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
LRMC	20080718	1430	

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

8. ORGANIZATION OR ADDRESS

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

Q: CPT Evans

A: (b)(3),(b)(6),Tango

Q: Write a sworn statement describing what happened at COP Kahler from your perspective. Your statement should include the following information. Be as thorough as you can.

1. When did you arrive at COP Kahler? Summarize what you did each day at COP Kahler prior to 13 July 2008. Describe improvements to your fighting position prior to 13 July 2008. In addition, did you see or hear anything before the attack that, in hindsight, may have indicated there would be contact with the enemy?

2. Describe the events of 13 July 2008, start to finish, the best that you can. Focus on what you personally saw and did. Indicate what personal protective equipment (PPE) you were wearing. Indicate the status of your fighting position when the fight started.

3. If not already explained in detail, where did the enemy engage you from, and with what weapons, at each stage of the battle?

4. List the casualties you saw and their condition when you encountered them. Provide as much information as you can about when, where, and how individuals were wounded and/or killed. Also, explain what medical care casualties received at COP Kahler, and when they were medevac'd.

5. What was going on at OP Topside?

6. Is there first hand information as to what the LT was doing in his last minutes before charging through the opening?

7. You will create a sector sketch of COP Kahler as an exhibit to your sworn statement. As clearly as possible, indicate on your sector sketch:

a. Your position and movements throughout the fight
b. Your sectors of fire
c. The location of casualties that you encountered
d. The locations and estimated size of enemy elements
e. The locations of key leaders

8. List and briefly described any specific valorous actions that you saw others perform.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6),Tango

PAGE 1 OF 10 PAGES

DATED

ADDITIONAL PAGES MUST CONTAIN THE HEADING

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

DA FORM 2823, NOV 2006 DA FORM 2823, DEC 1998, IS OBSOLETE. APD PE v1.00

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

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

STATEMENT OF (b)(3),(b)(6),Tango TAKEN AT LRMC DATED 18 July 08

8. STATEMENT (Continued)

Our platoon arrived at Cop Kahler on the night of the 8th. That night we set in our vehicle patrol base with 100% security. The next morning myself and 8 others moved about 100 meters east, up the terraces to establish an OP. Everyday we filled sandbags and made foxholes trying to better improve our OP. However due to the limited supplies, ie. sandbags, C-wire, water, etc we were only able to do so much. Everyday and night we had 2 soldiers on guard. On the morning of the 13th we all woke up for stand to at 0345, and by 0400 everybody was ready. We had heard of two individuals on the mountainside to the west so SGT (b)(3), (b)(located them using the LRAs so he could get a grid coordinate to their location. When he got it he went back to the radio to call it up and I sat down at the LRAs to keep an eye on the individuals. Shortly after I sat down I heard automatic gun fire, immediately followed by an RPG. When I heard the gunfire I stand up and began moving to my foxhole. As soon as I took the first step to my foxhole thats when the RPG hit inside the OP. 5 to 10 meters away from me. The blast through me into my foxhole. At that time I couldn't see anything from where I was lying but I heard hundreds of rounds of 5.56, 7.62, 50 cal, MK-19, RPGs, PKM. Inside the foxhole with me was SPC Bogar shooting his SAW. Later SGT (b)(3),(b)(6 and SPC (b)(3),(b)(6),Fig came to the foxhole which had also been designated as our COP. Both (b)(3),(b)(6 and (b)(3),(b)(6),Fig were wounded. SPC (b)(3),(b)(6) came to the foxhole to see if everyone was ok and he did buddy and on (b)(3),(b)(6) before leaving to keep fighting. (b)(3),(b)(6 who only had a wound to his leg at this time left aswell to call up fire missions. SPC Rainey came by the foxhole and asked for a weapon. Since I was the only one in the foxhole with a weapon not in use I gave him my 203 and rack so he could lob 203's into the deadspace to our Northwest. He then gave me SPC Ayers M-4 since Ayers was in the 240 position using the 240. Once I was able to calm myself and get a grasp on what was happening I took command of the COP and moved SPC Bogar to a better

Cyan

Cyan

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Plum

Fig

Cyan

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

PAGE 2 (b)(3),(b)(6),Ta PAGES

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STATEMENT OF (b)(3),(b)(6),Tango TAKEN AT LRMC DATED 18 July 08

