



REPLY TO
ATTENTION OF

~~SECRET//REL TO USA, ISAF, NATO~~

DEPARTMENT OF DEFENSE
COMBINED JOINT TASK FORCE - 1
REGIONAL COMMAND - EAST
BAGRAM AIRFIELD, AFGHANISTAN

CJTF-1-JFC

19 June 2012

MEMORANDUM FOR RECORD

SUBJECT: Executive Summary of AR 15-6 Investigation Findings and Recommendations of 26 May 2012, CIVCAS Incident, 2/C/1-40 CAV, TF 4/25 ABN, Suri Kheyl Village, Wazi Dzadran District, Paktiya Province

1. (U) On 30 May 2012, I was appointed by (b)(3), (b)(6) CJTF-1 to conduct an informal AR 15-6 investigation into the facts and circumstances surrounding alleged civilian casualties possibly caused during an incident on 26 May 2012. The incident occurred just west of Suri Kheyl village in Wazi Dzadran (Gerda Serai) District, Paktiya Province, Afghanistan. This memorandum provides an executive summary of my findings and recommendations.

2. Findings

a. (~~S//REL TO USA, ISAF, NATO~~) It is reasonable to assume, but cannot be confirmed from this investigation, that civilians may have been present in the targeted qalat at the time of the air strike. Thus, it is reasonable to believe that there may have been civilian casualties caused by the 26 May 2012 air strike near Suri Kheyl village, Dzadran District, Paktiya Province, Afghanistan.

b. (~~S//REL TO USA, ISAF, NATO~~) It is equally reasonable to believe, based on multiple sources of intelligence, that one or more insurgents with weapons and explosive material may have been present in the targeted qalat at the time of the air strike. Thus, it is reasonable to believe that there may have been insurgent casualties caused by the 26 May 2012 air strike near Suri Kheyl village, Dzadran District, Paktiya Province, Afghanistan.

b. (~~S//REL TO USA, ISAF, NATO~~) Afghan and coalition forces launched a combined operation on 26 May 2012 into the Haki Kelay and Suri Kheyl region, Wazi Dzadran District, Paktiya Province. The purpose of the operation was to conduct an area reconnaissance to search Named Areas of Interest (NAIs) and suspected indirect fire points of origin while denying the insurgents safe haven and disrupting their freedom of movement in the area (Exhibits L, M). The planning and conduct of the operation was due to a number of recent attacks by insurgents on elements from 1-40 CAV and 6th Kandak in the region and the results of a previous five-day operation conducted in the area (Exhibits K, L). Coupled with ANA intelligence indications, the belief was that the area might be used to set up a larger base of operations by the Haqqani Network (HQN) and their associates.

c. (~~S//REL TO USA, ISAF, NATO~~) The combined patrol, comprised of 1/6/203d Kandak and 2/C/1-40 CAV, TF 4/25 ABN came under fire twice on 26 May 2012. The first event

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occurred at approximately 261014MAY12 at 42S WB 341 893, where the combined patrol encountered small arms fire, RPGs and recoilless rifle rounds shortly after their insertion into the operational area. The combined patrol took fire from a qalat(s) in Haqi Kalay. The combined patrol did not return fire on the qalat(s) because the insurgent fire did not fix the patrol. During this first engagement, insurgent fire wounded one U.S. Soldier who required MEDVAC (1159L). Following the MEDEVAC, the combined security patrol continued to move south until 1230L when they set in a patrol base at 42S WB 349 881. That evening, at approximately 1810L a large insurgent element attacked the combined patrol (Exhibits L, N). Based upon low level voice intercept assets and the locations and volume of fire, the patrol estimated that sixty to seventy insurgents, organized in three groups, were occupying the ridgelines to the west, south and southwest of the combined patrol's location and were trying to overrun the unit's position. The insurgent fires pinned down the combined patrol and the unit was unable to maneuver even after engaging multiple insurgent positions with direct and indirect fires. Outnumbered, unable to maneuver or suppress the enemy fire, and running low on ammunition, the 2/C/1-40 CAV Platoon Leader (GFC) requested close air support. After the air strike, all insurgent fire and communications immediately stopped (Exhibit 17).

