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 FENTY, AFGHANISTAN	2009/09/14	1330L	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	W-2

8. ORGANIZATION OR ADDRESS

CTRP, 7-17 CAV, 159 CAB

9.

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

On Wednesday, September 8, 2009 I was the Pilot-in-Command flying in the right seat of the lead aircraft of the aerial QRF team in (b)(2)High our team departed Jalalabad en-route to the Ganjigal Valley to support (b)(2)High a U.S. Marine ETT element that was in heavy contact just north of FOB Joyce. Our team arrived on station at (b)(2)High after contacting (b)(2)High at FOB Joyce to gather as much information on the situation as we could. We learned that there were several injured U.S. and ANA soldiers, and that they had taken several waves of sustained contact from their north south and east. Upon contacting (b)(2)High on the radio, we reported our time on station and armament load, and requested a situational update. (b)(2)High informed us of the friendly locations and markings, and I manuevered the aircraft low over their positions to identify them visually. After identifying all friendly positions, we returned to a higher altitude to gain situational awareness of the enemy situation. Our flight marked several locations with (b)(2)High directions to confirm the areas from which they had taken fire. Moments after marking all plotted enemy locations, (b)(2)High element, who were in a (b)(2)High position against the bank of a large washout approximately 700 meters west/southwest of the village of Ganjigal, began taking small arms fire from a hill mass to their north. (b)(2)High gave us a target handover and cleared us to fire on the hill mass, and I marked with (b)(2)High (b)(2)High to confirm prior to engaging with HE rockets and .50 caliber machine gun fire. During this time, U.S. and ANA soldiers located approximately 300 meters to the south of (b)(2)High in a small convoy of ANA (b)(2)High and ANA trucks were preparing to move into the wash to link up with (b)(2)High and extract him and their casualties. I do not recall the callsign of the element in the vehicles. After suppressing the area that (b)(2)High had taken fire from, the enemy fire ceased long enough for them to begin moving to their south to meet the vehicles half way. Another (b)(2)High element whose callsign I cannot recall had already sent a 9-Line Medevac request through FOB Joyce, and the Medevac aircraft were approaching from the south. Flying low during our engagements to suppress the area to (b)(2)High north, we began to identify other casualties scattered throughout terraced fields to (b)(2)High east between him and the village of Ganjigal. At that time, because the Medevac aircraft was already on station, I identified a landing area halfway between the element in the vehicles and (b)(2)High position. The mounted element continued toward (b)(2)High position and eventually extracted him and their casualties to a temporary vehicle patrol base (VPB) that provided some cover between them and the village of Ganjigal. At that time I requested that they mark the desired LZ for the Medevac aircraft, and (b)(2)High positioned himself in the middle of an open field with a (b)(2)High panel. As I remember, 3 patients were loaded into the Medevac aircraft, and one still remained at the VPB awaiting pickup. Two Air Force (b)(2)High aircraft, callsign (b)(2)High were then brought in to evac the remaining casualty at the VPB. At (b)(2)High despite our attempts to conserve as much ammunition as possible at (b)(2)High experienced request, we were getting low and decided to break station to rearm at Asadabad since two (b)(2)High callsign (b)(2)High had arrived, and after a target handover to them, we departed for the FARP. The (b)(2)High had been called on station by the Medevac to provide coverage for their landing to recover casualties, but we reiterated to them that there were no friendly elements near any of the casualties, and that they were not consolidated, rather spread over several hundred meters in the terraces west of the village of Ganjigal. Because of this, (b)(2)High wanted the Medevac to hold until they could sent ground elements in to consolidate the casualties before bringing in the Medevac.

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.

