagers pointed all around the village on the ridge lines above. LT(3), (b) called the intel in to (2)High and he advised us to head back down the mountain to the village of KHAKE BANDEH where we would take a security hault re-asses the (b)(2)High that was coming in. Before we reached KHAKE BANDEH we stopped about 200 to 250 meters north to call for fire. The (b)(2)High said that the ACM was gathering all around the village of KUR BAGH and that one group was getting a truck to come down the road. At that point in time we took up a defensive position and set in a perimeter to look for LP/OP's and the truck that was going to be coming down the road. The perimeter was set up around a large boulder by the road. On the South side of the boulder was PFC(b)(3), (b)(6 PFC(3), (b)(SPC(3), (b)(SGT(3), (b) PFC(3), (b) LT(3), (b) and myself. On the north side of the boulder was PFC(3), (b)PFC(3), (b)(SPC(3), (b)(SGT(3), (b) PFC(3), (b)(and SPC(3), (b)(6 After I pointed the truck out to LT(3), (b)he waited about 45 seconds to see if the truck would stop, but it continued down the road. He then proceeded to fire warning shots in front of the vehicle to try to make them stop. The vehicle still did not stop and the order to fire upon the vehicle was given by LT(3), (b) There were about 8 to 10 more shots fired followed by the firing of a LAW. The truck stopped and one of our guys said that there were civilians in the truck and LT(3), (b)called this into ABLE MAIN and quickly put together a element to move up to the vehicle and asses the casualties. Two local nationals were killed, and the rest of the passengers moved down the mountain to the village of KHAKE BANDEH to further asses the situation. We then exfiled and proceeded to ABLE MAIN. We arrived at around 0700 ZULU.

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

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

10. EXHIBIT K	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
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(b)(2)High

Exhibit T

(9)(a)

Deceased LN; family says that he was a member of Abad NDS. Appeared to have a gunshot wound to the chest.

(9)(a)

(b)(6) (from the village of Qurba Menskalay). LN that was riding
with the deceased. Seemed very rational while dealing with (b)(6)
Also seemed open to the prospect of coming down for a shura with

(b)(6)

(b)(6)

(b)(7)

(from the village of Qurba Tsang). Travelling with
the deceased.

(b)(7)

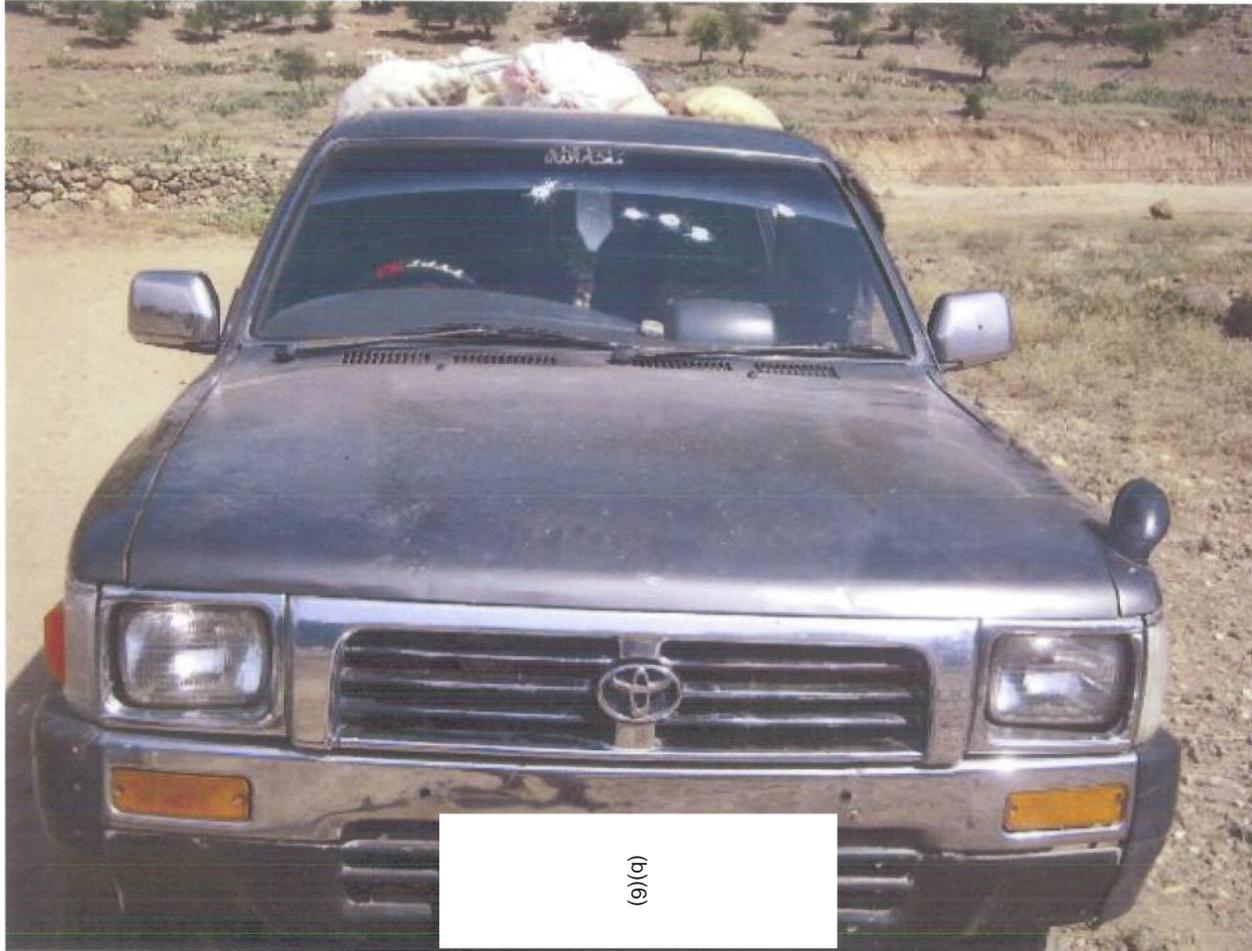
(b)(9)

