

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 Bagram Airfield, Afghanistan	2. DATE (YYYYMMDD) 2010/10/20	3. TIME 2000Z	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS COL	
8. ORGANIZATION OR ADDRESS Task Force (b)(3), (b)(6)			

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

a. What was the intelligence development process for this operation? Describe the coordination conducted with various units/organizations and frequency of data sharing (i.e. daily IPRs, tactical cordon activities, etc). How did (b)(3), (b)(6) assess the intelligence?

We conducted a conference call every day at 1245Z between TF (b)(2)High and TF (b)(2)High to discuss any updates prior to the daily 1315Z RC-East Personnel Recovery VTC. The RC-East VTC included RC-East, TF Bastogne, TF (b)(2)High, and (b)(2)High. During this daily VTC, RC-East would outline any additional (b)(2)High, or additional reporting on Linda Norgrove's location. Each outstation then gave an update on their current intelligence, activities, and upcoming actions in support of the operation, and each outstation was asked for an assessment of Ms. Norgrove's location. UK personnel were included at three of the outstation locations - a senior representative at RC-East, the UK (b)(2)High NO at (b)(2)High and a former UK (b)(2)High NO was moved to TF Bastogne. All interested parties immediately shared updates to intelligence via phone calls, but the once a day VTC was the primary conduit for sharing intelligence. On the evening of 5 Oct 10, we conducted OBJ (b)(2)High to capture (b)(2)High in order to gather intelligence on Ms Norgrove's location. We did not assess that Ms Norgrove was at this location, but the targeted individual, (b)(2)High would have knowledge of Ms. Norgrove's location based on (b)(2)High connections between (b)(2)High and the primary captor. (b)(2)High was captured and discussed her possible location in Dewagal valley. We shifted multiple assets from other priorities to collect on Ms Norgrove's location. From the time of capture to OBJ (b)(2)High, we flew approximately (b)(2)High of ISR collection in support of Ms. Norgrove's rescue. RC-East consistently believed that Ms Norgrove was located in the Dewagal valley, and they conducted searching operations in support of this intelligence in that area. We assessed Ms. Norgrove was in the western Dewagal Valley or to the west of the valley. Numerous other intelligence agencies had various reports of Ms. Norgrove's location, but these reports were inconsistent with the intelligence we were receiving. Intelligence reports from outside of TF (b)(2)High indicated that Ms. Norgrove could possibly be located anywhere from the Korengal Valley to Kapisa. On 7 October 2010, we received location data on an individual that had made contact with an unknown individual assessed to be from Linda's company. We assessed that the individual we were tracking was physically present with Ms. Norgrove as of 5 October 2010 based upon the content of the conversation.

b. What was the CONOP briefing timeline and approval authority for this operation. Who had G/NG authority for this operation? Did the UK AMB have this authority or just input?

From the beginning of the PR operation, we always understood and acknowledged that the UK authorities would have to approve any rescue attempt once we received reliable intelligence on Ms Norgrove's location. The UK Consular General, Julian Chandler, came to the TF (b)(2)High JOC on 27 September 2010 to observe Task Force operations. He attended our nightly operations/intelligence update at 1700Z and observed JOC activity. On 28 September 2010, we provided a draft CONOP to the UK Ambassador and to the UK civilian authorities to familiarize them with our military action briefing format and how we would typically conduct an operation. On 8 October 2010, at approximately 1524Z, we provided a final CONOP to the acting UK Ambassador for approval. We received approval from the UK acting Ambassador at approximately 1620Z through our TF (b)(2)High UK LNO. The mission execution was set for a time on target of (b)(2)High. The actual time was delayed 5 minutes to (b)(2)High on 08 October 2010.

c. What was your level of confidence in the operation? Any concerns regarding environmental/risk/or other factors?

