

## UNITED STATES CENTRAL COMMAND

[Home](#) | [News](#) | [News Articles](#) | [Release of Pakistan/Afghanistan Cross-Border Fire Investigation Report](#)

### **Release of Pakistan/Afghanistan Cross-Border Fire Investigation Report**

MACDILL AIR FORCE BASE, Fla. (December 26, 2011) — The U.S. Central Command investigation into the Nov. 25-26 engagement between U.S. and Pakistan Military Forces near Salala Checkpoint, Khas Kunar Province, Afghanistan is complete. The report can be found by clicking [here](#). The Table of Contents can be found by clicking [here](#). Click here for Annexes: [A](#), [C](#), [D](#), [E](#), [F](#), [G](#), [H](#), [I](#), [J](#). Click here for Brig. Gen. Clark's [Appointment Letter](#).

Specifically, U.S. Marine Corps Gen. James N. Mattis, U.S. Central Command Commander directed ISAF Commander Gen. John Allen to implement the following corrective actions as soon as operationally possible:

Establish an environment of improved, mutual trust among stakeholders working in the border areas expanding upon existing confidence-building measures.

Clarify authorities, responsibilities, and standard operating procedures for Command, Control and Communication in near-border operations. Develop formal individual training, collective training exercises and drills to practice and gain confidence with cross-border coordination and deconfliction.

Implement a program of full disclosure of all border area facilities and installations – including installations on both sides of the border with systematic updates based on a common data base and map, and incorporating periodic reciprocal coordination visits.

Direct all future Coalition units and formations contemplating near-border area operations to establish positive confirmation of all permanent/semi-permanent installations located near both the boarder and planned objective prior to the conduct of any operation or approval of any CONOP.

Develop and share with Pakistan Military if possible the common use of force escalation measures such as show of force and such other standard procedures as needed to prevent friendly fire incidents.

Consider harmonizing, where feasible, ISAF and OEF Rules of Engagement to promote clarity and

transparency.

“The strongest take-away from this incident is the fundamental fact that we must improve border coordination and this requires a foundational level of trust on both sides of the border,” said Gen. Mattis.

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**COMMANDER**  
**UNITED STATES CENTRAL COMMAND**  
7115 SOUTH BOUNDARY BOULEVARD  
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

28 November 2011

**TO:** Brigadier General Stephen Clark, U.S. Air Force

**SUBJECT:** Appointment as Investigating Officer Into the Facts and Circumstances Surrounding the Engagement Between U.S. Forces and Pakistan Military Forces near Salala Checkpoint, Khas Kunar Province, in Afghanistan Vicinity of the Pakistan border on 25 November 2011 that Resulted in the Deaths of Pakistan Military Personnel

Reference (a): AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, date 2 October 2006.

1. You are hereby appointed as an investigating officer (IO) to conduct an investigation in accordance with reference (a), into the circumstances surrounding the subject engagement near Salala Checkpoint, Khas Kunar Province, in Afghanistan vicinity of the Pakistan border on 25 November 2011. The Commander, U.S. Special Operations Command has authorized your participation in this investigation.
2. You may generally use Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, as a guide for the conduct of your investigation. You are not, however, strictly bound by the contents or internal requirements of AR 15-6 and you may conduct your investigation in whatever manner you feel necessary and proper.
3. This is a CENTCOM-led investigation with full NATO cooperation, and you will include NATO representation in your investigation team. You will also include official representatives identified by the International Security Assistance Force (ISAF), the Government of the Islamic Republic of Afghanistan (GIROA), and the Government of Pakistan (GoP) as participants in your investigation. As ISAF, GIROA, and GoP identify their designated participants, ensure openness and candor with them, respond to their questions they need to be addressed in the investigation, and coordinate through them to receive evidence they offer to provide and to interview witnesses. Their participation will facilitate the investigative process to determine what happened and how we preclude it from happening again.
4. Ensure that each part of the investigation is classified no higher than necessary so that this investigation can be coordinated and shared with the NATO/ISAF, GIROA, and the GoP representatives. Portions of the investigation may not be releasable; if so, then prepare a releasable summary of those portions so the official participants may review the material and include the releasable summary in the completed investigation.

