

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OR OFFICERS

For us, this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL (b)(3), (b)(6) Commander, Task Force Spartan
(Appointing authority)on 8 October 2006 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Fire Base Naray at 0400Z
(Place) (Time)
on 10 October 2006 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1400Z on 19 October 2006
(Time) (Date)
and completed findings and recommendations at 1600Z on 19 October 2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ¹	NA ²
1	Inclosures (para 3-15, AR 15-6) Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a.	The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b.	Copy of notice to respondent, if any? (See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2	Exhibits (para 3-16, AR 15-6)	YES	NO ¹	NA ²
a.	Are all items offered (whether or not received) o. considered as evidence individually numbered or lettered .. exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	
b.	Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	
c.	Does each letter of notification indicate —			
(1)	the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
(2)	the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	
(3)	the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	
(4)	the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	
(5)	the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	
d.	Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	
Name and business address of counsel:				
(If counsel is a lawyer, check here <input style="border: 1px solid black; width: 15px; height: 15px;" type="checkbox"/>				
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	
b.	Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	
b.	Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	
d.	Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	
e.	Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	

FOOTNOTES: ¹ Explain all negative answers on an attached sheet.

² Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board) , having carefully considered the evidence, finds:

1. On 09 OCT 2006 I was appointed the AR 15-6 Investigation Officer (IO) for the accidental death of one Afghan child during a direct and indirect fire engagement with enemy forces. This incident occurred on 08 October 2006 as 2nd PLT/A Troop conducted a patrol near Agasi village – approximately 3km east of the Kamdesh PRT, Kamdesh District, Nuristan Province. I have conducted a thorough investigation of the circumstances surrounding this accident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. On 08 OCT 06 at 404z, 4x US vehicles from 2/A/3-71 Cavalry carrying 16x US soldiers and one interpreter left the Kamdesh PRT for a local patrol to conduct a bridge assessment. After completing the bridge assessment, the convoy continued further east in order to find a suitable location to turn the convoy around and return to base. During this phase of the mission, one of the vehicles malfunctioned with a broken gear box. The platoon conducted a maintenance halt a (b)(2)High. The platoon halted at this location for 60 minutes when they started to receive incoming RPG rounds and small arms fire. At 0545z, the 4x vehicles from 2/A/3-71 were engaged by 5-10 enemy fighters from the south with RPGs and SAF. A total of 6x RPG rounds impacted near the convoy, almost simultaneously landing in between the vehicles. 2/A returned fire with their vehicle weapons systems and personal weapons which included M16s, three 240B machine guns, and one MK.19. The gunners engaged specific targets of enemy fighters hiding behind rock walls. The patrol leader, SSG (b)(3), (b)(6) called his forward observer to conduct call for fire missions as he identified groups of fighters moving along the ridgeline. 3-71 CAV 120mm section at the Kamdesh PRT fired a total of 29x rounds of 120mm at grids (b)(2)High and (b)(2)High. The exchange of fire during the contact lasted for approximately 4 minutes. About 15 minutes after the firing ended, the broken vehicle was successfully towed to another truck and the entire convoy began their movement back to the Kamdesh PRT. During this time, (b)(2)High and (b)(2)High team on OP Warheit both confirmed PID of three personnel seeking cover underneath rocks at grid (b)(2)High. These pax were most likely the enemy RPG team seeking to exfil south back into eastern Kamdesh.

(b)(2)High, (b)(3), (b)(6)

4. A few hours after the TIC was declared over, the Kamdesh PRT interpreters began receiving (b)(2)High that referenced a young boy was killed by the US forces. At 1100z 08OCT06, this report was later confirmed by the Kamdesh District police chief, (b)(6) reported to the A Troop Commander, CPT (b)(3), (b)(6) that a (6) year old boy named (b)(6) was killed during the morning's fight. He reported that Rahmatullah had stepped outside of his home during the ambush when was killed by a shell fragment. (b)(6) also reported freely that this attack was planned and executed by Al Qaeda and HiG insurgents. A Troop Commander, CPT (b)(3), (b)(6) sent messages out to the surrounding village elders to come to the PRT on 09 OCT so that he could formally express his condolences and discuss reparations. On 09 OCT, CPT (b)(3), (b)(6) conducted two separate 'shuras' (meetings) with different members of the Kamdesh village leadership. The locals firmly understood the reason for this tragedy and blamed the enemy for the boy's death, not Coalition Forces. The locals expressed regret over the loss of a child, but did not place the any blame on the US Soldiers. On the contrary, the locals stated that the US Soldiers were simply doing their job. On 10 OCT 06, these same sentiments were reflected once again by the boy's family who came to the Kamdesh PRT to meet with CPT (b)(3), (b)(6) at his request. They admitted that enemy fighters are exploiting their farmlands and villages for their own nefarious purposes. The family, likewise, blamed the HiG and Al Qaeda for the death of their child, not US forces.

(see continuation page)

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

Solatia payments made to the family in the amount of (b)(6) The rules of engagement were properly followed, and collateral damage was avoided. No further action is required at this time.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

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

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board.

