

**SWORN STATEMENT**

For use of this form, see AR 150-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 13397 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
Asadabad	20071113	1000Z	
5. LAST NAME	6. SSN	7. GRADE/STATUS	
(b)(3), (b)(6)	(b)(3), (b)(6)	02	
8. ORGANIZATION IN BUSINESS			
B12-583			

9.	10. LT	11. (b)(3), (b)(6)	12. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH
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What was your position the night of the 19<sup>th</sup> of Oct? Where was your platoon located? I think we were on Obj Clark into south of village HIZ Douglas. Must play coal behind (b)(2)High was supposed to go into HIZ Clark. Stopped to the night just north of PL Bost, NW of the road. Just south of PL Coors. (b)(3), (b)(6)

13. What was the enemy threat you were briefed on Yakeh Church?
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Knew Yakeh Church was a safe haven. Based off of previous calls, up to ACM blders, but with everything they had or go to ground ministry to evade. Believed they would fight b/c likely had off fueling cache, proximity to blders. (b)(3), (b)(6)

14. What was the enemy doing in and around Yakeh church on the 19 <sup>th</sup> ?
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Everything he received was through Co CP. Received that enemy vicinity HIZ Clark and fighters in the village. Enemy was in the high ground above obj Clark. Next morning B16 was attacked by 2-3 ACM coming from NW of obj (Exhibit B) in vicinity of high ground west of the village. (b)(3), (b)(6)

EXHIBIT	15. INITIALS (b)(3), (b)(6)	16. TAKING STATEMENT	17. PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT OF (b)(3)V TAKEN AT 1000Z DATED 11/11/07'

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

CENTCOM 009492

STATEMENT OF Major TAKEN AT 1000Z DATED 11 Nov

9. STATEMENT (Continued)

Why do you think Yishah Chert was engaged? Why was he in danger? Someone was in the high ground while we were in the low ground. If (b)(2)High had moved to the high ground without the engagement they would have taken casualties. (b)(3), (b)(6)

What did you find in the house of Yishah Chert?

Can you provide a sketch? Located on Exhibit B, next to house. was a cage, looked like it was intended to be hidden. Fair paper (b)(2)High

(b)(2)High

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

What did the elders say when you entered the town? (b)(3), (b)(6)  
Everyone was shouting into 3 letters, told them of casualties. Elders never denied that ACM were in the village. After Elders never denied that ACM were in the village. The villagers talking to them and showing the catches of weapons. The villagers said that everyone in the village is good. (b)(3), (b)(6)

Did they say ACM were in the village?

ACM were locals from the village, fighting or supporting the ACM. (b)(3), (b)(6)

Did they say what they were doing?  
Elders did not give any names of fighters from the village.

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

AFD PE V1.00

STATEMENT OF 11 NOV TAKEN AT 1000Z DATED 11 NOV

2. STATEMENT (Continued)

Where do you think the non-combatants were doing the night?  
Probably same area as AC130 engaged. Within the village there  
were no other compounds that looked like they were  
engaged by AC130 or AH64s. (b)(3), (b)(6)

Injured and killed non-combatants were at compound 1 (as  
per Exhibit B) Compound 2 is where they found pistol belt. Owner  
of Compound 2 was a 4th Lieutenant of AC130 in the 81st  
Elters/Billers were happy US forces were there and had good  
attendance at the Show on the 21st (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 3. 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. (b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, this 11 day of NOV, 2007

at \_\_\_\_\_

ORGANIZATION OR ADDRESS

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

(I typed name of person authorizing oaths)

15-6  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

AFD-FE v1.00

DA FORM 2022, NOV 2006

CENTCOM 009494

Pages 4 through 8 redacted for the following reasons:

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(b)(1)1.4a  
(b)(2)High



CENTCOM 009500

30213

10/19/2007 7:11 pm



CENTCOM 009501

30214

10/19/2007 7:36 pm



CENTCOM 009502

30215



CENTCOM 009503



CENTCOM 009504

30217



CENTCOM 009505

30218



CENTCOM 009506

30219



CENTCOM 009597

30220



CENTCOM 009508

30221



30222



30223

Pages 20 through 22  
redacted for the  
following reasons:-----  
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(b)(2)High and (b)(6)

30224

10/27/2007



30225

Pages 24 through 29  
redacted for the  
following reasons:-----

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(b)(2)High and (b)(6)

30226



CENTCOM 009521

30227

# دِجَهَادِ ولُوْلِي

Volume  
**10**



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

کہتے ہیں کہ کہاں

# بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ جَهَادِ الشَّارِقِي

OCT 21 2007

CENTCOM 009522



CENTCOM 009523

30229



CENTCOM 00952

30230

لـ ٦٠٪ مـ ٥٠٪ لـ ٣٠٪

## مکانیزم انتقال اطلاعات

# کتابخانہ ملک

# لپارچہ کی خوبیوں کی سیکھی

2005. 05. 18

CENTCOM 009525

# دلارم خان ٹرنسک ہاؤس

PH: 0942-222145  
220648  
Res: 240433

Guest House  
دلارم خان ٹرنسک ہاؤس

دلارم خان ٹرنسک ہاؤس  
دلارم خان ٹرنسک ہاؤس

2005. 05. 18

CENTCOM 009526





2005. 05. 18

CENTCOM 009528



CENTCOM 009529

30235

Page 39 redacted for the following reason:

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(b)(2)High



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF DEFENSE**  
HEADQUARTERS, COMBINED/JOINT TASK FORCE (CJTF)-82  
BAGRAM AIRFIELD, AFGHANISTAN  
APO AE 09354

CJTF-82-CS

29 OCT 2007

MEMORANDUM FOR CPT (b)(3), (b)(6) , Headquarters and Headquarters Company, Task Force Bayonet, Jalalabad, Afghanistan