9. STATEMENT (Continued)

position. Rounds were snapping all around us and I was able to see that we were getting attacked from the North, East, and West from the high grounds. SPC (b)(3),(b)(6) would randomly come to the CCP to see if we were OK and to bring more ammo. He also gave me an update on everyones position and personal status. Heavy amounts of rounds came on our OP for about 20 minutes before slowing down. I kept eyes on the areas around the CCP at spots where I thought they might try and come in from. At one point I looked back to the North and I could see a man inside the wire. I quickly shot at him but he dove behind a large rock. It was also at this time that I didn't see anyone of our men inside the sandbag portion of the OP. Numerous RPG and PKM fire killed SPC Agels in the ZHO position, and shortly after the attack happened SPC (b)(3),(b)(6) told me that SPC Phillips was dead. SPC (b)(3),(b)(6),Plum came to us one last time to tell us that we were out of ammo and that we should fall back to the COP. McKaig grabbed a LAW and fired it at a suspected enemy location just before he moved back down the hill to the COP so he could get more ammo. I looked around once more from my position to see if I could fine where everyone was at, but could only see a limited area inside the OP. I then knocked down a sandbag wall so (b)(3),(b)(6),Fig and myself could escape from (b)(3),(b)(6) was hurting real bad so I helped him out of the foxhole and sat him up next to the terraces for cover. I moved down one terrace to the area where we all slept and that was when I saw the rest of our guys. They were all lying there and not moving. I crawled to the first one and saw that it was SPC Lainey. He was dead. I didn't want to leave anyone behind that was alive so I began crawling to the next one and that was when I got shot at by a man on the otherside of a large rock inside the OP. Because I was out of ammo and all the weapons around me were inoperable

Plum

Fig

Fig

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

ING STATEMENT PAGE 3 PAGES

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

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STATEMENT OF (b)(3),(b)(6),Tango TAKEN AT LRMC DATED 18 July 08

9. STATEMENT (Continued)

I wasn't able to engage him. I jumped back onto the next terrace where I left (b)(3),(b)(6) and we began moving south using the terrace wall as cover. Once we reached the C-wire (b)(3),(b)(6) ran down to SSG (b)(3),(b)(6) position. Because I was hit in the leg I crawled down and met up with SSG (b)(3),(b)(6) at the base of the terraces. He asked me if their was anyone left alive up at the OP and I said "their all dead". I then moved into SSG (b)(3),(b)(6) position where I linked up with (b)(3),(b)(6) and (b)(3), (b)(6) SPC (b)(3),(b)(6) came over to me and bandaged my wounds, while I kept an eye on (b)(3),(b)(6) SSG (b)(3),(b)(6) took a small element back up to the OP and it was myself, (b)(3),(b)(6) (b)(3),(b)(6) (b)(3),(b)(6) and SGT (b)(3),(b)(6),Lib in the position at this time. I helped out when and where I could by pulling security on a specific area or filling magazines. During this time more people came to the position and began moving to the OP. It was here that I learned the villagers let the enemy use their bizarre, mosque and hotel to shoot as us from. Shortly after the AH-64's came we heard that we could start medivac people. We put (b)(3), (b)(6) on a poncho and SPC (b)(3),(b)(6), myself, SPC (b)(3), (b)(6) carried him to the CCP at the middle of the COP. I was told to get on the bird but since I wasn't as badly injured as other people I agreed to get on the last one. While I was at the CCP I again helped fill magazines and did what I could in means of pulling security. I tried to convince the CO that I wanted to stay but when the last medivac came he ordered me onto it. I helped them carry a wounded ANA soldier to the medivac before getting on myself. Once on the bird I was taken to JAF where I received medical treatment.

Q: is there anything else you would like to add?