I assessed there was a 75% chance that Linda Norgrove was at the targeted location of OBJ (b)(2)High. I assessed this was a high risk operation due to environmental concerns, altitude, 0% illumination, terrain, and the threat to Ms Norgrove from her captors. My two greatest concerns were: 1) the captors would kill Ms Norgrove prior to the assault force securing her, and 2) the high risk to the assault force due to terrain, altitude, and 0% illumination for (b)(2)High to the "X." An additional concern was the lack of (b)(2)High in close proximity to the target. Furthermore, we continually received (b)(2)High intelligence that senior Taliban and Al Qaeda officials desired to take custody of Ms. Norgrove in order

- CONTINUED NEXT PAGE -

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

Col (b)(3), (b)(6) SWORN STATEMENT Exhibit 35

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

STATEMENT OF COL (b)(3), (b)(6) TAKEN AT Bagram, Airfield DATED 2010/10/20

9. STATEMENT (Continued)

to exploit her for greater Taliban and AQ leverage and strategic information operations. I was seriously concerned that Ms. Norgrove would be moved to another area that significantly increased the risk of a PR operation (other areas of Konar / Nuristan) or to an area that was completely inaccessible (Pakistan). Based upon these concerns and Ms. Norgrove's assessed location on 7 October 2010, I directed my staff to further develop the target for another 24 hours in order to observe target location pattern of life, gain another 24 hours of situational awareness from ISR, and to locate better HLZs, to include determining whether an offset HLZ outside of audio range was feasible. Of particular concern was lack of suitable CASEVAC HLZs in the vicinity of the target location. We placed a (b)(2)High (b)(2)Highs to fly during the day in order to identify key areas on the OBJ and suitable HLZs.

d. Where did you believe that the hostage would be located and why prior to CONOP execution?

I believed she was at the location of OBJ (b)(2)High with 75% confidence based on (b)(2)High reflections and corroborating intelligence. The 25% uncertainty was based upon the lapse of time between the (b)(2)High reflection on 5 October 2010 to the actual operation on 8 October 2010. I assessed she was either in building 11 or 12 because of the activity observed through ISR, or building 21-25 because of the movement of men in and around that area, or in a cave somewhere close by because of intelligence obtained from the Afghans captured with Ms. Norgrove. (b)(2)High also indicated that the captors would likely not keep her in a house.

e. How did you arrive at the final storyboard and the conclusions contained therein to brief to the US & UK Ambassadors? (Why did we include information regarding S-vest in the storyboard?)

The initial report on the radio from the assault force was that an enemy grenade killed Ms. Norgrove. Upon return from the mission, I asked the (b)(2)High chain of command several times to confirm whether the assault force employed any form of explosive - grenade (b)(2)High grenade, "hell hound" round (a version of (b)(2)High grenade), (b)(2)High grenade. The (b)(2)High chain of command confirmed that no explosives were employed. There is clearly an explosion on the ISR FMV, and the injuries to the captor and to Ms. Norgrove were clearly caused by an explosive device. Since the assault force reported that no friendly explosive devices were employed, we assessed that the injuries must have been caused by an enemy explosive device. I have seen hundreds of explosive injuries ranging from SVESTs to grenades to IEDs since the beginning of the GWOT, and I have had dozens of Rangers/soldiers injured by the same. The nature of the injuries to the captor were inconsistent with a grenade because the arm and shoulder were severed down to the mid-Torso. The assault force reported that at least two chest racks were found on the objective with hand grenades that had the pins already pulled, as if prepared to be used as SVESTs. Our assessment was that if the captor had grabbed an SVEST and left in haste, he would not have had time to put the SVEST on. Instead, he would have slung it over his shoulder in order to keep the other hand free to control the hostage or a weapon. After discussing the situation with the (b)(2)High leadership multiple times within hours after the operation in order to determine how the injuries to the captor and Ms. Norgrove could have been sustained, we concluded that the captor must have used an explosive device to kill Ms. Norgrove.

f. Describe post-op briefing to US/UK authorities (need to know who was briefed) and chronology of events that transpired following the briefing? When did you discover that our forces employed a grenade on the objective? Describe actions taken in response to report that grenade utilized to include all notifications and briefings that culminated in this investigation.