SUBJECT: Appointment as AR 15-6 Informal Investigating Officer

1. You are hereby appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into the engagement between ISAF, ANSF, and enemy personnel that occurred on 20 October 2007 in the vicinity of Yakah Chinah in Kunar Province, Afghanistan which resulted in the deaths and serious injuries of local nationals.
2. The scope of the investigation should include the following:
  - a. The facts and circumstances surrounding the engagement on 20 October 2007;
  - b. The identities of those who were killed or injured, the nature and extent of those injuries and whether the injuries were caused by U.S., ANSF, or enemy forces;
  - c. The mission and purpose of the patrol at the time of the incident and the risk assessment conducted;
  - d. Whether the U.S. Forces complied with the Rules of Engagement and the Laws of Armed Conflict when they engaged the enemy personnel;
  - e. The efforts taken to treat any wounded civilians; and
  - f. Whether any condolence payments have been made to the injured or killed local nationals or if such payments would be appropriate;
3. This will be an informal AR 15-6 investigation. This will be your primary duty until completed and takes precedence over all other duties and assignments. All statements will be in written form and sworn, using DA Form 2823. If witnesses have redeployed, seek to conduct telephonic interviews of them at their home station.
4. If, during the course of the investigation, you suspect that anyone involved has violated any criminal laws, you should advise that person of their Article 31 Rights, prior to questioning. If anyone attempts to interfere with or obstruct your investigation, notify the appointing authority immediately.

CENTCOM 009531

CJTF-82-CS

SUBJECT: Appointment as AR 15-6 Informal Investigating Officer

5. Use AR 15-6 to guide the investigation. Consider any evidence in the investigation that you determine to be relevant and material to the incident. You should make appropriate findings and recommendations based on the facts gathered during the investigation. The completed investigation should include:

- a. This letter of appointment;
- b. A completed DA Form 1574;
- c. A memorandum for record with your findings and recommendations. Your findings are to be based on the facts you gather and your recommendations should include whether any adverse action is appropriate;
- d. An executive summary;
- e. An index of exhibits;
- f. A chronology of your investigation;
- g. All exhibits labeled in successive order;
- h. A list of all persons interviewed and those from who no statement was taken; and
- i. Proper classification markings.

6. If Afghanistan National Security Forces (ANSF) were involved in this incident, your findings and recommendations are to include any lessons learned you discover during the course of your investigation that may benefit the ANSF.

7. You may consider any evidence in your investigation that you determine to be relevant and material to the above areas. This investigation is your primary duty until completed and takes precedence over all other duties and assignments.

8. No military or civilian witnesses can be ordered to give testimony that may incriminate them. However, you can direct a military or civilian witness to provide testimony if you believe they have relevant information that is not incriminating.

9. CPT (b)(3), (b)(6) has been designated as your legal advisor. He will assist you with any legal issues that may arise during your investigation. He may be contacted at DSN (b)(2)High or (b)(3), (b)(6) @afghan.swa.army.mil.

CJTF-82-CS

SUBJECT: Appointment as AR 15-6 Informal Investigating Officer

10. Submit the completed report no later than 12 November 2007 to CPT (b)(3), (b)(6) for legal review. If any circumstances prevent a timely completion of your report, submit requests for delay to me for approval.

11. The point of contact for this memorandum is CPT (b)(3), (b)(6) , CJTF-82, Chief of Administrative Law at DSN (b)(2)High

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

COL, GS  
Chief of Staff



**DEPARTMENT OF DEFENSE**  
HEADQUARTERS, COMBINED/Joint TASK FORCE (CJTF)-82  
BAGRAM AIRFIELD, AFGHANISTAN  
APO AE 09354

REPLY TO  
ATTENTION OF:

CJTF-82-CG

04 FEB 2008

**MEMORANDUM FOR RECORD**

**SUBJECT:** AR 15-6 Investigation into the 20 October 2007 engagement near Yakah Chinah, Kunar Province that resulted in the deaths and injuries of local nationals

1. I have reviewed the AR 15-6 investigation into the engagement that occurred on 20 October 2007 near the village of Yakah Chinah in Kunar Province. The investigating officer (IO) found that the engagement of the building was authorized by U.S. National Self Defense policy and that the On-Scene-Commander's (OSC) positive identification of the targeted compound as an imminent threat was appropriate under the circumstances. The Investigating Officer found that enemy forces were utilizing the building to maneuver on U.S. forces and to prepare attacks against U.S. forces. Although civilian casualties did result, the OSC's decision to engage the building in question was appropriate given the threat from the enemy fighters gathered there. I approve the findings and recommendations of the IO.
2. The recommendation to make condolence payments to the families of those who were killed or injured is returned to the unit for appropriate action.
3. The investigation is returned to the unit for appropriate action consistent with the Investigating Officer's findings and recommendations and my additional instruction above.

*David M. Rodriguez*  
DAVID M. RODRIGUEZ  
Major General, USA  
Commanding

CENTCOM 009534

Pages 44 through 45 redacted for the following reasons:

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(b)(5)

**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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Korengal Outpost	2007/10/29	0756Z	
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CPT	
8. ORGANIZATION OR ADDRESS B/2-503rd IN, Korengal Outpost, AF, APO AE 09354			

9.

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

(3), (b) On 19 October 2007 Battle Company took part in what was to be a large battalion sized operation made up of several company level operations to disrupt ACM C2 and logistical support. Battle Company made up of 30x ANA soldiers, an (b)(2)High 60mm mortar team, 2x scout sniper teams, and 2x infantry platoons with a C2 element was to conduct a 24 hour operation into OBJ Clark IVO Yaki Chinch.