d. (~~S//REL TO USA, ISAF, NATO~~) During the engagement, the combined patrol appropriately followed all rules of engagement during their response to the complex attack on 26 May 2012 under U.S. Standing Rules of Engagement for self-defense and ISAF ROE 421-424 (Hostile Intent / Hostile Act) up until the air strike where positive identification (PID) came into question. In addition, the patrol understood and implemented all elements of the ISAF Tactical Directive (Revision 4) up until the air strike. The combined patrol's response to the second attack on 26 May 2012 demonstrated a graduated response of weapons systems and was consistent with Escalation of Force (EOF) principles, as they used direct and indirect fire systems (40mm – 37; 60mm – 24; 120mm – 20; 105mm – 3) and ultimately close air support. The Ground Force Commander (GFC) and his combined patrol were taking fire from the locations where he directed indirect fires. The GFC employed Close Air Support (CAS) based on the situation he saw and the reports from the (b)(1)1.4a. The insurgent fires pinned the combined patrol down and they were unable to maneuver even after engaging multiple insurgent positions with direct and indirect fires. These facts created the military necessity and demonstrated the unit leaders' understanding of proportionality as the decision was made to conduct the air strike on the qalat. Nevertheless, the GFC never had eyes on the qalat nor did he have eyes on farm animals or insurgents running into a building as noted by (b)(1)1.4a. Based on the enemy location the GFC provided to the JTAC at (b)(1)1.4a and his observations of insurgents moving over the spur's ridgeline (north of the qalat), he inferred from the map that the insurgents were moving towards the house described by (b)(1)1.4a. Nevertheless, the GFC lost positive identification of the insurgents when they ran over the ridge above the qalat. The GFC did not have positive identification of insurgents at the qalat because he could not see that location from his position nor could he develop pattern of life on the house (Exhibits N, X, 8, 9, 15, and 22).

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e. (~~S//REL TO USA, ISAF, NATO~~) There were clearly varying frames of reference and understanding of the situation between the GFC, the 1-40 CAV [redacted (b)(3), (b)(6)] and the C/1-40 CAV [redacted (b)(3), (b)(6)] in their command posts (CPs) and [redacted (b)(1)1.4a]. These varying frames of reference were not functionally pulled together to create a common understanding between the distributed elements making rapid decisions to support the combined patrol in a deteriorating situation. The Squadron and Troop Commanders thought the GFC had eyes on the qalat and did not realize he had inferred it from his map and [redacted (b)(1)1.4a] transmissions. The 1-40 CAV [redacted (b)(3), (b)(6)] and C/1-40 CAV [redacted (b)(3), (b)(6)] developed their beliefs and situational awareness through voice transmissions between the GFC, the JTAC and [redacted (b)(1)1.4a]. They both assumed the GFC and [redacted (b)(1)1.4a] had positive identification (PID) of the insurgents at the qalat.

f. (~~S//REL TO USA, ISAF, NATO~~) The 1-40 CAV at Camp Clark and the C/1-40 CAV at COP Wilderness Command Posts (CP) received a contact report from the combined patrol at approximately 1810L that they were being attacked from multiple directions in the vicinity of Suri Kheyl village. At 1837L, the Command Posts and JTAC were able to establish a Rover feed and observe [redacted (b)(1)1.4a] pod picture. The Rover feed came up in the command posts and the intermittent picture showed a qalat. The Commanders, their staffs and the controlling JTAC assessed that the people they were observing through the Rover at the targeted qalat were insurgents. This understanding was based on the tactical information given by the GFC, reports by [redacted (b)(1)1.4a] and the CPs' observations of the qalat on the Rover feeds.