The initial story board was sent to the (b)(2)High and ISAF on Sat morning, 9 October 2010, based on the reporting we received. Later that day, I asked to see the "hard drive" ISR feed to gain better clarity as to what happened during the operation. The "hard drive" ISR feed is the (b)(2)High FMV feed because all other ISR FMV feeds are (b)(2)High Hard drive FMV feed was over (b)(2)High and the ISR team had to install a different codec on the computer at BAF to create a computer readable format. (b)(2)High On Sunday morning, 10 October 2010, I met with the UK acting AMB as she stopped by to thank the task force for trying to rescue Ms. Norgrove. I relayed to her everything I knew at that time. At 1100Z, the "hard drive" ISR feed was delivered to me on a CD. When I watched the feed, I observed what appeared to be a grenade thrown by an assaulter because of the underhand throwing motion followed four seconds later by an explosion. I was already pre-scheduled to fly to (b)(2)High with the (b)(2)High Commander to visit a different (b)(2)High element as part of normal battlefield circulation at 1215Z. When we arrived at Logar, I showed the (b)(2)High the ISR feed, and he came to the same conclusion that it appeared as though an assaulter had thrown a grenade. I told him when he returned to (b)(2)High no confront those individuals with the high quality feed to determine what was thrown. There was still a possibility that the device thrown could have been a concussion or other device that caused a sympathetic detonation of the captor's SVEST. Upon return from Logar, at approximately 1800z, the (b)(2)High CDR called me and told me he confronted the assaulter and that the assaulter admitted to throwing a grenade. The assaulter did not come forward out of fear that he had killed Ms. Norgrove. I asked the (b)(2)High CDR whether anyone else was involved, and he said that two other personnel were aware of what had happened - a fellow assaulter and the Team Leader. He stated the team leader was not informed until after the post operation mission debrief and all post-operation products had been submitted to higher headquarters. The Team Leader allegedly did not come forward with the information because of fear of repercussions. Once informed, I immediately called the active (b)(2)High commander, who was attending a conference in Doha, Qatar, and the (b)(2)High commander in CONUS. We drafted a notification to GEN Petraeus and informed his XO. Gen Petraeus was awakened approximately 90 minutes later, he talked to the (b)(2)High commander, and then asked me to come to Kabul to explain what we had discovered to our UK partners.