**SUBJECT: Appointment as Investigating Officer Into the Facts and Circumstances Surrounding the Engagement Between U.S. Forces and Pakistan Military Forces near Salala Checkpoint, Khas Kunar Province, in Afghanistan Vicinity of the Pakistan border on 25 November 2011 that Resulted in the Deaths of Pakistan Military Personnel**

5. Commander, U.S. Forces-Afghanistan (USFOR-A) has designated a judge advocate to serve as your legal advisor for this investigation. You may also request that additional experts and administrative support personnel be appointed to your investigation team. Coordinate the appointment of those individuals through your legal advisor.
6. All witness statements will be reduced to writing and sworn whenever possible. You may use DA Form 2823, *Sworn Statement*, or any other format. If you are unable to obtain a written and/or sworn statement from a particular witness, you will swear to the accuracy of any transcription or summary of witness testimonies in whatever form they appear within your report of investigation. You will provide witnesses with a Privacy Act statement before you solicit any personal information from them. Your legal advisor will assist you in determining when this may be required.
7. No military or civilian witness can be ordered to provide information that may incriminate him or herself. You may order any military witnesses to provide statements if you believe that they have relevant information that would not incriminate themselves. If, in the course of your investigation, you suspect any specific person may have committed a crime, you will promptly consult with your legal advisor and then inform me. You should not attempt to elicit any information from any suspect without first thoroughly discussing the matter with your legal advisor and then providing the requisite advice and warnings required by Art. 31, UCMJ or other applicable U.S. law or regulation.
8. You may consider any evidence 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 will include:
  - a. this memorandum of appointment;
  - b. a memorandum for record with your findings and recommendations. A completed DA Form 1574, *Report of Proceedings by Investigating Officer*, is not required. Your findings are to be based on the facts you gather and your recommendations should include whether any corrective action is appropriate;
  - c. an executive summary (with both unclassified and classified version);

**SUBJECT: Appointment as Investigating Officer Into the Facts and Circumstances Surrounding the Engagement Between U.S. Forces and Pakistan Military Forces near Salala Checkpoint, Khas Kunar Province, in Afghanistan Vicinity of the Pakistan border on 25 November 2011 that Resulted in the Deaths of Pakistan Military Personnel**

- d. an index of exhibits and all exhibits labeled in successive order;
- e. a chronology of your investigation;
- f. a list of all persons interviewed and those from whom no statement was taken; and
- g. proper classification markings for each paragraph, page, and exhibit included within your report of investigation.

9. You are free to make findings and recommendations to me on whatever matters you believe are relevant to your investigation. At a minimum, I request you to determine:

- a. the facts and circumstances surrounding the incident, to include the time duration; this should include all pertinent events including Command and Control functions (deconfliction, authorizations, approvals, etc.) associated to, and within, the time line;

- b. what specific U.S., ISAF, Afghan and Pakistan units were involved, to include before and after the incident;

- c. what units (ground and air) did or did not cross the border and under what conditions and authority;

- d. what coordination was conducted before, during and after the incident between the units involved;

- e. what was the battle damage assessment and, to the extent possible, the cause of any deaths and injuries;

- f. any recommendations concerning improvements to tactics, techniques, and procedures to improve our near-border operations; and

- g. any other matters pertaining to this incident that you believe are relevant.

10. Please focus your effort on the engagement and any matters that aid in understanding the circumstances how the Pakistan forces were killed and injured.

