SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN)
PRINCIPAL PURPOSE:	To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES:	Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE:	Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB JOYCE	2009/09/10		

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

8. ORGANIZATION OR ADDRESS

HQ, 1-32 IN, 3rd BCT, 10th MTN DIV LI

9.

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

1) What is your current duty position and what was your duty position for this mission?

My current duty position is Assistant S2 for 1-32 IN Bn. For this mission I was a primary planning assisting the ANSF, and I was to occupy a OP to the south of Ganjgal and observe the town, as well as adjust fires and effects if necessary.

2) Describe the facts and circumstances surround the attack on 08 Sep 09 which resulted in the death of four Marine ETTs in the vicinity of Ganjgal, Afghanistan. Be as specific as possible with regard to the terrain of the attack site, time of attack, size of enemy force encountered, size of U.S. and ANSF, length of the attack, and types of AAF weapons used.

We departed FOB Joyce at or around (b)(2)High the morning of 8SEP09 under the cover of darkness. We proceeded up the road in HMMWV until we came to the vehicle ORP. During this movement we observed lights on in Ganjgal and received reports from the (b)(2)High sniper) element that no unusual activity was observed in the town. At this point me and Lance Corporal (b)(3), (b)(6) dismounted American vehicles and proceeded to continue our infiltration with out Afghan Counterparts. At one point we encountered a strange road obstruction made up of fertilizer bags. Assuming to be trapped, we maneuvered around the obstruction and continued our mission. At the pre-designated point we dismounted and maneuvered up a hill on foot to our observation position, and began to set up out observation equipment, with the ANA providing (b)(2)High security in support. We were mostly emplaced by the end of (b)(2)High While we were unable to establish visual contact with the (b)(2)High element with our (b)(2)High we reported our (b)(2)High got a good read-back, and switched out radio to exclusively operate on E (b)(2)High due to our inability to transmit over

As the sun rose we lost decent visibility to our east due to glare, but were perfectly able to get a good front line trace on the (b)(2)High ETT elements in the valley with their Afghan counterparts. As they approached the village we observed women, children, and what seemed to be normal patterns of life. As they closed to within 150 meters of the town, walking up a gravel wash, they began taking fire from many different positions at once. We observed one muzzle flash and RPG ignition from the far hill IVO (b)(2)High LCPL (b)(3), (b)(6) immediately returned fire with his (b)(2)High while I attempted to get a grid for the suspected enemy position. This is the last muzzle flash we would observe that day. Simultaneously while LCPL (b)(3), (b)(6) engaged the enemy position I struggled to prioritize and report the calls for immediate suppression from the valley floor. Both (b)(2)High and (b)(2)High were calling for immediate (b)(2)High on almost every KE east of the town, leading to a confusing set of fire priorities I had not been prepared for.

I succeeded in getting several fire missions and KE's shot through (b)(2)High but the (b)(2)High was very slow. I don't know

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

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

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

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

STATEMENT OF CPT (b)(3), (b)(6) TAKEN AT FOB Joyce DATED 2009/09/11

9. STATEMENT (Continued)

exact times any particular event took place, but by the time the artillery was shot I was unable to observe maneuvering enemy or adjust onto their suspected positions. Our position began to take heavy fire after the (b)(2)High mission. I made the decision to displace and break down our observation equipment (b)(2)High and we displaced as (b)(2)High came in over our heads. The ANA exfilled down the hilltop quickly, taking up a position roughly 350m down the mountain. For a brief period of time, approximately (b)(2)High LCPL (b)(3), (b)(6) and myself were pinned down (b)(2)High fire from what seems to be all sides. We were eventually able to maneuver around to the backside of the hill and spent the next few hours attempting to establish an over-watch position, and were able to observe the MEDVAC, the ORP, and the most western portions of the town, but other more exposed positions were still under effective fire and we were only able to return to the east face of the mountain late into the morning after Palehorse had suppressed many of the northern firing positions across the valley.