(b)(2)High

Shortly after establish the C2 on LZ Cubs on the high ground to the east of the OBJ we began to pick up significant amounts of (b)(2)High that suggested the ACM were on the OBJ. They were talking about getting into position to attack (b)(2)High as they moved their elements from south to north from LZ Toucans. In support of the operation was (b)(2)High, AC-130, and (b)(2)High 2x AH-64s, in addition to (b)(2)High. These assets helped build the situational awareness needed to target the ACM properly. The (b)(2)High and (b)(2)High immediately began sending up targets based on (b)(2)High. Focusing the assets through the (b)(2)High we were able to PID ACM moving in and around the objective, and allowed us to strike first. Throughout the night (b)(2)High worked with us to engage several ACM on the OBJ and one ACM house. After (b)(2)High pushed off station (b)(2)High engaged those ACM that were egressing after the aftermath of (b)(2)High engagements. Engaging several ACM taking cover in the tree line and continuously using (b)(2)High to focus effects with the help of (b)(2)High

(b)(2)High

(b)(2)High Once the ACM on the objective were neutralized we pushed the main effort and isolation force further north to isolate the objective. (b)(2)High established BPI and used three positions to isolate the entire north, west, and southern sides of the objective IOT allow the ME FOM. The ME, (b)(2)High pushed further into the village at day break. Just afterwards (b)(2)High took SAF from an ACM trying to get into his perimeters. What ensued was a short lived SAF attack from the west in addition to the discovery of several RPGs that were near the ACM when he tried to get in the perimeter. (b)(2)High and his element quickly pushed through the attempt and destroyed the ACM. When arriving at the end of the blood trail they found 5 RPGs, and were right next to the home that was engaged the night prior by the (b)(2)High element. While taking SAF (b)(2)High was on station and (b)(2)High dropped 2x GBU's on the SBF position to the west of the OBJ, and immediately suppressed the ACM fire.

While conducting SSE on the house they noticed that no one was in the home anymore. There was no longer a blood trail either. On the outside of the home on the western side they found a cave that could hold in upwards of 15 ACM and multiple weapons for a large cache. After completing the SSE, they completed with pictures and continued with isolating the OBJ.

(b)(2)High began clearing OBJ Clark IOT disrupt ACM log and C2 elements. While clearing the OBJ they ran into several of the village elders including (b)(6) (b)(6). The elders immediately complained of civilian casualties, and in order to demonstrate our sorrow for their loss we called for a routine MEDEVAC of the non-combatants. During the previous nights events it was clear to me that some of the individuals in the home may not be ACM, but with (b)(2)High moving only meters away from the ACM location it was decided that we needed to eliminate the threat.

Hours later the non-combatants were MEDEVAC'd from the OBJ and (b)(2)High and ANA continued to clear. In the end they had located a total of 8 RPGs, 5 boosters, a pistol, shotgun, AK-47, magazines, and quite a bit of propaganda and ACM kit. The caches were found in the homes on the OBJ by the ANA while conducting the clearance. In Compound #2 the floor had loose dirt on the top of it and sure enough as the ANA moved the dirt out of the way they found a false floor that had a suitcase with propaganda with a pistol belt and holster as we

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

10. EXHIBIT	11. INITIALS OF PERSON (b)(3), (b)(6)	MENT	PAGE 1 OF	3	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 BE INDICATED.

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) TAKEN AT KOP DATED 2007/10/29

STATEMENT (Continued)

ughout the day (2)Higno(2)Hig were in contact on the best way to turn the situation in our favor despite the destruction of ACM on the objective. Perception was reality and although ACM were killed the locals only saw what they wanted. Therefore, (2)Hig and (2)Hig decided to hold a security shura on the following day with all the elders. They would receive 4 bundles of humanitarian assistance in conjunction with it as well. Demonstrating that with the arrival of the government officials comes support and needed items. (2)Hig arrived with a government official, CDR(3), (b) from the PRT, and (2)Hig to push themes of the information campaign. We talked about the small rewards program and pushed that sensors and cameras were everywhere and that with them we could see their daily activity. The elders quickly bought on. CDR(3), (b) and the GoA official spoke about the road project and the ability to increase traffic ability of lumber and ease with which they could get the sick to the hospital. In the end the shura went well and the reception afterwards when (2)Hig handed out the IIA was remarkable. Later that night Battle Company air assaulted to HLZ's (b)(2)High to clear OBJ Taylor IOT disrupt ACM C2 and logistical support nodes. (2)Hig would push from north to south to clear OBJ Taylor North while (2)Hig would clear from northwest to southeast IOT prevent ACM C2 and logistical support areas along the Sawtalo Sar spur. Next they would clear OBJ Taylor West once they completed the clearance on the spur. The company C2 would establish a CP in a location IVO LZ Polk at the western edge on OBJ Taylor North. On 22 OCT 2007 (2)Hig made his way to LZ Eagles and established a patrol base with security on the high ground of several hill tops. The company C2 element was in the same position located on LZ Polk in order to allow the Legion element proper LOS to provide up to the minute intel. (2)Hig finished his clearance of the Abas Ghar ridge to OBJ Taylor and cleared it. Of note, OBJ Taylor had been destroyed by several bombs, artillery rounds, and mortar rounds from previous fights and there was nothing significant to report about the OBJ. The C2 element with (2)Hig pushed out RNS patrol around LZ Eagles and discovered several (5) caves that would support up to 45 ACM if needed. With signs of life in each we were certain that these were ACM hideouts. The caves were documented and sent to higher.

Throughout the day (b)(2)High imminent attacks on (2)Hig and the C2 element. They were whispering to one another about getting into position, and (2)Hig used IDF and artillery to try and push the element back in order to disrupt their plans. (b)(2)High Throughout the day the (2)Hig (continued). At the end of the day there was still not activity. We believe that with use of CAS and CCA on station ICW IDF and artillery being used to disrupt we pushed the attack off. Towards the end of the night we received word from (2)Hig that we would be extended for another 24 hours because the Bravo 1-508th was going to emplaced into the Shuryak. This forced me to hold off on several Objectives in order to ensure I was able to block and interdict ACM from the Shuryak and the Korengal from reinforcing. I pushed (2)Hig from moving onto OBJ Taylor East in favor of keeping the BPI established. Also pushed (2)Hig off from clearing Obj Taylor West in favor of interdicting ACM leaving Chichal and Landigal to reinforce in the Shuryak. On 23 OCT 2007, the day started as normal with (b)(2)High indicating that they wanted to attack. (2)Hig gave the order for (2)Hig to push out small kill teams in the high ground to destroy and interdict ACM as they moved into position for attacks. (b)(2)High