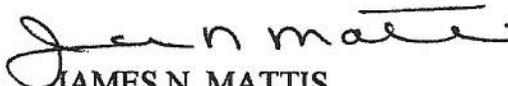
**SUBJECT: Appointment as Investigating Officer Into the Facts and Circumstances Surrounding the Engagement Between U.S. Forces and Pakistan Military Forces near Salala Checkpoint, Khas Kunar Province, in Afghanistan Vicinity of the Pakistan border on 25 November 2011 that Resulted in the Deaths of Pakistan Military Personnel**

11. A copy of the investigation will be provided to the GIROA, the GoP, and NATO/ISAF consistent with security classifications. Accordingly, ensure that you mark all documents and enclosures with the lowest possible security classification and include information, findings and recommendations that could be used to implement corrective measures and share lessons learned with the respective governments and ISAF. You should produce an investigation that can, to the greatest extent possible, be released to the public.

12. This investigation is your primary duty. By this memorandum, you shall receive the complete support of all USCENTCOM personnel and assets you feel you need to properly conduct this investigation. All USCENTCOM records and files, however and wherever stored or otherwise available, shall be made available to you. The Commander, USFOR-A/ISAF, has also agreed to provide full support and open access to information for the conduct of this investigation.

13. This appointment authorizes you and your team Priority-1 travel status throughout the area of operations to conduct the investigation.

14. You will submit your completed report of investigation to me by 23 December 2011. You may receive an extension of time to complete this investigation from myself, my Deputy Commander or Chief of Staff. Please document the reason for any delay in your final report of investigation.

  
JAMES N. MATTIS  
General, U.S. Marines

Copy to:  
Chairman of the Joint Chiefs of Staff  
SACEUR  
CDR, USSOCOM  
CDR, USFOR-A  
CDR, ODRP

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INVESTIGATION INTO THE INCIDENT IN VICINITY OF  
THE SALALA CHECKPOINT ON THE NIGHT OF 25 – 26 NOV 2011



A report by: Brig Gen Stephen A Clark, USAF  
USCENTCOM Investigating Officer

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**INVESTIGATION INTO AN INCIDENT IN THE VICINITY OF THE SALALA CHECKPOINT ON THE NIGHT OF 25 – 26 NOV 2011**

<b>Contents</b>	<b>Page</b>
Executive Summary	4
Introduction	6
Aim and Objectives	7
Context	8
Afghan – Pakistan Border	8
Intelligence Picture	8
Nature of Operations	8
Background to the Operation	9
Concept Of Operations (CONOP)	9
Timeline	11
Summary of the Incident	11
Structure of the Summary	11
Preparation and Initial Operations	11
Contact and Lethal Action	12
Continuation of the Operation	13
Reaction and Liaison at the Higher Level During the Incident	13
Role of Higher Headquarters and Office of the Defense Representative Pakistan (ODRP)	14
Response from Pakistan	15
Evidence	15
Ground Operations	15
Air Operations	18

**UNCLASSIFIED**

Operational Command, Control and Communications	19
Cross Border Coordination	21
Law of Armed Conflict (LOAC), Command Directives, Rules of Engagement (ROE) and Relevant Authorities	23
Findings	23
Critical Findings	23
PAKMIL Questions Relayed from ODRP	24
Findings Worthy of Discussion	26
Recommendations	26
Concluding Comments	28

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### EXECUTIVE SUMMARY

1. On the night of 25-26 November 2011, an Afghan National Army Commando (ANA CDO) company, partnered by US Army Special Forces, landed near Maya Village, Khas Konar District, within an area of operations assigned by NATO's International Security Assistance Force (ISAF) to its Regional Command-East (RC-E). The ground forces (GF) which landed near Maya Village were executing Operation SAYAQA which was approved by HQ, ISAF Joint Command (HQ IJC). As they moved towards their objectives, the GF came under effective fire from positions on a ridge near the Afghanistan-Pakistan border. Using the allocated air support, in self-defense, they engaged the ridgeline positions from which the continuing fire originated. After the air engagement ended (approximately 45 minutes of fire during a 90 minute period) and fire from the positions near the ridge had stopped, it became clear from various information exchanges that those engaged at the ridge were Pakistan Military (PAKMIL) personnel. In the early hours of 26 November 2011, the supporting aircraft pulled back from the border area and Pakistani authorities reinforced their border positions and reportedly removed 24 dead and 13 wounded. The GF continued and successfully completed Operation SAYAQA. The GF left the area shortly after midnight on 27 November 2011, arriving back at their base later that morning.