During this entire period I acted as a (b)(2)High retrans for (b)(2)High units in the valley. At some point I took accountability of the (b)(2)High elements on the ground and confirmed the missing 4 Marines to TF Chosin. Occasionally I had to coordinate between (b)(2)High units and (b)(2)High on the valley floor. I had intermittent contact or voice transmissions with (b)(2)High aircraft. Upon ABP/ANA exfiltration of the town I was ordered by (b)(2)High to break down my position and under the cover of helicopter observation I proceeded to maneuver the ANA back to the RP, where we mounted vehicles or moved by foot to the and maneuvered to the ORP. Once there we coordinated with the ANA and ABP, reconsolidated, and exfilled the (b)(2)High back to FOB Joyce.

3) What was the mission and purpose of the U.S. military members at the time of the incident? What were the pre-mission briefing concerning enemy forces?
I understood the task and purpose to be secure and search the town of Ganjgal, and supervise the ABP's engagement of key leaders.

4) Was an up-to-date threat analysis conducted for the mission? What threats were reported?
(b)(2)High I briefed the threat assessment the night prior. Enemy numbers in the Ganjgal valley have never been estimated in excess of 20 - 30 military aged males, however reporting received and briefed immediately prior to the operation indicated the presence of 45 -60 AAF, prepared for CF activity. Scout elements immediately prior to the operation observed no unusual activity IVO the village. The first indication of the mission being compromised came during the movement to the ORP when a suspicious road obstruction was found. Upon arrival in the village, other then the dousing of lights, normal patterns of life were observed, including the presence of women and children (who would later be observed supplying firing positions with ammo or firing weapons systems themselves) There were not other indicators prior to the operation.

5) Describe the C2 plan for the mission? What worked and what didn't? How could it have been improved?
My primary means of communication was (b)(2)High at FOB Joyce. My alternate means was retrans through (b)(2)High to the same POC. The Contingency plan was a " (b)(2)High that LCPL (b)(3), (b)(6) was carrying, but we never set up due to being able to communicate with (b)(2)High elements.

6) Were any non-combatant Afghan Nationals killed or injured as a result of the engagement? If so, where were they located during the engagement, how were they injured or killed, and by whom?

After personally observing women and children maneuvering on the objective and r-esupplying AAF, I will remain forever certain there were no non-combatants on the battlefield that day.

7) What personal protective equipment was worn by US Servicemen at the time of the incident?
I was wearing my issued (b)(2)High I understood all the Marines to be compliant with their unit SOP's

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

STATEMENT OF CPT (b)(3), (b)(6) TAKEN AT FOB Joyce DATED 2009/09/11

STATEMENT (Continued)

8) What recommendations concerning improvements, if any, to coalition force tactics, techniques, and procedures will help avoid this type of incident in the future?

Please refer to MAJ (b)(3), (b)(6) personal notes during my interview with him for specific TTP's that need to be improved.

-The ROE for maneuver forces protects civilians at the cost of American lives. I understand this to be within the spirit of COIN, and the intent of the Commander, but it does not adequately account for situations in which there may be no non-hostile actors. Units MUST run vignettes against their worst case scenarios and compare them with what the ISAF ROE allows them to do.

(b)(2)High

- (b)(2)High , is needed in situations where you even SUSPECT you may have communications trouble.

- The effective use and timely arrival of CAS ends gunfights.

- The ANA will conserve ammunition and fight effectively if properly mentored.

- Always assume your mission is compromised.

(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 3 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREEL THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFL

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

WITNESSES:

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

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

(b)(3), (b)(6) HHC 1-32 TF CHOSIN

ORGANIZATION OR ADDRESS

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

HHC 1-32 IN, TF CHOSIN, FOB JOYCE

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of September 2009 at FOB JOYCE, APO AE 09354

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

(Typing Oath)

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

ORM 2823, NOV 2006

APD PE v1.00

(b)(2)High