(from the village of Qurba Kala). Uncle of the deceased.

His uncle was beheaded in the village of Kurbagh recently. He was very angry and though he did answer all of (b)(2)(H)ig questions, he said that he had no interest in talking to either his elders or (b)(2)(H)ic about the incident. He was also very unhappy about having to travel down to the Pech Road to link up with (b)(2)(H)ic and not being able to take his family members directly back home up the mountain.

(b)(9)

Silver Hilux



Silver Hilux Bullet Holes in Windshield



(9)(9)

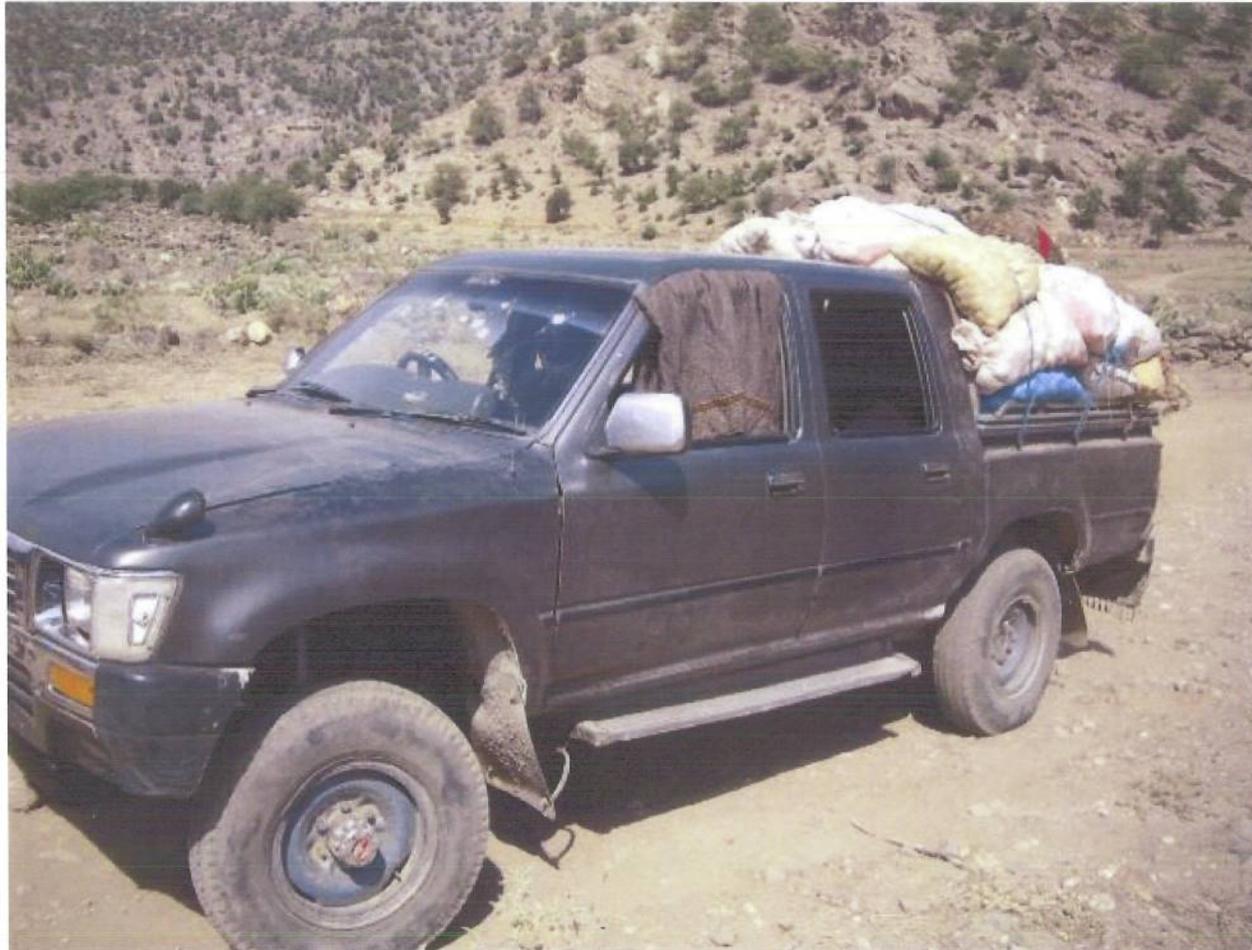
Silver Hilux Bullet Holes in Windshield



Silver Hilux Bullet Holes in Windshield