2. A U.S. Central Command (USCENTCOM) led Investigation Team, led by U.S. Air Force Brigadier General Stephen Clark, and an Investigation Team from NATO's Allied Joint Force Command (JFC) Brunssum, led by Canadian Army Brigadier-General Michael Jorgensen carried out investigations into this incident during the period 2-16 December 2011. The teams worked in parallel, closely cooperating and collaborating throughout to produce essentially a single UNCLASSIFIED report for public consumption and a classified report for internal use. The teams visited North Kabul International Airport, Bagram Airfield, Jalalabad Airfield and Forward Operating Base Joyce, to conduct interviews and review video and documentary evidence.

3. A number of critical findings are made within this Report of Investigation as follows:

- Operation SAYAQA was conducted in support of the ISAF Campaign Objectives although the issue of Operation Enduring Freedom (OEF) and OEF Rules of Engagement (ROE) within/beside an ISAF Campaign continues to cause some confusion and friction amongst Coalition partners;
- the international Law Of Armed Conflict (LOAC) was respected and ROE were appropriately and legally applied;
- the catalyst for the engagement was the opening of fire by PAKMIL forces;
- continued fire from Pakistani Forces exacerbated the situation;
- border area cooperation and coordination was hampered by a climate of mutual distrust;

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- ISAF and OEF orders, Standard Operating Procedures (SOPs) and directives related to border area/cross-border operations lacked clarity and precision, and were not followed;
- time-sensitive senior Command override measures for border area incidents are lacking;
- pre-mission near-border coordination for this operation was inadequate;
- a series of miscommunications within the chain of command – but especially in the area of the border coordination nexus delayed confirmation of the identity of the Pakistani Forces; and,

(b)(1)1.4a

#### 4. A number of recommendations are made within the Report:

- initiate an immediate program of confidence-building measures to foster a climate of trust;
- review and harmonize all directives related to near-border operations;
- train and practice procedures for cross-border and near-border operations including time-sensitive procedures;
- initiate a more aggressive system of senior leadership visits to critical coordination nodes to create the right level of engagement at all key locations;
- insist all mission preparation for near-border area operations include detailed reconnaissance of the area and Intelligence, Surveillance and Reconnaissance (ISR) sweeps prior to the operation and make it a critical criterion of Concept of Operations (CONOP) approval;
- implement a program of comprehensive and complete transparency of border installations and garrisoning on both sides of the border;
- have the key stakeholders collaborate to design a system of recognition measures and signals to enhance communications and mutual understanding;
- harmonize the OEF with the ISAF Campaign (with exceptions) to adopt a single set of ROE; and,
- set the conditions for effective cooperation and coordination amongst all stakeholders along the border by initiating high-level consultations to resolve the long-standing border disputes.

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### INVESTIGATION INTO THE INCIDENT IN VICINITY OF THE SALALA CHECKPOINT ON THE NIGHT OF 25 – 26 NOVEMBER 2011

#### References:

- A. Memo from Commander USCENTCOM to Brig Gen Clark dated 28 Nov 11
- B. JFC Brunssum 1061.11.A/JBLEGAL/0129/11 dated 1 Dec 11
- C. FRAGO 1206 to CJTF-101 OPORD 10-01
- D. International Security Assistance Force (ISAF) Operational Plan 38302 Revision 5
- E. USFOR-A OPORD 08-01 Establishment of USFOR-A CJOA Afghanistan
- F. MC 362/1 NATO Rules of Engagement
- G. CJCSI 312101B Jun 09: Standing Rules of Engagement
- H. SACEUR OPLAN 10302 (Revise 2) 21 Oct 10
- I. JFCBS OPLAN 30302 Revision 5, dated 27 Feb 10
- J. COM IJC OP OMID 1390 001-2010, dated 9 Oct 10
- K. USFOR-A FRAGO 11-287 clarifies USFOR-A National Command Element Authorities and Responsibilities, DTG 071613Z NOV 11.
- L. SOP 309 dated 1 Oct 10: Coordination, de-confliction and authorization of deliberate operations within the ISAF Area of Operations

#### INTRODUCTION

1. On the night of 25 – 26 November 2011, an engagement between Coalition Forces and Pakistan Military (PAKMIL) forces ended with reports of 24 PAKMIL dead and 13 PAKMIL injured.<sup>1</sup> Two teams were formed to investigate: a U.S. Central Command (USCENTCOM) team led by U.S. Air Force Brigadier General Stephen Clark and a team from NATO's Joint Force Command (JFC) Brunssum led by Canadian Army Brigadier General Michael Jorgensen. The teams' respective terms of reference (TOR) are at Annexes A and B. They worked in parallel as an integrated team to produce separate but coordinated USCENTCOM and JFC Brunssum reports of investigation. They were assisted by an Afghan delegation of senior Afghan Border Police and Afghan National Army officers. The investigation was conducted 2 - 16 December 2011. The USCENTCOM goal was to determine the facts and circumstances surrounding the 25 – 26 November 2011 engagement near the Salala Checkpoint, Khas Kunar Province, Afghanistan in the vicinity of the Pakistan border. The JFC Brunssum goal was to conduct an operationally focused fact-finding investigation into the circumstances surrounding the engagement between friendly forces and PAKMIL near the Salala Checkpoint, Khas Konar Province, Afghanistan in the vicinity of the Pakistan border on or around 25 – 26 November 2011. The conduct of the investigation, including a roster of the investigation teams is detailed at Annex C. In the interest of brevity, the incident under investigation shall be hereafter referred to as "the incident."

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<sup>1</sup> Casualty figures as reported by Government of Pakistan and PAKMIL authorities.

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2. **Aim.** This report aims to establish the facts and circumstances of the engagement involving Coalition Forces and PAKMIL in the vicinity of the Salala Checkpoint, Khas Kunar Province, Afghanistan during the night 25 – 26 November 2011, in order to arrive at relevant findings to help determine why these events occurred and to make recommendations for preventing similar incidents in the future.
3. **Objectives.**
  - a. Compile all documentary evidence and interview all possible witnesses as achievable.<sup>2</sup>
  - b. Determine the facts and circumstances surrounding the incident to include time duration and command and control arrangements.
  - c. Establish a chronology of events based upon fact and evidence.
  - d. Determine all US, International Security Assistance Force (ISAF), Afghan and Pakistani elements involved, before, during and after the incident.
  - e. Determine what units, both ground and air, did or did not cross the border and under what conditions and authority lethal force was applied.
  - f. Determine Command and Control (C2) functions (*e.g.*, de-confliction, authorization, approval).
  - g. Determine what coordination was made before, during and after the incident between the units involved.
  - h. Conduct a battle damage assessment (BDA) and determine to any extent possible, the cause of death and injuries.
  - i. Evaluate whether ISAF's Rules of Engagement (ROE), Standard Operating Procedures (SOPs) and any other applicable directives or procedures were applied.
  - j. Make recommendations concerning improvements to tactics, techniques and procedures (TTP) and general procedures in order to improve near-border operations.
  - k. Address any other matter pertaining to this incident that may be pertinent.

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<sup>2</sup> Ideally, the team would have interviewed PAKMIL personnel and local villagers; this was not possible. The Government of Pakistan unfortunately declined offers to participate in this investigation. Security concerns did not allow the investigating teams to safely travel to the villages on either side of the Afghanistan – Pakistan border that were near the area of the incident.