Once I got the word from (2)Hig that his elements were set in position we began receiving more (b)(2)High from the man whispering the day prior. Just as SSG(3), (b) and SPC(3), (b) were changing out of their snivel gear and into something lighter (2)Hig and the C2 element came under a heavy volume of PKM and SAF from the north. Followed shortly thereafter from the south and then the west. Effective PKM fire was pinning the C2 element down and (2)Hig as well. As reports continued to come in it was evident immediately that we had 2x US WIA. Immediately (2)Hig called for immediate suppression with 120mm and 155mm on targets of ACM SBF positions. The 60mm mortars were used to suppress the enemy up close as they were moving closer on the (2)Hig elements. During the fight communications were lost with (2)Hig and WC1 elements. (2)Hig immediately got on the net and told (2)Hig and his elements that they needed to push immediately to the position to get a sitrep and SA. As they pushed (2)Hig moved to see the fight. Money shot reported hearing Afghan speakers in the caves to the south where were taking fire from and (2)Hig assembled a small element to clear the caves on their way to (2)Hig to reinforce. Leaving (2)Hig with the C2 element on Polk. (2)Hig took 6 pars and cleared the caves. With SSG(3), (b) and SPC(3), (b) Airman(3), (b) and SPC(3), (b) and one of the (2)Hig SGTs they threw hand grenades in support of their movement through the caves. Engaging likely ACM in caves as they cleared towards (2)Hig. While taking SAF on the way down intermittently the element was successful in reaching LZ Eagles in time to see SSG(3), (b) and SPC(3), (b) off. (2)Hig ordered (2)Hig to augment his element with a team to help secure the HLZ while (2)Hig was continuing to fight his way to (2)Hig. At about this time the fire stopped and CCA and CAS arrived on station. Several strikes with ordinance on a home that was used by ACM for a SBF were engaged. Then CCA was used to conduct gun runs on ACM exfilling back to Landigal and into Chichal. There were several ACM blood trails from (b)(2)High position that led to Landigal. Not wanting to be overextended (2)Hig held the platoon back from moving to Landigal.

Shortly afterwards (2)Hig worked up a scheme of maneuver with (b)(2)Hig to move into Landigal. While continuing the planning, (2)Hig ordered the C2 element to consolidate and to augment (2)Hig with his security in preparation for movement into Landigal. The C2 element moved that evening to (2)Hig's position. Established a CP and began receiving reports from an Arabic that items were left behind and that they would attack tomorrow. Reports continued to come in that this would occur throughout the night.

As the night went on a resupply occurred and security was tightened with (b)(2)Hig overseeing the security of the perimeter. On the 24 OCT 2007, (b)(2)Hig again picked up and talked about an eventual attack. As the day prior we were ready, only this time we were a large element with less distance between element and the security posture was more alert. The attack started as the previous days did with SAF and PKM from the north followed by the south and then another attempt at the hill. (2)Hig and the WC element were throwing hand grenades and CCA was used to engage and push them back. CCA continued to engage while IDF and artillery were used as well. CCA continued to pick up ACM exfilling off the Sawtalo Sar Spur towards (2)Hig and engaged with rockets and 30mm. Duds engaged with several strikes on structures that supported the SBF of the PKM. This attack was less intense and was initiated by the ANA when they saw the ACM moving into place. This allowed us to get the upper hand and didn't allow them to get in close as they did the day prior. That night (b)(2)Hig indicated they were in the village of Landigal congregating and (2)Hig on OP Restrepo was able to PID several ACM carrying weapons. Using CCA and CAS we destroyed those ACM. When others exfilled CCA was called in on them with 30mm runs. Destroying most if not all the ACM. They were outside of homes in Landigal and Marasti Naw and finally in the river bed.

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

INITIALS OF PERSON MAKING STATEMENT	(b)(3), (b)(6)	PAGE 2 OF 3 PAGES
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STATEMENT OF (b)(3), (b)(6) TAKEN AT KOP DATED 2007/10/29

a STATEMENT (Continued)

ter that night we conducted resupply and false extractions from LZ Eagles which based on (b)(2)High made the ACM believe we had left. Based on this we were able to gain an upper hand on the enemy. As the next day came the ACM were looking for us and wondering about the number of troops in the area. (b)(2)High moved that night into place along the Gatigal Spur south of the village of Landigal to isolate it to the south. The C2 element moved further to the west towards (b)(2)High (2)High where we would be able to overwatch and isolate (b)(2)High. He moved into Landigal from the east. After in place (b)(2)High moved from east to west towards Landigal arriving shortly after day break in order to clear the village to disrupt ACM C2 and log support nodes.

Once (b)(2)H arrived (b)(2)High throughout the morning. AC were talking about shooting helicopters, and moving into position on the element on "top". Believing that they were talking about the C2 element we used CCA and CAS to conduct shows of force over NAs, and IDF and artillery for disruption fires on known ACM locations. Believing that this allowed us FOM we brought in (b)(2)High and (b)(6) for a shura with the Landigal elders.

The security shura went without a hitch. CCA was used for (b)(2)High and to show force and power to the ACM. Shortly after the shura ended (b)(2)High and the Governor left while (b)(2)H handed HA to the local villagers. As they were doing so (b)(2)High picked up that they were moving towards our positions on the high ground. Using IDF and artillery again to disrupt we shot targets to prevent them from moving on us. Thinking again that the ACM would be in the same area as before we expected the C2 to be attacked rather than (b)(2)High as they were such a large element. As the C2 element broke down and moved to LZ Relish we found the DSHKA site with several rounds and casings lying around, but no weapon. (b)(2)High indicated they saw us and were moving into position. Again using 120mm we hit targets ISO the C2 exfil. The UH-60s and AH-64s were on station and the first bird left Relish for the KOP.