Exhibit BQ

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB FENTY DATED 2009/09/14

9. STATEMENT *(Continued)*

Our team arrived back on station at (b)(2)High and relieved the (b)(2)High element after a Battle Handover. At this time, a two vehicle mounted element whose callsign I do not recall were preparing to move back toward the village to identify and recover the casualties in the terraces west of Ganjigal. Between myself and the pilot in the left seat, CW2 (b)(3), (b)(6) we had identified a total of 6 personnel spread throughout the terraces, three of which were moving around their locations of cover. As the two vehicles moved toward the village, I gave them a verbal "talk-on" to the location of the injured personnel from west to east along their direction of travel. As they came to the first two personnel and began to extract them, they came under fire from their north again at the base of the same hill mass we had previously engaged and reported that the enemy were in a line of trees at the base of the hill. I engaged the treeline lengthwise with .50 cal and the firing ceased, but the mounted element then began taking fire from a previously marked but not engaged hill mass to their southeast. Our team suppressed the hillside with (b)(2)High while the mounted element loaded the injured personnel into their vehicles. At that time, the mounted element made the assessment that they did not have enough armored vehicles to complete the recovery mission, and returned to the VPB. During that recovery mission, either (b)(2)High or what I remember as callsign (b)(2)High who was in a forward observer position approximately 100 meters north of the VPB near the wash, had informed me that there were an unknown number of U.S. Marines missing from their element. I was instructed to search for a (b)(2)High panel somewhere in the village of Ganjigal, but was unable to locate any marking or U.S. forces at that time. After a dialogue with (b)(2)High about another recovery attempt being put together, we informed him that we were getting low on fuel and were not sure if we would have enough station time to cover the entire movement. At that point (b)(2)High informed me that the ANA were prepared to launch another recovery attempt and after learning that there were no english speaking personnel involved I asked him to join their convoy to facilitate another "talk-on" to the injured personnel in the terraces. (b)(2)High attempted to join the convoy without hesitation, but the absence of a translator and the lack of space caused the ANA soldiers to deny his participation. At that point I requested that someone in the VPB relay through a translator to the ANA mounted element that my aircraft would mark the locations of the injured personnel with (b)(2)High as they approached each casualty. Although we marked each of the soldiers on the ground, the ANA were observed collecting weapons from one casualty believed to be a translator who was in the washout, but no personnel were recovered by the convoy. I believe this was due to their element taking fire from the north and the southeast again because dismounted ANA soldiers approximately 150 meters west of the mounted element shot small arms and RPG's under our aircraft toward the locations we had engaged earlier. I could not confirm this due to the lack of communication with the ANA mounted element. At that point, another scout weapons team (SWT) of (b)(2)High had arrived on station to allow us to refuel. After conducting a Battle Handover with the other scout weapons team, my team departed to the (b)(2)High to refuel and rearm at Abad. When we arrived back on station after refueling and rearming, (b)(2)High now mounted element was ready to move back toward the village to recover casualties and hopefully locate their missing personnel. As they moved toward the washout from the VPB, they continued to receive sporatic small arms fire from the high ground to the southeast, so my (b)(2)High aircraft obtained clearance of fires from (b)(2)High and engaged a fighting position with one Hellfire missile to allow (b)(2)High freedom of manuever. During our Battle Handover with the relieving (b)(2)High we realized that they had located another group of 5 personnel in a defilade position between two terraces that we had previously not seen. I informed (b)(2)High of the location of this group of personnel, and that they did not appear to be moving. The Air Force (b)(2)High callsign (b)(2)High was still loitering just outside the Ganjigal Valley and offered to assist in the recovery of the injured personnel. I was able to talk (b)(2)High on to the location of the 5 personnel in the defilade, but because of the elevation change on either side of their location, were unable to land and assist. By that time, (b)(2)High had sent dismounts to the area to help load the injured personnel, and they reported that those 5 personnel were in fact the missing U.S. Marines, and that all 5 personnel, including the one ANA were KIA. At this point, (b)(2)High dismounted elements had located most of the other casualties spread throughout the terraces, and were loading them into the vehicles. Our (b)(2)High expended a total of 1,800 rounds of .50 cal, 1 Hellfire, 6 (b)(2)High and 8 HE rockets. We conducted a Battle Handover with another (b)(2)High (b)(2)High and proceeded to a follow-on Medevac escort mission.//NOTHING FOLLOWS//

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

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB FENTY DATED 2009/09/14

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, OR UNLAWFUL ENCOURAGEMENT. (b)(3), (b)(6)

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

(Signature of Person Making Statement)

WITNESSES:

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

(b)(3), (b)(6) CW2

C. Trp 7-17 CAV 159th CAB

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of September, 2009

at FOB FENTY (b)(3), (b)(6)

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

(b)(3), (b)(6) CPT, AV, COMMANDING

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

(Authority To Administer Oaths)

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