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### CONTEXT

4. **Afghan – Pakistan Border.** Pakistan and Afghanistan are in dispute about certain sections of their border, known as the Durand Line.<sup>3</sup> The siting of border control posts has led to tension between the two sides. There are 50 major passes along the Regional Command-East (RC-E) section of the border and an unknown number of minor trails. The Afghan Border Police (ABP) Zone 1 region encompasses Konar, Nuristan and Nangahar Provinces, and is policed by six Battalions who man Afghan border posts. Pakistan border control posts are predominantly manned by the PAKMIL's Frontier Corps. At the ground level, Border Coordination Centers (BCC) were established in 2010 to facilitate information sharing and improved communications across the border (Reference C). The BCC for this area is the Nawa BCC (NBCC), located at Forward Operating Base (FOB) Joyce, with an ISAF team, an Afghan National Security Forces (ANSF) team and a PAKMIL Liaison Officer (LNO). Above the NBCC is RC-E, where a Border Cell brings together ISAF staff and a PAKMIL LNO. At the next level, the ISAF Coordination Element Pakistan (ICEPAK) is comprised of ISAF LNOs with PAKMIL in Islamabad; this includes LNOs with the PAKMIL's corps that face the border. At the highest level, the US Office of the Defense Representative Pakistan (ODRP) in Islamabad has direct links to the Pakistan Chief of Defense's personal staff through the Pakistan Director General Military Operations (DGMO) who is responsible for operations and border area operations and related issues.

5. **Intelligence Picture.** Successful Counter Insurgency (COIN) operations in west and central Konar Province have pushed insurgents (INS) closer to the Pakistan border; the valleys leading from the border passes have become an INS support zone due to the lack of Coalition Forces or ANSF in those areas. Subjugation of villages to support INS groups has become common. Reports have indicated INS have been wearing PAKMIL uniforms in order to move freely across the border. The ABP report indiscriminate shooting incidents against civilians and their livestock in the Maya Valley from the border. There has never been a response from the authorities to these incidents.

6. **Nature of Operations.** There are two missions within Afghanistan: NATO's ISAF mission (covered under Reference D) and the United States' Operation Enduring Freedom (OEF) (covered under Reference E). In addition to fully supporting the ISAF mission, OEF also includes counter-terrorism operations. Operation SAYAQA was a COIN operation in direct support of the ISAF mission and lines of operation (Reference C).<sup>4</sup> In particular, this was a shaping operation in support of Village Stability Operations (VSO), where Afghan National Army (ANA) Commandos (CDO), partnered by Special Operations Forces (SOF) seeks to insulate traditional tribal leaders from Taliban or other INS groups. By allowing local leaders to reassert their authority, the local

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<sup>3</sup> The Durand Line Agreement was signed by Britain and Afghanistan in 1893 to mark the northern border of British India.

<sup>4</sup> ISAF and ANSF relentlessly attack INS networks. ISAF conducts area security operations to neutralize INS elements; interdict and disrupt INS lines of communication; deny INS safe havens; identify, isolate and eliminate INS leadership.

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*shura*<sup>5</sup> may be established, which in turn will link the district *shuras* and thereby enable effective governance in the area. The provision of security not only allows Afghan Local Police (ALP) to be selected and trained, it is a step in bringing in development agencies such as the US Agency for International Development (USAID). VSO, therefore, fully supports the Transition process.