(In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Solatia Payments: (b)(6) paid on 13 Oct 06

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

COL, IN
Commanding

80 OCT 2006

CENTCOM 009461

5. Based on the family's description of the boy's fatal wound, it was a result of either the 120mm mortar fire missions or the 2/A/3-71 MK.19 weapons systems. After conducting an interview with the patrol leader, SSG3), (b. he reported that his MK.19 gunner did not observe any structures anywhere along the ridgeline that he was firing.

6. From all the evidence presented it is clear that A Troop acted correctly during this engagement. They were acting in self-defense when they were fired at from multiple ambush fighting positions from an enemy force on higher ground all around them. The platoon's gunners engaged specific targets and did not report observing any non-combatants or structures while they were engaging their targets. The mortar fire mission was conducted by observers from multiple platforms and locations. The initial observer, SPC (b)(3), (b)(6) was the on the ground with 2nd Platoon during the TIC. He reported seeing 3 personnel moving along the ridge line from the same area in which they had just received RPG fire and small arms fire. When these personnel became concealed due to foliage, he passed their grid to observers on OP Warheight. OP Warheight and the (b)(2)High ISO of 3-71 CAV both confirmed that 3 personnel seeking cover underneath a rock. The OP Warheight)(2)High team served as the observers for these fire missions. At no time did they observe a civilian structure in vicinity of the target area. The preponderance of evidence including previous reporting, the aggressive tactics of the enemy that had ambushed the US platoon, and the reporting of observed fires during the entire TIC, clearly confirms that this was an accidental death. Based on my investigation, I find the death of this child, though tragic and accidental, was completely accidental and unavoidable in this case. A Troop has paid the family restitution in the amount of (b)(6)

CENTCOM 009462

Page 6 redacted for the following reason:

(b)(5)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE SPARTAN
FORWARD OPERATING BASE SALERNO
APO AE 09314

TF-SPARTAN

08 OCT 2006

MEMORANDUM FOR CPT (b)(3), (b)(6) Headquarters and Headquarters Troop, 3rd
Squadron, 71st Cavalry Regiment, Forward Operating Base Naray, APO AE 09354

SUBJECT: Appointment of Investigating Officer – Non-combatant Casualties

1. You are hereby appointed as investigating officer pursuant to Army Regulation (AR) 15-6 to conduct an informal investigation into the suspected death of a non-combatant by indirect fire during an engagement on 8 October 2006 near Kamdesh, Afghanistan.
2. Statements should be sworn if possible, using DA Form 2823 or Dari/Pashto equivalents. Your authority to administer oaths is the Uniform Code of Military Justice, Article 136(b)(4). If in the course of your investigation you come to suspect that an individual may have committed a violation of the Uniform Code of Military Justice or federal law, you must advise them of their rights under the Uniform Code of Military Justice, Article 31(b), or the Fifth Amendment as appropriate. Use DA Form 3881 for this purpose. Additionally, you may have to provide certain witnesses with Privacy Act statements before soliciting personal information. If you suspect misconduct by someone who outranks you, stop your investigation and seek guidance. Your legal advisor can assist you with these matters.
3. Your investigation should include interviews of all relevant parties that have information about the conduct of fires and procedures. Your investigation should also include interviews of all relevant parties that have information about the identity of non-combatant personnel killed or injured, the extent of injuries, as well as any property damage. Your findings must be supported by a preponderance of the evidence, and your recommendations must be legally consistent with the findings. Submit your findings and recommendations on a DA Form 1574. Your recommendations should include actions to be taken to correct deficiencies, to compensate victims, or to address any misconduct.
4. Prior to beginning your investigation, you will contact the TF Spartan CJA, MAJ (b)(3), (b)(6), at DSN (b)(2)High for an initial briefing and to obtain a guidance packet.
5. This investigation constitutes your primary duty until completed. It will take precedence over all other duties. Submit your report to the appointing authority within ten (10) days.

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

COL, IN
Commanding

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CENTCOM 009464

Pages 8 through 9 redacted for the following reasons:

(b)(1)1.4a, (b)(2) High, (b)(3) and (b)(6)
(b)(1)1.4a, (b)(2)High, (b)(3) and (b)(6)

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 .Kamdesh PRT	2. DATE (YYYYMMDD) 2006/10/11	3. TIME 0700Z	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	(b)(6)	7. GRADE/STATUS E3

8. ORGANIZATION OR ADDRESS

2nd Plt A TRP 3-71 CAV 3IBCT 10th Mt Division (LI)

9.