g. (~~S//REL TO USA, ISAF, NATO~~) Both command posts interpreted the movement of the people at the qalat as being consistent with insurgent tactical movement and assessed that no civilians were present at that location. Both Commanders felt these observations coupled with the tactical information and observations communicated by the GFC and initially by [redacted (b)(1)1.4a] (i.e. "Be advised that looks like enemy position, enemy fighters moved into the house.") provided positive identification of the insurgents at the qalat. Furthermore, they believed the aircraft feed demonstrated hostile intent as actions viewed were directly tied to enemy actions against the combined patrol (Exhibits N, O, P and Q). In addition, the fact that the combined patrol remained in contact and was unable to maneuver regardless of their direct fire response and the indirect fire support they received created the necessary conditions for the air strike (Exhibits W, Z, 1).

h. (~~S//REL TO USA, ISAF, NATO~~) During the engagement, neither Commander confirmed the establishment of positive identification of the insurgents that were engaging the combined patrol. In addition, they did not verify a weapon(s), nor did they observe a target description consistent with combined patrol's reports at the qalat. Nevertheless, both the 1-40 CAV [redacted (b)(3), (b)(6)] and the C/1-40 CAV [redacted (b)(3), (b)(6)] believed they saw hostile intent because the actions viewed on the feed which they tied to enemy actions (Exhibits N, O, P, and Q). Nonetheless, after the air strike, all insurgent fire and communications immediately stopped (Exhibit 17).

3. Recommendations

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- a. ~~(S//REL TO USA, ISAF, NATO)~~ I recommend the TF 1-40 CAV (b)(3), (b)(6) (b)(3), (b)(6) and leadership be formally retrained on the Tactical Directive, Positive Identification, and Patterns of life using lessons and vignettes. I also recommend the unit leaders and JTAC review the gun tapes (video and audio) and focus on how they can improve clear and concise communications inside their Command Posts and on the radio to achieve greater overall situational awareness and understanding in difficult situations.
- b. ~~(S//REL TO USA, ISAF, NATO)~~ I recommend the TF 1-40 CAV leadership examine this report and assess what procedures and tools that could be added, revised, or improved within their command posts to improve their ability to functionally conduct mission command and improve the situational awareness of leaders across their formations during combat operations.
- c. ~~(S//REL TO USA, ISAF, NATO)~~ I recommend that a theater standard Area of Operation Handoff/Situation Update for Aircrew and Ground Forces to use as a briefing guide be expanded to include Tactical Direction considerations.
- d. ~~(S//REL TO USA, ISAF, NATO)~~ I also recommend that the (b)(1), 1.4a receive a debriefing and an appropriate level of retraining on delivering specific communication and how to best derive targeting data. In addition, this session should include a discussion on using more concise and precise language with aircraft and what language a ground force commander should and should not use to designate, name or identify a target.
- e. ~~(S//REL TO USA, ISAF, NATO)~~ I recommend that TF 1-40 CAV continue to review the Rules of Engagement, Tactical Directive, and operational policies and procedures monthly with all leaders and Soldiers. The unit needs to include vignettes during this training and during each patrol brief while adding more emphasis on the roles and responsibilities of the GFC, Forward Observers, Joint Fires Observers and the JTACs when utilizing fixed or rotary wing assets and the specific requirements of positive identification (PID) and patterns of life. The unit should maintain its constant review of EOF procedures and direct fire PID.
- f. ~~(S//REL TO USA, ISAF, NATO)~~ Finally, I recommend the A10 (b)(3), (b)(6) review communications between the A10 Flight (b)(1)1.4a and the ground elements for areas of improvement to enhance air to ground situational awareness.

4. (U) The point of contact for this memorandum is the undersigned, (b)(3), (b)(6) at (b)(3), (b)(6) or SVOIP (b)(6)

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

Investigating Officer