7. **Background to the Operation.** The incident occurred during Operation SAYAQA, which was conducted by A Company, 1<sup>st</sup> Battalion Commando, 3<sup>rd</sup> Commando Brigade (3/1 CDO), partnered by Operational Detachment Alpha (ODA) 3313, a unit of the United States' Special Operations Task Force East (SOTF-E); this grouping of ANA CDO and U.S. ODA 3313 is referred to in this report as ground forces (GF). The operation was supported by air assets: 2 x CH-47/ CHINOOK heavy lift utility helicopters (for GF insertion and extraction only); 2 x AH-64D/ LONGBOW attack helicopters; 1 x AC-130H/ SPECTRE gunship; 2 x F-15E/ STRIKE EAGLE multi-purpose fighter aircraft; and, 1 x MC-12/ LIBERTY turbo-propeller Intelligence, Surveillance and Reconnaissance (ISR) aircraft. A full Task Organization (TASKORG) is at Annex E, it also depicts the associated Chain of Command.

8. **Concept of Operations (CONOP).** Operation SAYAQA was a shaping operation in support of RC-E's objective of neutralizing the INS capability to freely operate within the Maya Valley. Key to this was Maya Village and the surrounding area (known as Objective OCTAGON for purposes of this operation). Pertinent details of the operation are:

a. **Mission.** 3/1 CDO, combat partnered by ODA 3313, clears Objective OCTAGON in vicinity of Maya village, Maya Sar Valley, Khas Konar District, Konar Province, Afghanistan at 2130 hours, 25 November 2011 in order to deny INS safe haven by destroying the enemy training camp and increasing white space<sup>6</sup> for ODA 3313's related Village Stability Operations (VSO) expansion.

b. **Key Tasks.** The following key tasks were listed for the operation:

- (1) Clear Objective OCTAGON.
- (2) Disrupt INS Command and Control (C2).
- (3) Conduct thorough sensitive site exploitation (SSE) to find weapons/ other items that could be used in INS and to gain intelligence.
- (4) ANA CDOs to operate with minimal assistance from the ODA.
- (5) ANA CDOs to conduct key leader engagement (KLE) with local officials.

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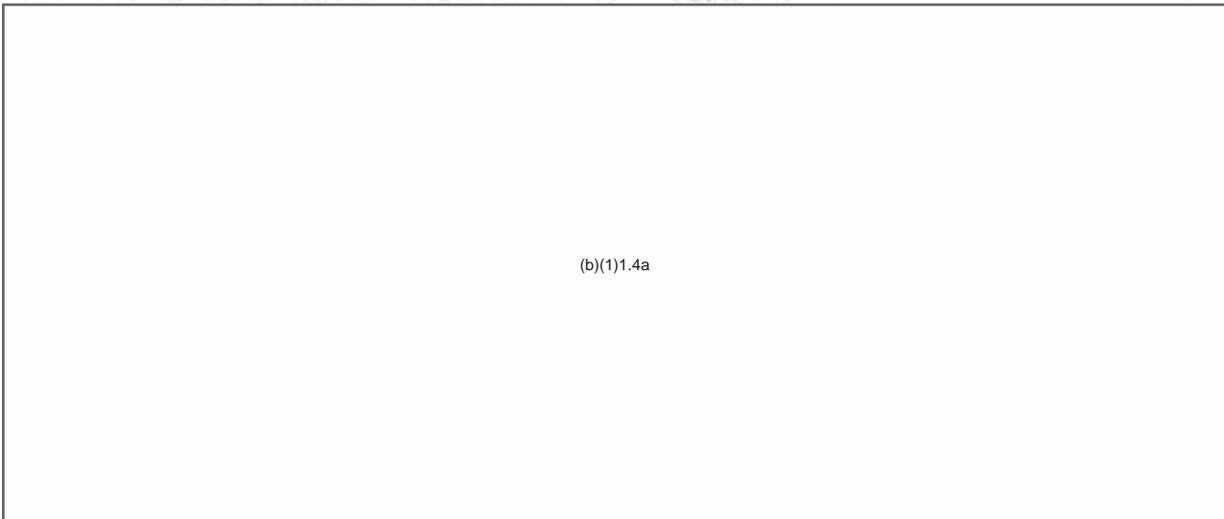
<sup>5</sup> *Shura*: Arabic for consultation; it is a decision making body normally comprising elders and leaders and can feature at several levels of decision making hierarchy.