A: NO (b)(3),(b)(6),Tar

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(b)(3),(b)(6),Tango MAKING STATEMENT PAGE 4 (b)(3),(b)(6),Tar PAGES

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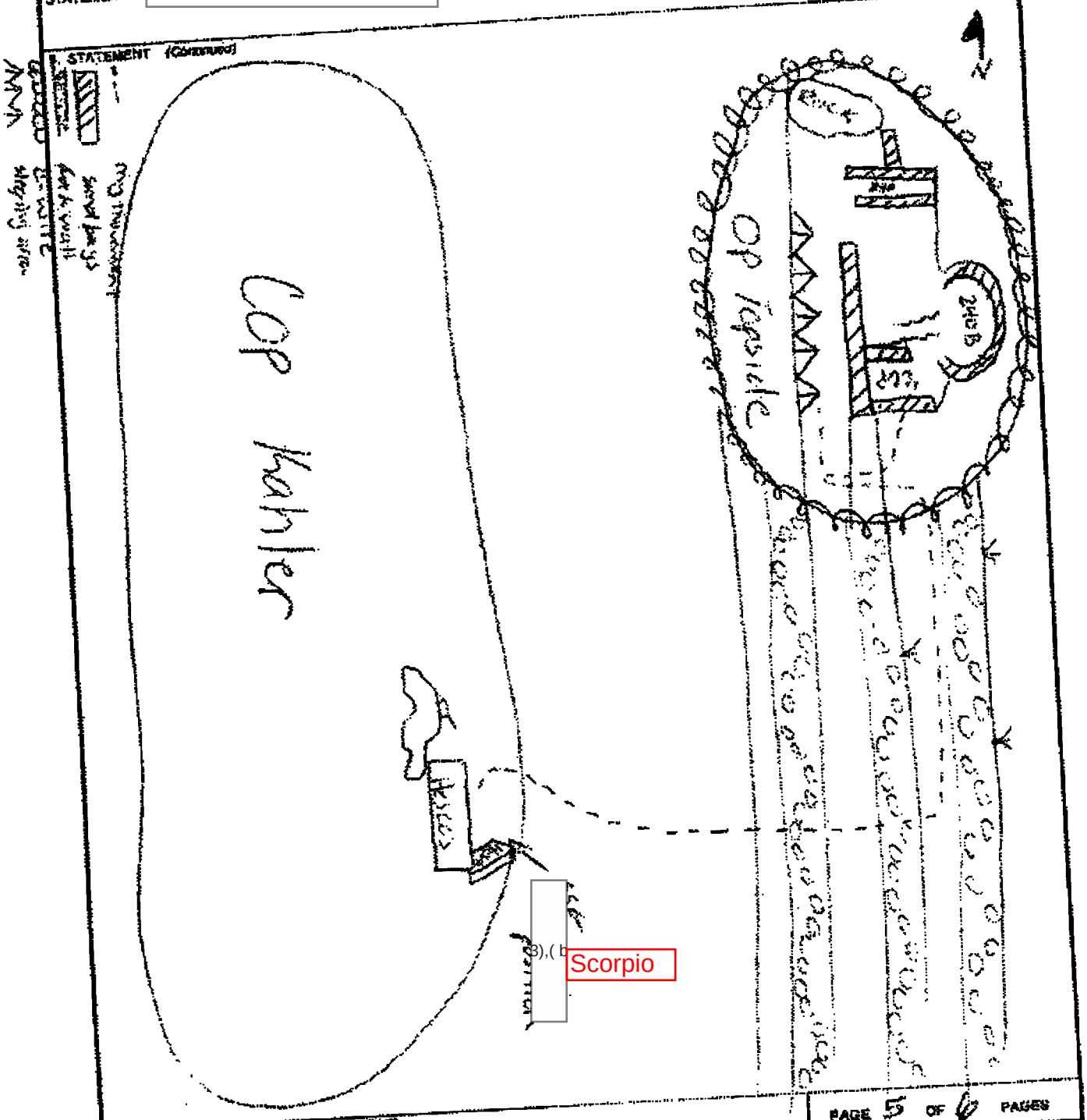
STATEMENT OF (b)(3),(b)(6),Tango TAKEN AT LAMC DATED 18 July 08

7. STATEMENT (Continued)



(b)(3),(b)(6),Tango MAKING STATEMENT

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STATEMENT OF (b)(3),(b)(6),Tango TAKEN AT LRMC DATED 18 July 08

9. STATEMENT (Continued)

NOTHING FOLLOWS

AFFIDAVIT

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

, 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 INTERCEPTION.

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of July 2008

at LRMC Germany

Carrot

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

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

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

ORGANIZATION OR ADDRESS

CPT

(Typed Name of Person Administering Oath)

Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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

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