As I hit the ground at the KOP I heard the fire fight in the background. I ran to the CP and began to C2. (b)(2)H was engaged in a near ambush with several casualties. I quickly ordered the CCA to engage just north and west of his location, but they wouldn't or couldn't. Either way they wasted time by not getting out of my airspace after 10 minutes of me telling them to engage something to suppress or leave so that I could shoot 120mm and artillery. The (b)(2)High element wouldn't answer. Once I told them to leave or possibly be hit by mortars they responded and left. Immediately shooting targets with 155mm and 120mm we began to suppress the enemy. Using the (b)(2)High element to drop ordinance on ACM exfilling as well from DIVPAT we were successful in suppressing the enemy. (b)(2)H was ordered to immediately reinforce from the east and did so. (b)(2)H moved from Landigal to secure the west of (b)(2)High and the bridge across the river to Alia Bad. In doing so they engaged several ACM in Marasti Naw as well. (b)(2)High element checked on station and was able to engage several ACM to the east of the ambush location heading to Qalaygal as did (b)(2)High. (b)(2)High was used to watch for exfilling ACM while (b)(2)High cleared the rest of the spur in search of ACM and US equipment. They found 2x AKs, 1x ACM dead, 1x (b)(2)High and several papers. During the fight the (b)(2)H from the KOP was launched to Alia Bad to secure the GLOCs in case MEDEVAC through the air was unable to occur. Fortunately the MEDEVAC using hoists was possible and after three trips was complete. (b)(3), (b)(6)

NOTHING FOLLOWS-----

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 (b)(3), (b)(6). 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 WITH (b)(3), (b)(6)

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

(Signature)

(next)

Subscribed and sworn (b)(3), (b)(6) .orized by law to administer oaths, this CT 2007  
at Korengal Outpost, AF

(Signature of Person Administering Oath)

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

(typed Name of Person Administering Oath)

1SG, B/2-503  
ORGANIZATION OR ADDRESS

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

CENTCOM 009539

## 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 Korngal Out Post	2. DATE (YYYYMMDD) 2007/11/03	3. TIME 0555Z	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN X9716	7. GRADE/STATUS CPT	
8. ORGANIZATION'OR ADDRESS B/2-503rd			

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

Where were you, Legion? (b)(2)High, (b)(2)High on the 19th of Oct?  
 Times? (b)(3), (b)(6) (b)(2)High, 1x SAB B 1st PLT - HLZ Cobbs approx 1600Z  
 went to HLZ Tucans. held at PL Coors, (b)(2)High moved to Coors  
 Light then pulled back b/c (b)(2)High was using AH64 approx 1900-2000Z (b)(3), (b)(6)  
 (b)(2)High (b)(2)High (b)(2)High

what was the threat you perceived on OBT Clark (Yakah Chirah)?  
 What were you anticipating? (b)(3), (b)(6)  
 (b)(3), (b)(6) Expected follow ACM engagement. National Assets had picked up (b)(2)High  
 indicating (b)(2)High Villagers expected to support ACM, do not participate  
 in shuras. See donkey trains end up here, logistics node. Possible anyone  
 lay down weapons, and no fight at all. Expected PSDs of  
 (b)(2)High expected enemy 40-50 men. (b)(3), (b)(6) (b)(2)High

(3), (b) What information were you receiving from (b)(2)High AC130, (b)(2)High  
 (b)(2)High trying to identify where US forces were. (b)(2)High to the  
 East of HLZ Cobbs, 10-15 mins after (b)(2)High got situated in Tucans, Yakah Chirah  
 (b)(2)High picked up people "getting crazy" into position. Flashlight moving -  
 since out of 10 is ACM, others said anyone with flashlight is bad. (b)(2)High saw  
 (b)(2)High 1st segment ~~was~~ caused by 10-15 pause then  
 (b)(2)High / flashlights moving repositions vic PL Coors Light. (b)(3), (b)(6)

EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) TAKEN AT 0555 DATED (b)(3), (b)(6)

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

STATEMENT (Continued)  
(3), (b) (1) (i)  
own detailed was the information and how did you process it?  
cont'd BN TOC saw (b)(2)High feeds and passed information to (b)(2)High talked to  
ACBDO. FMV and (b)(2)High lined up to where (b)(2)High was moving to establish a  
blocking pos. Took "military actions" when (b)(2)High came overland. Talking to  
people in Ahat. (3), (b) (1)

Did you receive fire from Yakah Chinh? no

b)(3), b)(6) What was the imminent threat in the village on (b)(2)High ?  
Acm congregated into Bloody Posture 1st 2 our watch Y4 high church where  
(b)(2)High was moving to. Acm moving to high ground preparing to fight. b)(3), b)(6)

what caused you to fire on Yakah Chinal? What platforms did you use? AC130 (105/40mm), AH64, FW CAs (bombs/grenades). Why did you choose those? When (b)(2)High asked to go kinetic on a house expected fighters went into, authorization was given by (b)(2)High - his initials were passed to AC130. Based on patterns of 1st (b)(2)High (b)(2)High flashlights, 8-10 pax in military formation). 1st - AC130 flew by refueled. Brought in AH64 for non-std (b)(2)High PAX started to hide ~~in~~ in trees/village, AH64 pilots thought it was hostile, engaged 30mm/rockets. Believe 2-3 rockets shot high. Approach NE -> SW. Did not specify which weapon system to use. to Aircraft. AH64 not given clearance on bldgs. (b)(3), (b)(6)

Expecting collateral damage? If so, How much?  
Expecting collateral damage on house engaged by AC 130. Have received fire from ~~hostile~~ house before. Knew bldg would be destroyed. Did not expect a lot of non combatants as opposed to two groups of 8-10 ACM conducted some type of link-up. b(3), (b)(6)  
before in Yakkah church, b(2) High perimeter was attempted to be attacked/

when did you find out there were non-combatant casualties? Next  
morning approx 0300Z when (b)(2)High began clarity obs clock  
village address 1 males pointed out wound, 11 wounded (CPF)(3), (b)(6) most  
routine. Called for routine MEDEVAC. (b)(3), (b)(6)

What did you find in Yalakah Chinch? Did you find anyone pax?  
(3), (b) I found cache (Intel product) Around house they engage w/ ACIBD  
Did not find anyone males wounded or killed. On or about 21st visually  
saw ~~people~~ in village. There were fighting & some males in the village ) (3), (b) (e)

**INITIALS OF PERSON MAKING STATEMENT**

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3), (b)(6) TAKEN AT 05552 DATED 3 NOV

STATEMENT (Continued)

What was the response of the villagers/elders?

Said ACM in the area and they come into the village at night. When asked about weapons in their village they said they did not know where it came from.

- \* (b)(2)High was indicating an incoming attack.
- \* People moving around found on FMV exactly matched what (b)(2)High said.
- \* Patterns of life matched. Flashlights, via elders, they are ACM
- \* knew sending guys into an area people (males) into a village he had never been into, and it was at night.
- \* Expected to be in Yekah Chash a few days because of extended fighting.
- \* After landing ~~people~~ (males) moved to high ground.

(3), (b) Engaged next to the houses with ACM to see if suspected ACM would flee out of the house used 40mm to do this. (b)(3), (b)(6)

AFFIDAVIT

(b)(3), (b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
WHICH ON PAGE 3. 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

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

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me, abd (b)(3), (b)(6)horized by law to  
administer oaths, this 3 day of November, 2007  
at Karmano, Dif, DDFB, (t)

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

ing Oath)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ng Oath)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15-6 Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

**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 <i>Camp Blessing</i>	2. DATE (YYYYMMDD) <i>2007 1104</i>	3. TIME <i>1200Z</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3)	6. SSN (b)(6)	7. GRADE/STATUS <i>E8</i>	
8. CURRENT ADDRESS <i>B/2-503</i>			

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

Where were you on 19 OCT with in the company? What was your role in the CP? On HLZ Cobs. In charge of security. Located with the mortars (only 2 pax). Not with (b)(2)High Reporters, RTOS, On the top of the HLZ. Could see the engagement. Went to C2 element to find out what was going on. What was your assessment of Yakkah church? Brief? A lot of (b)(2)High use the village as a safe haven. Expected a lot of fighters. Expected ACM to go (b)(2)High And Fires assets were in the A (b)(3), (b)(6) ground once all the

What did you hear about what the ACM were doing via Yakkah church on the night of the 19th? Cleared enemy first at HLZ cobs. Heard from (b)(2)High there "were squatters". All the tanks from (b)(2)High pointed towards Yakkah church. Every did not (b)(3), (b)(6) b)(2)High could see into Yakkah church (b)(3), (b)(6)

EXHIBIT	11. INITIAL (b)(3), (b)(6)	ON MAKING STATEMENT	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT C"

TAKEN AT 1200Z DATED 4 NOV 2007

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

STATEMENT OF 1SG (b)(3), (b)(6) TAKEN AT 1200Z DATED 11 NOV 2007

## 9. STATEMENT (Continued)

How did their movements affect the Battle Co Plan?  
 Did not change the plan, but had to set to the blocking positions faster. Could see into Yakah Chish 22-2300Z, incend illumination. (b)(2)High had to move faster into overwatch, b/c did not land where they were supposed to. Flat lands at AHZ front was good b/c ACM were in that area. (b)(3), (b)(6)

Did Battle Co receive fire on the 19<sup>th</sup>? If so where? No. (b)(2)High  
 not sure, but don't believe so.

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

What friendly weapons or platforms engaged vicinity of Yakah Chish? Why did you fire down there? (b)Fist was AC130 saw pax with backpacks (ACM carry rounds in backpacks - no one else is in the hills at night except ACM). On station for a while 40mm/105mm, precision fire. Saw pax move back and forth in house. (b)(2)High called (b)(2)High fire. AH6H was later in the night or the mor (b)(3), (b)(6) engage the house.

What did you find the morning of the 20<sup>th</sup>? Non-combatants? Weapons?  
 Never went down to the village. (b)(3), (b)(6)

Did you weigh the pros and cons of firing into Yakah Chish?  
 Expected collateral damage. Expected minimum b/c used the AC130 b/c it has precision fires. Can ID individuals at buildings. (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

APD PE v1.00

DA FORM 2823, NOV 2006

CENTCOM 009544

STATEMENT OF 156 (b)(3), (b)(6) TAKEN AT 1200Z DATED 11 Nov 2007

5. STATEMENT (Continued)

What did you find in Yekish church then of the 2007?  
Non-combatants? weapons? wounded/killed ACM? (b)(3), (b)(6)

\* The company works very hard to get PFD.

(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 \_\_\_\_\_. 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR I (b)(3), (b)(6)

\_\_\_\_\_  
(b)(3), (b)(6) *signature of Person Making Statement*

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of Nov, 2007  
at \_\_\_\_\_  
(b)(3), (b)(6)

\_\_\_\_\_  
(b)(3), (b)(6) *signature of Person Administering Oath*

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

\_\_\_\_\_  
15-6 Investigator  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

APD PE v1.00

**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.

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**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION <i>Camp Blessing</i>	2. DATE (YYYYMMDD) <i>2007/11/04</i>	3. TIME <i>1230Z</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS <i>O2</i>	
8. ORGANIZATION OR ADDRESS <i>B/2-503</i>			

9.

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

*What was your mission for Yakah Chash? Isolate Clarke from the west to allow freedom of maneuver of the ME* (b)(2)High

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

*What was the expected enemy situation? What were you briefed? Head Yakah Chash was a PLT(t) safe house used to push supplies. ~~E~~ Expected multiple HVTs around compounds 1&2.*

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

*What was the threat once you landed at HLZ Toucan? On landing at Toucans (b)(2)High said ~~they~~ there were enemy with weapons at HLZ Grant where they were supposed to land. No initial threat at Toucans other than what AC130 saw. Once started moving north, more PAK started to move around HLZ Grant, right where (b)(2)High was supposed to establish blocking positions. Did you receive fire from Yakah Chash? No contact until the morning of the 20th when their perimeter was attempted to be breached.* (b)(3), (b)(6)

EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(1)

PAGE 1 OF 3 PAGESADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" (b)(3), (b)(1) TAKEN AT 1230Z DATED 4 NOV

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

STATEMENT OF

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

TAKEN AT

1230Z

DATED

24 NOV 07

## 9. STATEMENT (Continued)

What fires were used on Yakah Chash the night of the 19th? Type? AC130 was used and on station up till moved to PL Coors - stayed @ long halt fire. (b)(2)High held the PLT here before climbing the spur. Didn't want b)(2)High too close to OBJ while AH64 engaged with hellfire. (b)(3), (b)(6)

Did the fires neutralize the threat? What effects do you think you had? Yes AC130 engaged target east and west of the river. AH64 engaged PAX where b)(2)High is located position was supposed to be. ~~Patrol~~ Below ACM were already in position. (b)(3), (b)(6)

What was the scheme of maneuver after the fires? HQZ Graft was 900m from Compounds 1&2. Isolation position were right above 1,2 as per Exhibit 1. Information via (b)(2)High was that the PAX ACM & the isolation position were moving back and forth to the compounds. (b)(3), (b)(6)

What was found in the village of Yakal Chash? Non-combatant? Weapons? Wounded/killed ACM? Did not go into Compounds 1&2. Moved higher & first light for a better isolation position. 5 RPGs found by guy who tried to break perimeter w/ boosters. At isolation position used by ACM found shatins at ~~old~~ old (3) ASIP batteries. No blood of ACM - (b)(3), (b)(6)

Do you know where all of this was found? (b)(2)High did the searching of Compounds 1&2.

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF \_\_\_\_\_ (b)(3), (b)(6) TAKEN AT 12302 DATED 4 Nov 07

STATEMENT (Continued)

- Patterns of life ~ Yakah Chinh definitely make the threat perceived to be high.
- Did not see BDA of compounds 142.

(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 PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHHOLDING OUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OF

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

(t)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me, a Notary Public, authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
at \_\_\_\_\_

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

(Administering Oath)

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

(Administering Oath)

15-6, investigator  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

**SWORN STATEMENT**

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**PRIVACY ACT STATEMENT**

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**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION <i>Camp Blessings</i>	2. DATE (YYYYMMDD) <i>2007 11 04</i>	3. TIME <i>1500Z</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>ME</i> (b)(3), (b)(6)	6. SSN <i>(b)(6)</i>	7. GRADE/STATUS <i>E6</i>	
8. COMMUNICATION OR ADDRESS <i>B12-S03</i>			

9.

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Where were you during the night of the 19th?  
With CPT (b)(3), (b)(6) & HLZ cubs. As the FSNCO in control of the fire platforms, AC130, 2xAH64, 60mm tube, 2x120 front line KOP, 155 from Blessing and ABAB. (b)(3), (b)(6)

What was the threat you were anticipating in Yakash Church?  
National level targets in the village of 10-15 ACM with them. Expected 3-4 HVBs. Expecting a big fight in Yakash Church or ACM would go to ground and hit us. (b)(3), (b)(6) the (b)(3), (b)(6). More expected a fight. (b)(3), (b)(6)

What information were you receiving from the AC130? How did it match up with (b)(2)High (b)(2)High? Had 2xJTACs (b)(3), (b)(6) And SA (b)(3), (b)(6).  
AC130, after in cubs, got comms. Initially AHs could not see them. AC130 said IDed 2-3 pax w/ weapons just to the west of cubs. Engaged with 105. Aircrew chooses weapon system unless specified by GFC. AH64s were west of the valley with AC130 east of the valley. Aircraft split by valley. Pusted AHs to PBT FO's to work immediate area. (b)(2)High controlled AC130, look around HLZ cubs. Pusted AC130 to west side when AH64s escorted Lst A/C out or needed refuel. BN, via (b)(2)High said pax moving (15) from south to north just SW of HLZ front. (b)(2)High picked up (b)(2)High in the same vicinity. Pusted all in the same vic, "callups," "move up to link-up to discuss plans." (b)(3), (b)(6)

EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT  (b)(3), (b)(6)	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" (b)(3), (b)(6) TAKEN AT 1500Z DATED 4 NOV

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

CENTCOM 009549

MENT OF

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

TAKEN AT

1500Z

DATED

21NOV07

## 9. STATEMENT (Continued)

Were there any shots fired from YAKAH CHINAH? No, not out. /  
the morning of the 20<sup>th</sup> (b)(3), (b)(1)

Were any Battle elements in danger the evening of the 19<sup>th</sup>? What  
About the early morning of the 20<sup>th</sup>? (b)(2)High moved to PL Coors.  
(b)(2)High, # of pax, same size as (b)(2)High indicated & threat.  
Patterns of life/actions of those pax were the same as ACM  
in northern part of the valley, just before an attack. 20<sup>th</sup> more  
I com about they didn't know where Battle Co was. Contact was made  
Around sunrise of the 20<sup>th</sup>, saw muzzle flashes. (b)(3), (b)(1)

Why did you decide to fire into YAKAH CHINAH? Did you  
do a collateral damage estimate?

Engaged village w/ AH64's first. House is where all people moved into.  
Tried to engage around the house to force people to flee. Some  
people from HL 2 Grant and (b)(2)High AH64 engaged w/ gun offset of house.  
Platform to engage house was a pin-point weapon system. Hitting specific  
pax that were in Grant and the (b)(2)High Did not use 155 or 120mm b/c  
they were Area weapons. (b)(3), (b)(1)

What platforms did you use? AC 130 40mm? AH64 guns?  
1st- AH64's offset of compound. AH64 broke station a few times  
to refuel/re-arm. Picked up more (b)(2)High "what are they shooting at?" "where are  
the Americans?" AC130 called to engage the house. 105mm. Received  
clearance through BN to engage house and had (b)(2)High 3 age. (b)(3), (b)(1)

Did all the indirect systems hit their targets?  
They hit the intended targets. (b)(3), (b)(1)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

DA FORM 2823, NOV 2006

APD PE v1.00

CENTCOM 009550

STATEMENT OF SSG (b)(3), (b)(6) TAKEN AT 1500Z DATED 4 Nov 07

STATEMENT (Continued)