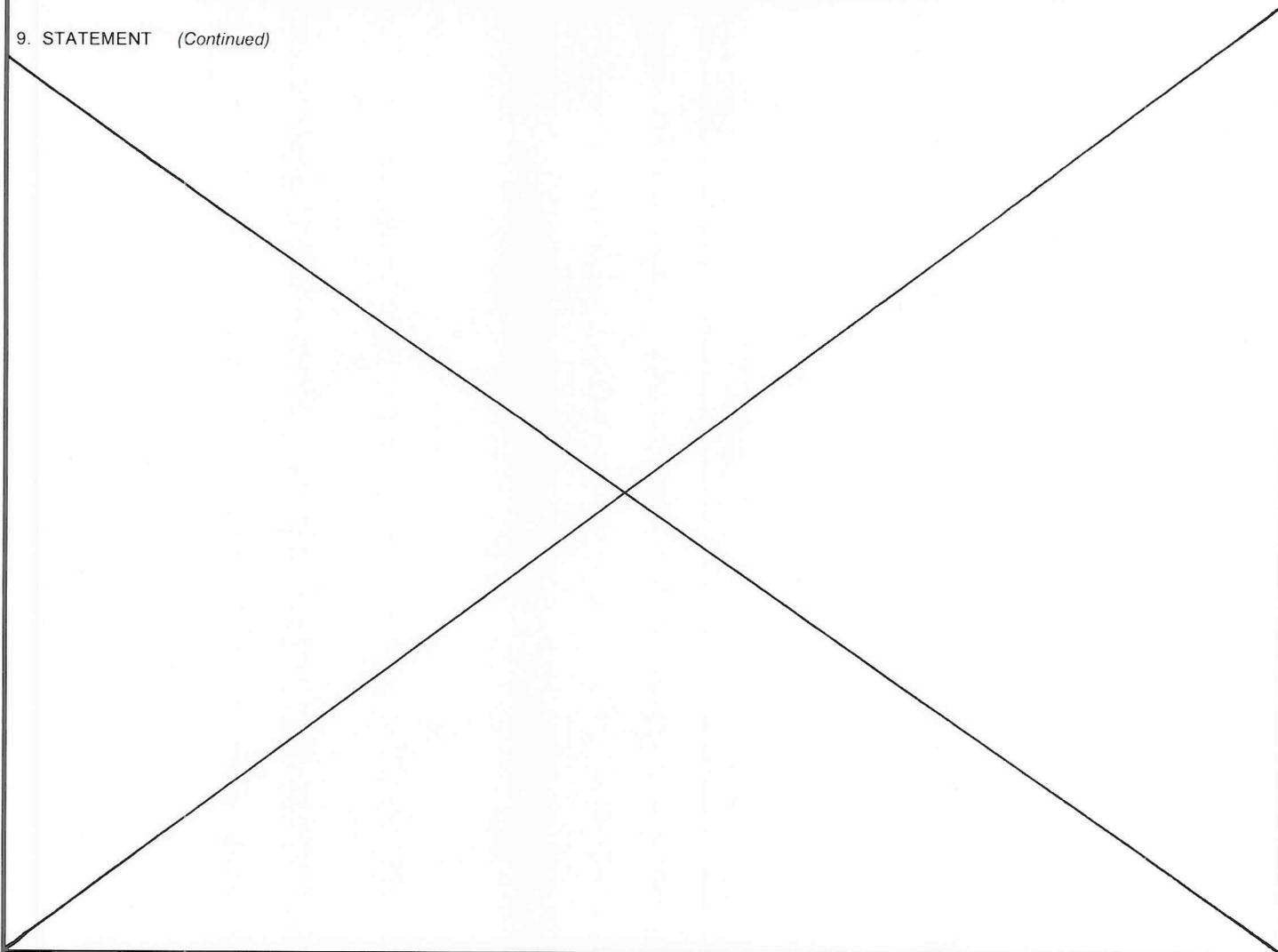
I arrived in Kabul around 0730 local and went into GEN Petraeus' office at approximately 0830 local with GEN Petraeus (COMISAF), Acting UK AMB, DCOMISAF (UK), AMB Sidwell, COMISAF XO, COMISAF SIG, COMISAF JAG, and our ISAF LNO. I explained the new information I had discovered and believed it was probable that the actions of an assaulter throwing a grenade during the rescue attempt killed Ms Norgrove. I also explained that the assaulter did not report this information out of fear of repercussion. GEN Petraeus called NATO SEC GEN and informed him of the new information. Additionally, GEN Petraeus attempted to call the UK Prime Minister. The Prime Minister's military advisor answered the call, and GEN Petraeus explained the new information to him. GEN Petraeus later made a call to the UK Prime Minister. I was not present during this phone call. He also stated he would need to inform several others in the chain of command. Upon return to Bagram, I directed that no additional questioning of assaulters occur except by the official investigation team because I did not want to interfere with the forthcoming investigation. I also directed that all ISR feeds and mission products be preserved, saved, and collated, because regular practice is to write over the ISR hard drives due to storage capacity limitations. //NOTHING FOLLOWS//

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF COL (b)(3), (b)(6) TAKEN AT Bagram Airfield DATED 2010/10/20

9. STATEMENT (Continued)



AFFIDAVIT

I, COL (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

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of October, 2010 at Bagram Airfield, Afghanistan

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

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

Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES