SWORN STATEMENT

My name is (b)(3), (b)(6) Delta. I am currently assigned as the J-3 DDRO JODChief. I am currently a Colonel in the United States Army.

In July 2008, I was the commander of the 173rd Airborne Brigade Combat Team (TF Bayonet) and arrived in Afghanistan in May 2007. My headquarters was located in Jalalabad, Afghanistan.

My brigade was originally scheduled to deploy to Iraq but was remissioned and accelerated to deploy to Afghanistan in February 2007. Before I deployed in Afghanistan in May 2007, I had the chance to spend a few days on the ground as my unit was moving to Hohenfels, Germany to conduct our Mission Rehearsal Exercise. I took my commanders and some key personnel to Afghanistan for a very short PDSS while my brigade was starting the Mission Rehearsal Exercise was in progress.

After deploying to Afghanistan and as I took over command of AO Bayonet my first order of business was to visit all my FOB/COPs and walk the perimeters to check on the living conditions and force protection of those sites. COP Bella was one of the positions we took over from 3/10th BDE. It was a very difficult place to defend and to travel to because it was surrounded by steep canyons that enabled enemy observation of the COP and the route in. It had to be resupplied by air as it was inaccessible by road. The flight route and helicopter landings were also very challenging for the pilots. The Ranch House (another COP just north of Bella), was on a ridge overlooking the town of Aranas. It was also a small COP that was tiered up a ridgeline and was more open and defendable than Bella.

Our COIN strategy was based on the preceding unit's strategy to separate the insurgents from the population, connect with the people, and then transform the environment. During the RIP, I discussed with the outgoing 3/10 Commander, (b)(3), (b)(6) Allium, his COIN strategy in this AO and why he chose to position his forces in the numerous COPs we were RIPing into. 3/10 was the first full brigade to operate in this relatively immature area and had recently finished repositioning into the area from its previous AO farther south. 3/10 established several new COPs and

positions to accommodate their brigade and their COIN strategy as they had just arrived and occupied this largely undeveloped area.

My initial assessment of the situation was that the brigade was fixed. By inheriting 3/10's positions, we were stretched out in numerous COPs and positions and didn't really have the freedom of maneuver we needed. Not only did the units have to dedicate a portion of their force to defend the FOBs, they also had to apportion a certain amount of their force to get outside the wire and patrol the surrounding area for security as well to conduct operations focused on development and governance. Our RIP occurred in the month of June one of the most challenging periods as it was the beginning of the fighting season and we were engaged in significant combat from day one. I believed we needed to reduce the number of positions that we held while keeping the key positions that allowed us to secure the population which was the center of gravity. We also had to consider tactically whether to place a FOB on the high ground (which would made the position accessible by air only) for defensive purposes or to stay down low with the people which supported our COIN strategy and progress.

In the fall of 2007, I decided to close COP Ranch House and move south to concentrate more forces on the enemy in other vital areas while ensuring we maintained the progress already gained in security, development and governance in the Pech River valley. Just prior to closing the COP we were attacked. Due to the attack, we delayed our departure from Ranch House for about 30-60 days and worked on the IO piece to avoid the appearance that we were forced out by the insurgents. We closed Ranch House down and relocated that force. That left COP Bella as the only position North of FOB Blessing (The battalion HQ and main position in the Pech River Valley). I did not think Bella was the best position for accomplishing our COIN strategy and making progress for the following reasons: COP Bella was an air-centric COP, tough to defend and resupply using only rotary wing aircraft. Wanat was better suited to safely facilitate rotary wing aircraft. Wanat was the seat of government for that district and had an Afghan National Police station. Positioning forces there would enable us to more effectively partner with

the government and help train the police. Wanat had a larger population than the Bella area and would allow us to connect with the people and achieve effects in line with our COIN strategy. Wanat was located only 8 KM north of FOB Blessing, which was our main battalion size FOB in that area. It was a crossroads in an area that was more open and could serve as a blocking position to interdict insurgents from entering into the Pech River Valley where we had mad so much progress. At the time, we did not move from Bella because it was late in the season, winter was already upon us and we were still contending with the move from the Ranch House. Also, we were conducting major combat operations clearing the Korengal Valley where we had experienced daily enemy contact. Our intent was to push the enemy out of that area for the winter in order to allow the ANSF, the Afghan government with support from the coalition to connect with the people and transform the environment before the insurgents returned in the spring.

In the spring of 2008, my commanders, staff, and I again revisited our plans for Bella, in preparation for our RIP with 3/1 BDE that summer. At that time, I did not think it advisable to let the newly formed 3/1 TF Duke coming in under-strength (compared to us), assume this very difficult position at the height of the fighting season. That would have put them in a difficult position to defend Bella while still trying to adapt to the combat environment. The Battalion Commander and I discussed the situation in the late spring to determine how we could better secure Bella. We determined that it was not feasible and that we needed to move out of Bella and relocate to Wanat for all the reasons already stated. To support that move, I approved a project to pave the road from Blessing to Wanat to enhance protection from possible IEDs and to increase the availability of support and reduce travel time between our main FOB at Blessing and Wanat.

Diamond COL (b)(3), (b)(6) conducted several recons to select a suitable position that in Wanat. In the first part of May, I requested funds to obtain the land in Wanat for the construction of the COP. We wanted to obtain land that was defendable and that would allow us to connect with the people and the local district governor and ANSF. Connecting with the population would not

have been possible if we had seized the land by force vice the negotiation process we used. We looked to the Afghan government to work the financial and land use issues with no success. When I requested those funds, I was aware of the pending RIP and that the construction of the COP would not be completed before then. Ultimately, I believed we would have a defendable position, which included HESCOs and towers that could be handed-off to 3/1 that would allow them to conduct their COIN strategy.

In addition to planning operations around the illum cycle and available scarce resources, we had to execute a two-phased operation to exit Bella and reposition to Wanat (Operation Rock Move). First, we had to concentrate on getting out of Bella by flying multiple sorties at night in high-risk air assaults. Operation Rock Move was delayed due to planning around the availability of assets. CONOPs drove the availability of ISR and other assets as there was not enough to support all the requirements within the theater. I was also aware that the delay could affect the troops and the RIP, but I had absolute faith and confidence in COL (b)(3), (b)(6) who was certain and in the Diamond troops who understood that we would fight until the day we left and try to set-up 3/1 for success. I expected that while a percentage of troops were setting up defensive positions at Wanat, other troops would be conducting security patrols. I expected the ANA to assist us with these missions in a partnered role like numerous other missions we conducted with them throughout our 15 month deployment.

I had flown over Wanat and talked to COL (b)(3), (b)(6) about site Diamond selection. I mentioned that I would have liked a position above the southeast of the village on the slope, but he told me that any other position, other than the one near the village, would have a detrimental effect on farming and agriculture and would require considerable engineering effort since it would have to be set in on the rocky slope above the village. Ultimately, I deferred to COL (b)(3), (b)(6) because he was more familiar with the Diamond terrain the district governor and the people in that area and was already involved in negotiations for the land.

In addition to troop labor, the construction of Wanat required construction equipment and we did not have a lot of organic

engineering assets. The intent was that the troops would arrive with the construction equipment and the supplies and begin building immediately. I knew that TF Rock had challenges getting equipment and contractors to Wanat during the first couple of days of July, but I do not recall any specific issues with the contracting of heavy equipment, nor do I recall anyone requesting anything specifically from me or the brigade in that regard.

The day preceding Operation Rock Move the enemy threat was centered on Bella, but I do not remember any specific threats to Wanat. The operation to pull out of Bella was a difficult endeavor, but an acceptable risk that was managed by detailed air assault planning, and full CONOP briefings up to the Division level. The force to occupy Wanat was reinforced with additional weapon systems like TOW systems and mortars, as well as an LRAS system, and an ANA platoon all which was design to mitigate risk. At the time, I did not think it was reasonable to expect the enemy threat near Bella to migrate to Wanat immediately. I believed that they would eventually come down to test Wanat, but not right away. I do not recall COL (b)(3), (b)(6) or Diamond anyone approaching me about discovering any additional risks and requesting assets to mitigate those risks.

During early July, my BDE had already started the RIP process, however as I stated earlier, our focus was to continue to fight and create time and space for 3/1 to get acclimated and established. Just as we had experienced the year before, 3/1 was coming in during the height of the combat season and I wanted to set them up for success.

Generally speaking, although aviation support improved during our deployment, the brigade did not have enough helicopters to do everything we wanted to accomplish. I do not remember anyone asking me for additional aircraft to accomplish this CONOP. The supplies needed to establish the COP were marshaled before the operation commenced. I believe COL (b)(3), (b)(6) reported that the FOB Diamond kit was pre-stocked, pre-positioned, and ready to go.

The purpose of the mission was to initially establish a vehicle patrol base that would develop into a full-sized COP. This would have required at a minimum, basic defensive measures such

as HESCO, sandbags, and other Class IV. At the time of the attack on Wanat, the position was not a full-size COP, but a VPB. A VPB primarily uses HESCOs, wire, fighting positions, and can be temporary. Although units can leave a VPB behind, that was not the intent in Wanat.