Silver Hilux Bullet Holes in Windshield



Silver Hilux



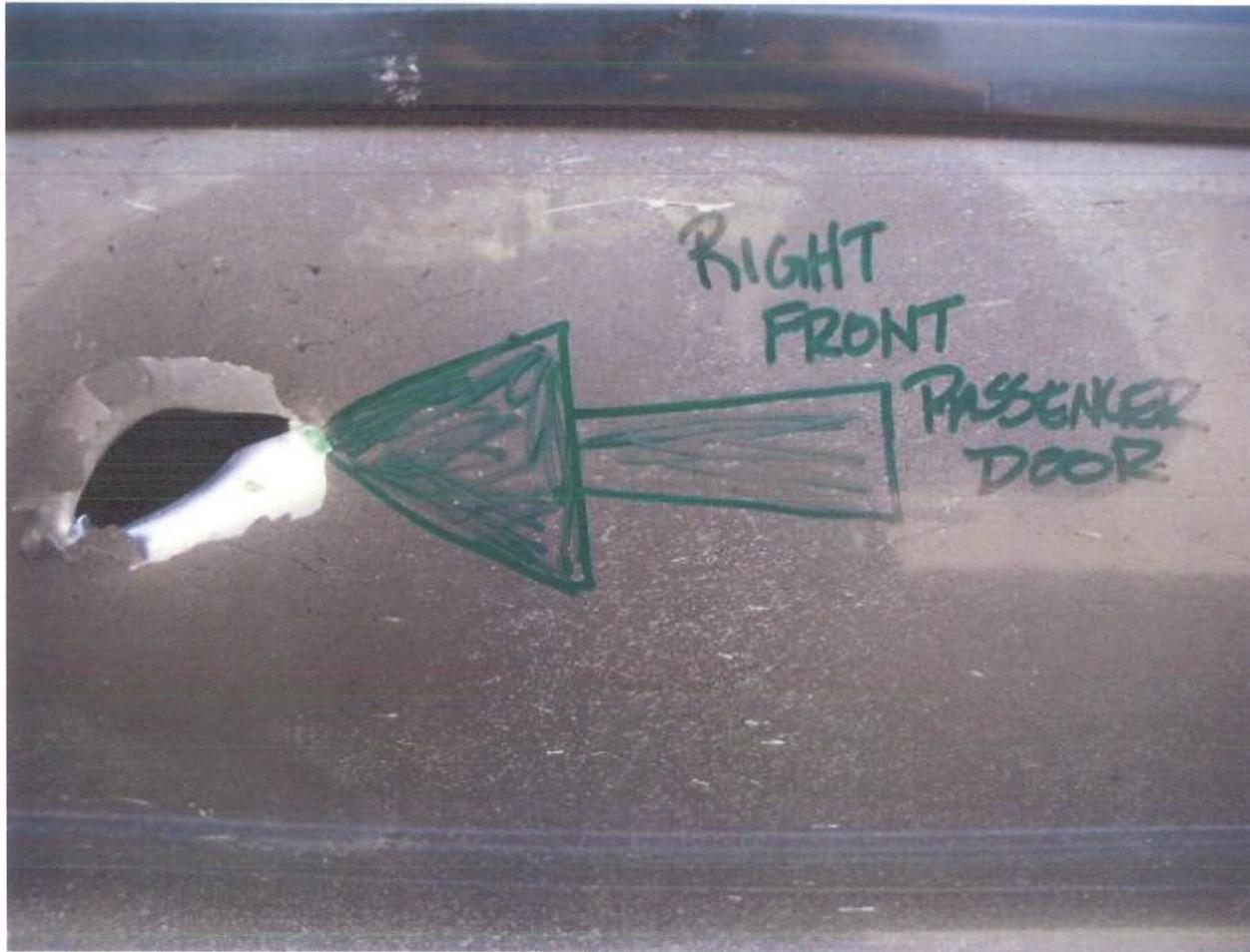
Silver Hilux Bullet Holes



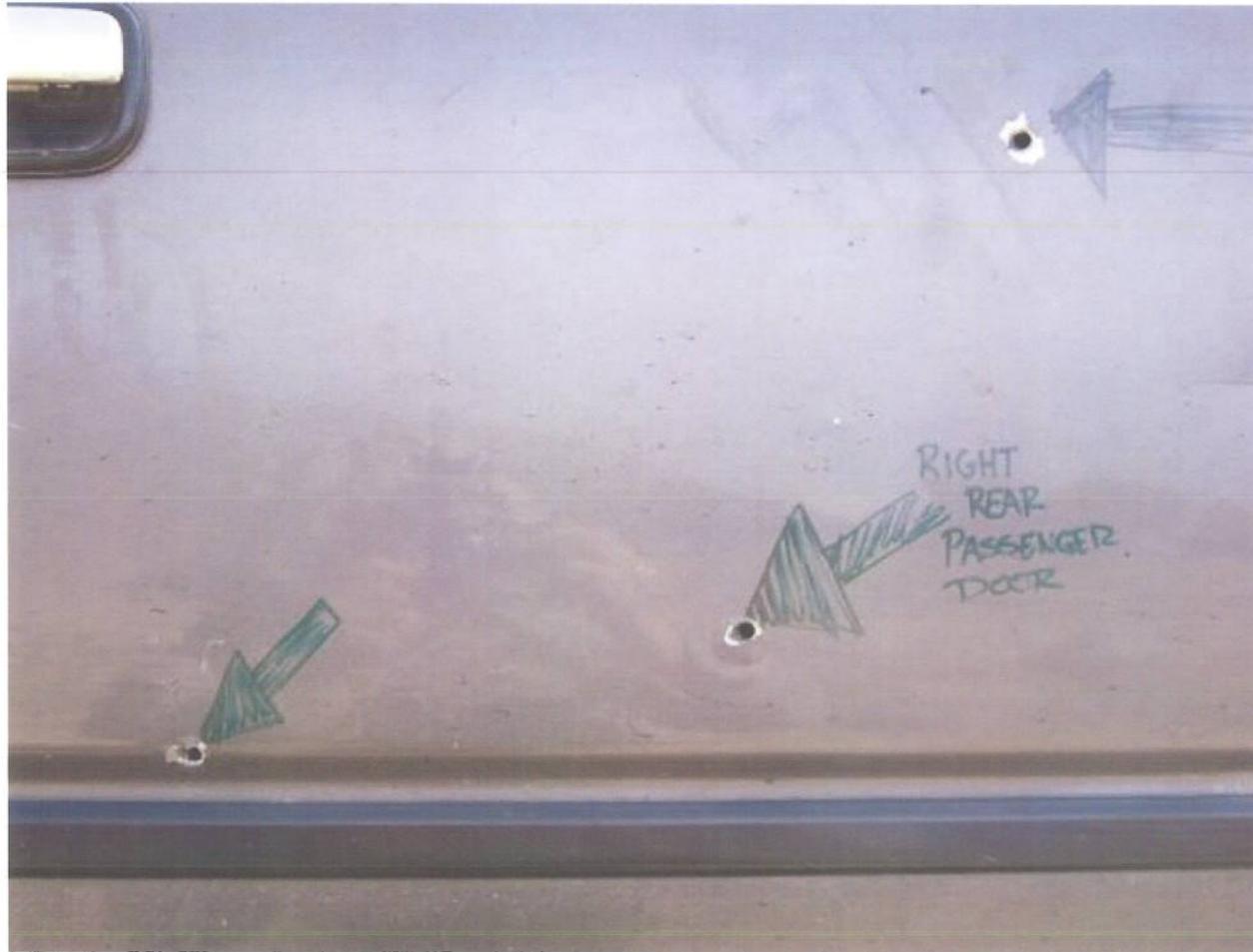
Silver Hilux Bullet Holes



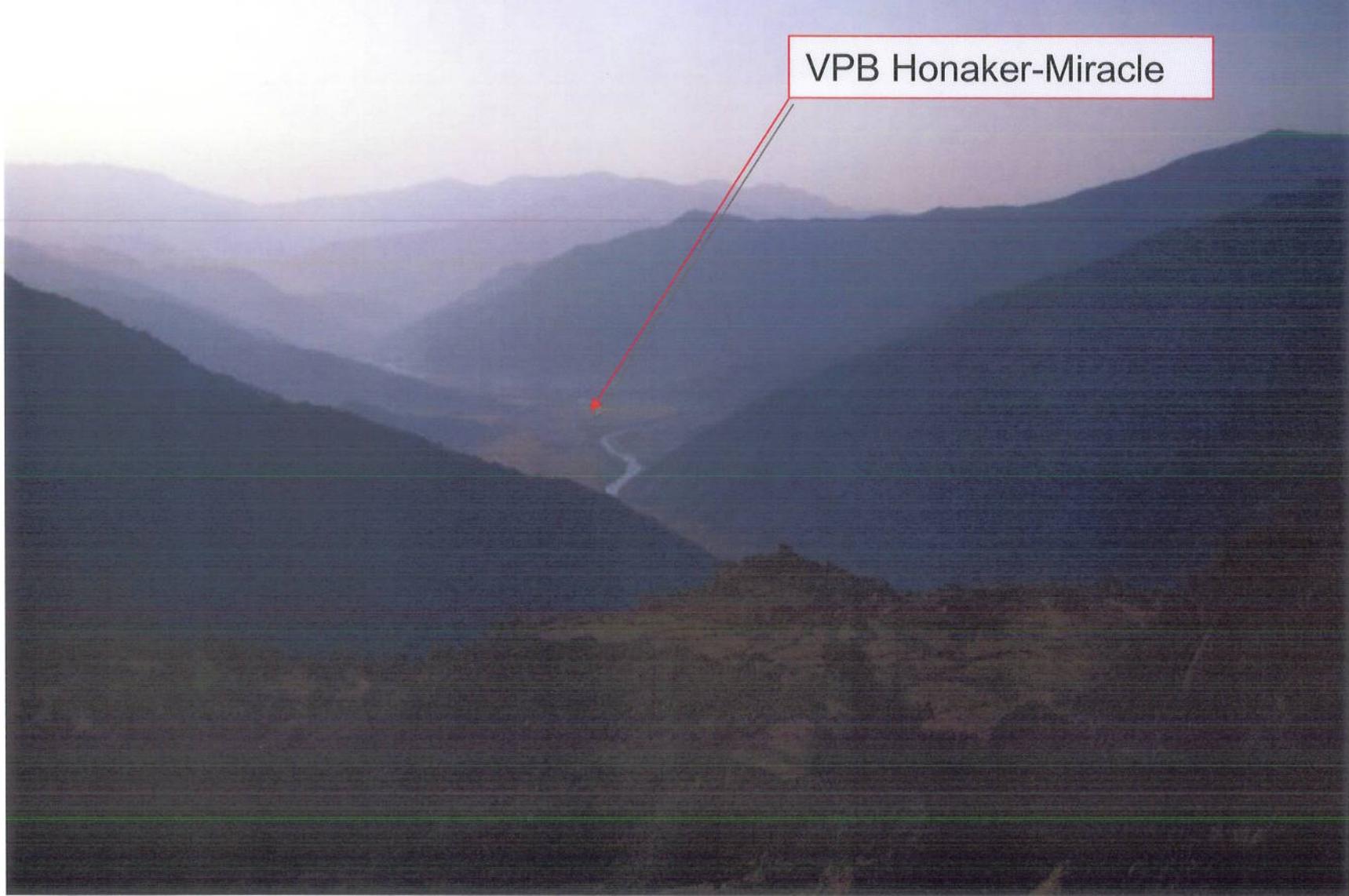
Silver Hilux Bullet Holes



Silver Hilux Bullet Holes

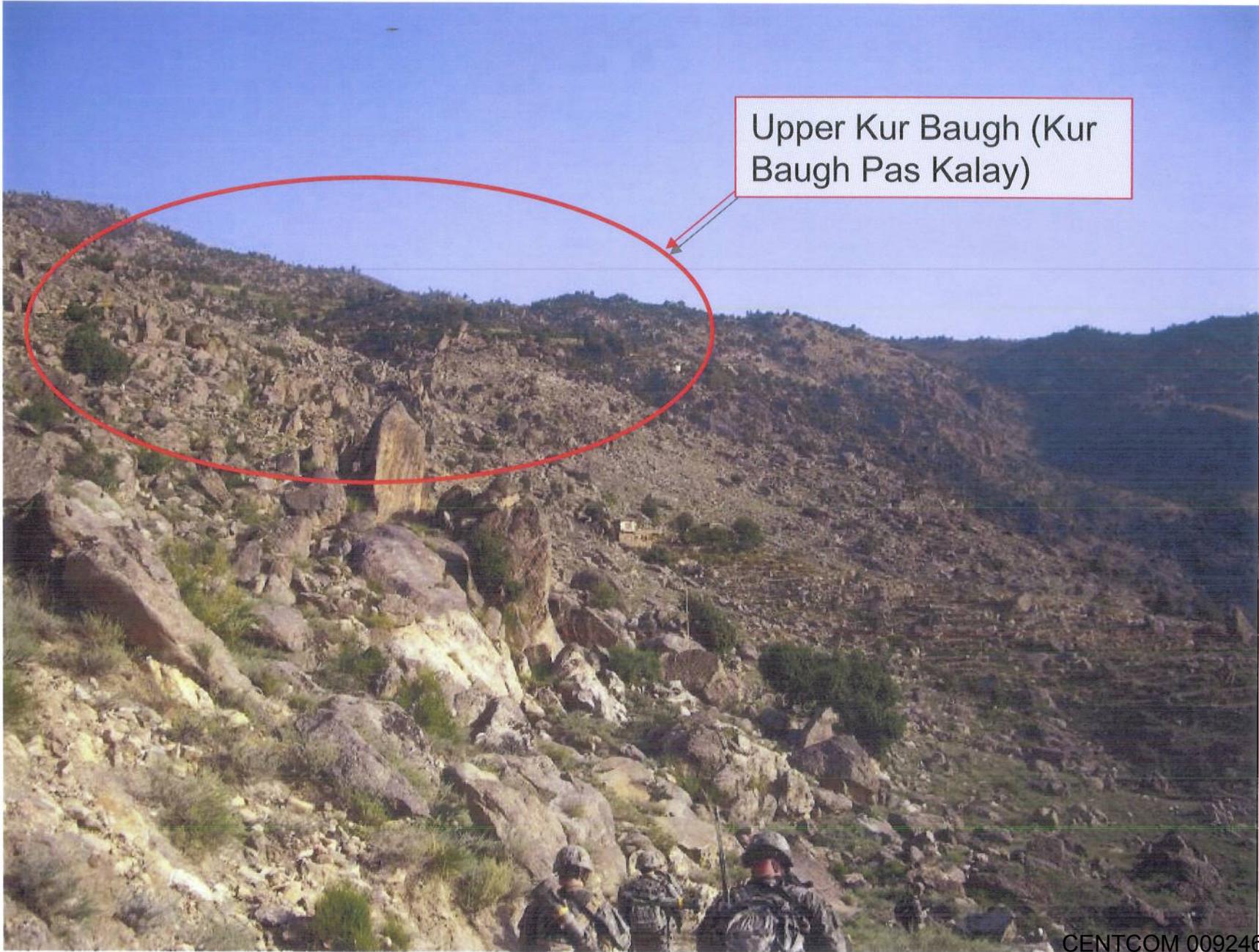


Looking East from Kur Baugh at dawn



Panjigal from Kur Baugh (looking SE)





Upper Kur Baugh (Kur Baugh Pas Kalay)