Stayed on HLZ cobs on the 20<sup>th</sup>, (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 3. 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 INFLU-

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

(*Signature Statement*)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 04 day of November, 2007  
at \_\_\_\_\_

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

(*Signature or Person Administering Oath*)

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

(*Type Name or Person Administering Oath*)

15-6 Officer

(*Authority To Administer Oaths*)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

**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 <i>Camp Blessings</i>	2. DATE (YYYYMMDD) <i>20071104</i>	3. TIME <i>1310Z</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS <i>O3</i>	
8. ORGANIZATION OR ADDRESS <i>HHC/2-503</i>			

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

1) What was your role in the operation? Who were you located with? Embedded (b)(2)High with (b)(2)High (b)(3), (b)(6)

2) What was the enemy threat of Yakkah Chivah you received before the operation? What did you expect? Could be an extremely bad fight or there would not be a fight at all. Yakkah Chivah was a known safe haven. (b)(3), (b)(6)

3) On the 20<sup>th</sup> in Yakkah Chivah what non-combatants did you find? What were their injuries? 11 casualties. The most significant was a b)(6) yr old female, next was an adult b)(6) female with shrapnel injury to the hand. Second there was another female in her b)(6). The rest of the injuries appeared to be younger than b)(6) (b)(3), (b)(6)

EXHIBIT	11. INITIALS OF <i>b)(3), (b)(6)</i>	MAKING STATEMENT
		PAGE 1 OF <i>3</i> PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" (b)(3), (b)(6) TAKEN AT *1310Z* DATED *24 Nov*

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1310Z DATED 4 NOV 07

9. STATEMENT (Continued)  
 once the reporters left, ~~he~~ he was able to examin the rest of the children. There was at least one other dead child, plus two other bodies covered with sheets (one was possibly an Adolescent). CPL (b)(1), 2nd BN notice, may have looked at the dead. TWO total dead. (b)(3), (b)(6) only observed two total dead.

Do you know what could have caused their wounds? AH64? AC130?  
 Shrapnel from an explosive device from a rocket, 105mm

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

Why did you decide to MEDEVAC them?

He decided to MEDEVAC. All casualties were a result of ours (2/503/coalition forces) munitions. MEDEVAC'd all 11, b/c could not do full cleaning of wounds and wound care.

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

Did the villagers say where the other combatants were injured?

Injured in a white house on the west side of the river.  
 I am not sure ~~then~~ whether I heard this from the elders or from other soldiers.

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

Did anyone say where the ACM were located while you were treating the casualties?

Elbo (b)(3), (b)(6) said they were wounded the night of the 19th by explosions ~~while they~~

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF \_\_\_\_\_ (b)(3), (b)(6) TAKEN AT 13107 DATED 4 NOV 07

.. STATEMENT (Continued)

\* Moved to targeted houses first, the platoon, then were taken to the injured kids by some elders in another house.

(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 PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL IN

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

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

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

WITNESSES:

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

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

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

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

(Signature of Person Administering Oath)

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

15-6 Investigation

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

ADP PE v1.00

**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 CAMP BLESSING, AFGHANISTAN	2. DATE (YYYYMMDD) 2007/11/04	3. TIME 1349Z	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4	

8. ORGANIZATION OR ADDRESS

HHC 2ND BATTALION (ABN), 503RD INFANTRY

9.

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

On 20 Oct 2007 on or about 0500Zulu, I was with (b)(2) as Platoon medic in the village of Yacha Chinah. We were greeted by the village elders and were brought down lower into the village to where there were four dead bodies on beds covered with sheets. As (b)(2) was talking with the elders, the Afghan National Army was lifting the sheets that were covering up the bodies. As they were doing so, I was behind them also looking. On two separate beds there were two fighting age males approximately (b)(4) years of age. There was on one bed with two small children approximately (b)(6) years of age. All of the bodies were very badly burned. As CPT (b)(3), (b) was engaged with treating local nationals, I was taking a look at these bodies. The bodies were carried off shortly after we arrived at the village.

**NOTHING FOLLOWS**

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

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

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

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 12 PAGESADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) MAKEN AT 14131 DATED 11NOV07

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

STATEMENT OF

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

TAKEN AT

1413Z

DATED

11 NOV 87

9. STATEMENT (Continued)

**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

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

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

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

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

Pages 66 through 67 redacted for the following reasons:

-----  
(b)(2)High

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of 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) Chief of Staff

(Appointing authority)

on 29 OCT 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

**SECTION II - SESSIONS**

The (investigation) (board) commenced at FOB Fenty, Afghanistan (Place)

at 1200z (Time)

on 30 OCT 2007 (Date) (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.)

N/A

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

N/A

The (investigating officer) (board) finished gathering/hearing evidence at

(Time)

on

and completed findings and recommendations at

0900Z

(Time)

on 15 Nov 07

(Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

		YES	NO <sup>1</sup>	NA <sup>2</sup>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	
c.	Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d.	All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e.	Privacy Act Statements (Certificate, if statement provided orally)?	<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 checked="" type="checkbox"/>	
g.	Information as to sessions of a formal board not included on page 1 of this report?	<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 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 <sup>1/</sup>	NA <sup>2/</sup>
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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"/>	
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):	<input type="checkbox"/>	<input type="checkbox"/>	
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 —	<input type="checkbox"/>	<input type="checkbox"/>	
(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):	<input type="checkbox"/>	<input type="checkbox"/>	
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):	<input type="checkbox"/>	<input type="checkbox"/>	
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: 10px; height: 10px;" 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):	<input type="checkbox"/>	<input type="checkbox"/>	
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):	<input type="checkbox"/>	<input type="checkbox"/>	
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:

See Attached Memorandum

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

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

See Attached Memorandum

CENTCOM 009561

APD PE v1.20

**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.)

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

(Recorder)

resident

(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.)

N/A

CENTCOM 009562

APD PE v1.20

Pages 72 through 73 redacted for the following reasons:

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(b)(1)1.4a