The post-battle comments I made referring to Wanat as a VPB were meant to clarify the inaccurate reports that Wanat was a well-established COP that had been overrun. In my mind, at the time it was still a VPB and had not reached a level of maturity to be a COP. My concern at the time was the characterization by some that a well fortified hardened structure had been overrun by the enemy. I did not want a misperception by the press or anyone else to include the enemy or the local population that this was a fixed, well-established position that had been overrun or defeated.

When I used the terms COP or VPB, it was the most accurate word to put things in perspective as compared to something else. Regarding the use of term "temporary" when referring to the VPB, the status at the time was temporary, but that was not the COP's endstate. We were not planning to move from there.

During Rock Move planning we discussed the use of engineer support to fill HESCOs and build defensive positions and we staged the required materials and supplies at Blessing. We planned for contractors, engineer equipment, Class IV, and a FOB kit to arrive in Wanat. I do not remember any major logistical challenges during that time. After the platoon went to Wanat and before the battle, I was not made aware of any shortages of supplies or water until a later time.

Throughout our tour ISR was always problematic. From what I recall there were five Predator lines (OGA, SF, NATO, RC-S, Div) in our area. Red Ridge was a good asset for collection given the nature of the rugged terrain. I could not cover half of my brigade area with my organic Shadow UAS platoon. We tended to rely on cross-cueing all our ISR with other sensors to maximize their effects. We talked about ISR at the division level with all the commanders and discussed the allocation in upcoming operations. We all knew there were not enough ISR assets to cover everything. Regarding Wanat, MAJ (b)(3), (b)(6) approached me and Peach

noted that we lost Predator coverage. I did not contact Division to have the ISR reallocated back to us because of the deconfliction/allocation planning we did before the operation. I do not recall COL (b)(3), (b)(6) contacting me directly about the loss of Predator coverage. Diamond

I reviewed the JFUB package regarding COP Wanat and the Rock Move. I was not familiar with any further detailed planning documents at the Brigade level that spoke to the period beyond the 10th of July. I expected my subordinate commanders to conduct detailed planning for all combat operations.

Between 8-12 July, I received reports that the initial element and vehicles had arrived at Wanat and that they had some Class IV materials. I was also informed that there was delay in engineers and delay in the convoy with additional assets, and that they had the Bobcat. I did not hear that they were short on water until well after the battle.

After the battle, I borrowed BG Milley's aircraft to immediately fly up to Wanat. Although I had flown over it previously, this was the first time I had walked the ground. I did not think the COP was in the best position also I thought there should have been some OP positions up higher overwatching the COP.

When the TIC began, I believe it took the AH-64s about 30-40 minutes to respond. Since there were no air assets operating in the area at that time, it took some amount of time for the helos to spin up, receive their briefs and check in on station. I did not see any systematic issues with their response as all aviation assets in my battlespace were bedded down in Jalalabad airfield which was a significant distance to the south of Wanat. There were no aviation assets bedded down north or closer to Wanat and therefore it took time to fly up to that area. I believe the CAS and QRF arrived in a timely fashion.

Discussions about leaving Wanat did not occur until 1-2 days after the attack. When I arrived at Wanat, I did not initially plan to withdraw from Wanat. Besides discussing the situation with the leaders on the ground I surveyed the area to ascertain the best defensive positions for continuing the establishment of the position. I came to believe that a portion of the

population, key officials of the district government and ANP were complicit in supporting the insurgents and at a minimum tacitly supported the insurgents.

During a meeting with MG Schloesser, BG Milley, and other staff, a couple of days following the battle we discussed whether to finish the COP, relocate it, or to establish something different such as a reinforced observation post up high on the back side of Blessing that would overlook the approaches from the North. At the time, I recommended that we put the observation post on the back side of Blessing. MG Schlosser also directed that 3/1 and SOF continue to operate in the Wanat area to maintain pressure on the enemy.

AFFIDAVIT

I (b)(3), (b)(6) Delta HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. 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 W (b)(3), (b)(6) Delta REAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INF

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10TH day of DEC 2009 at THE PENTAGON, WASHINGTON, DC

WITNESSES:

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ORGANIZATION OR ADDRESS

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ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(b)(3), (b)(6) Charger USA, JA

(Typed Name of Person Administering Oath)

UCMJ, JUDGE ADVOCATE

(Authority To Administer Oaths)