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

2nd PLT A TRP SP'ed From Kamdesh PRT on or around 0400 Z on 08 Oct 2006 to investigate drill holes and damage to a bridge that lead to the PRT on the (b)(2)High. We accomplished our mission with photographers and information we gathered on what we thought had happened. Soon after completion of mission we moved forward close to around 300 to 400 meters to the next turn around point where Pv (b)(3), (b) Victor happened to have steering gear box issues and the victor became NMC. As 2 trucks (b)(2)High moved back to the PRT to secure the necessary parts required to fix the vehicle enabling it to be towed back to the PRT. We had 360 degree security with the 2 victors remanding and I had established two TRP's located about 300 meters from our position to the south. I put them in locations of somewhat level terrain and as far as possible to any houses that appeared to be there in terms of the map. Shortly after the 2 victors returned from the PRT we were engaged by RPG fire. Due to auditory exclusion I heard the first one detonate and nothing from that point on until I got on the radio. I knew they were firing at us from the right side of the draw near the second TRP I had placed there. As soon as I got on the radio I called to (b)(2)High and had him do a FFE mission on TGB (b)(2)High 4 rounds. As soon as the rounds hit I had suppressed the enemy enough to where they either stopped firing or fired far less shots than before. In order for me to ensure I killed the enemy I walked those rounds up the best path that appeared to be the refill route of that ambush site. I fired around 10 to 15 rounds with minor adjustments onto the enemy. After the firing ceased (b)(2)High took control of the mortars in order to action on 3 to 4 dismounts he had located hiding near and under a rock. After 100% accountability of personnel we began our push back to the PRT. It was a slow deliberate move back due to towing a victor. All that was still in effect after RTB was we had 2 A10's and one (b)(2)High on station being controlled by (b)(2)High and (b)(2)High

10. EXHIBIT	11. I PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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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.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

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

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

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTION CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU

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

OATH

, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

administer oaths, this _____ day of _____,

at _____

WITNESSES:

SPC

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

AHT 3-71 CAV

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

SON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

CENTCOM 009468

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 et. seq. 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 Kandahar PRT	2. DATE (YYYYMMDD) 20061010	3. TIME 0720Z	4. FILE NUMBER
5. (b)(3), (b)(6)	6. (b)(6)	7. GRADE/STATUS E-6	
8. (b)(3), (b)(6)	(b)(6)		

10. HHT 3-71 CAV

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

On 8 Oct 2006 my Mortar was covering a patrol heading east along (b)(2)High. During the patrol one of the vehicles broke down. My gun was laid on a target designated (b)(2)High. About an hour after the vehicle broke down, the patrol was attacked with RPG and small arms fire. Once we received clearance my gun fired four rounds at (b)(2)High. The FO at the scene adjusted the gun several times to cover the target area more effectively. After the end of that fire mission we fired another fire mission. This time we fired another fire mission. This time we position and fled into a woodline. At that time we ceased firing because the (b)(2)High no longer had eyes on the target. All rounds fired for both missions were observed by a trained observer who had established positive ID on their targets. Nothing follows.

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

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

11. IN	12. PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF _____

TAKEN AT _____

DATED _____

(Continued)

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

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

[Large X drawn across the page]

(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 _____. 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 LINE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES

CPT

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of OCT 06
at Kandahar AFB

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

INITIALS OF PERSON MAKING STATEMENT

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

TO, Supervisor
(Authority To Administer Oaths)

CENTCOM 009470

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 <i>KAMNEH PRT</i>	2. DATE <i>2005 10 10</i>	3. TIME <i>0639Z</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(6)</i>	7. GRADE/STATUS <i>E-6</i>	
8. UNIT/COMPONENT <i>2 PLT, R TRP 3-71 CAV</i>			

9.

I, 556 *(b)(3), (b)(6)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 08 OCT 06 AT 0530 ZULU ONE OF MY FOUR VEHICLES BROKE ITS STARTER MOTOR
 BOX DURING MY PATROL TO FORM A COAL WHILE WE GOT THE PART AND
 TOOK TO FIX IT. AFTER ROUGHLY 50 MINUTES AT THAT LOCATION WE WERE
 HIT BY NO LESS THAN 6 RPG'S AND SMALL ARMS FIRE. WE RESPONDED
 WITH ARMED SUPPRESSIVE FIRE AND MY FORWARD OBSERVER FIRED TARGETS
 THAT WE HAD ESTABLISHED. AFTER FOUR MINUTES THE ENEMY BROKE CONTACT
 AND HUNKED DOWN. AT THIS TIME OF WERKIGHT GOT P10 ON 3
 DISMOUNTS IN THE TARGET AREA AND TOOK OVER USE OF THE 120MM
 MORTARS WHILE MY UNIT TOWED OUR DOWNED VEHICLE BACK TO THE
 PRT.

*(b)(3), (b)(6)**(b)(3), (b)(6)**NOTHING FOLLOWS**(b)(3), (b)(6)*

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <u>2</u> 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 INDICATED		

STATEMENT OF 556 (b)(3), (b)(6) TAKEN AT KO AANESH DATED 2008/10/10 (b)(3), (b)(6)

9. STATEMENT (Continued)
(b)(3), (b)(6)

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

AFFIDAVIT

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

I, , 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 INFLUE

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

(nt)

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____
at _____

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

2 PLT 1000 2-21-01

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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