<sup>6</sup> "White space" refers to the amount of geographic area or space around a military unit or geographic location (e.g., a village) in which the population generally supports the GiRoA and/or coalition forces.

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c. **Intelligence and Threat to GF.** Reliable intelligence and previous operations indicated that MAYA village was a C2 node, logistics hub and training camp for a specifically identified Taliban subgroup and its local leader. There was also an indication that the civilian population was being driven out or oppressed for their goods and services. An estimated 25 – 30 INS had a persistent presence in the village with an unknown number of INS in transit or training at any given time. An incident on 5 October 2011 when four Rocket Propelled Grenades (RPG) were fired at a CH-47 about to land 675 meters to the south of MAYA village, reinforced the assessment that there would be a threat to the GF of small arms or RPG fire. There had been no governance or development activity in Maya Village since 5 October 2011 because of an absence of ANA or coalition military presence.

d. **CONOP Level.** Three levels of CONOP review for deliberate operations dictate to level of command the CONOP is passed to for awareness and approval:

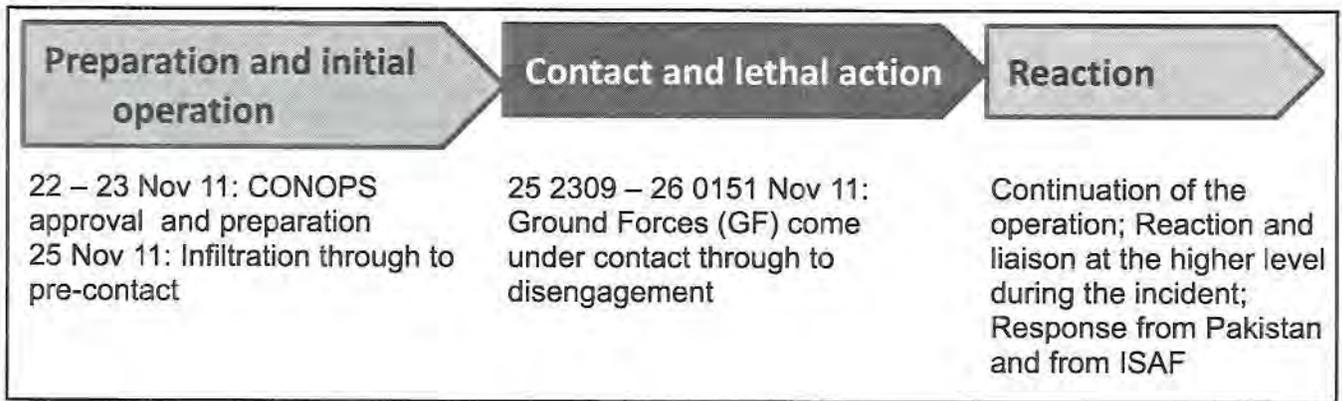


e. **Rules of Engagement.** Rules of Engagement (ROE) are directions given to military forces that define the conditions, degree and manner in which force may be used. They are determined by a legal framework and dictate what forms of military activity are appropriate and what evidence is required to support an action or decision. Within Afghanistan, there are separate ISAF ROE (within the context of NATO ROE, Reference F) and OEF ROE (Reference G). The subordination of the units in question is decides what mandate (ISAF or OEF) applies to their military operations. ODA 3313 was an OEF unit essentially using OEF ROE. There was one exception: the AH-64Ds in support of Operation SAYAQA were ISAF assets operating under ISAF ROE. The mandate under which the AH-64Ds operated does not change because of the mere fact that support is delivered to an OEF unit. It is worth noting that nothing in any ROE limits the inherent right of self-defense. The inherent right of self-defense is defined in international and U.S. national law.

9. **Timeline.** A detailed incident timeline is at Annex D. It was made using documentary evidence, witness testimony and air platform video tapes<sup>7</sup>, using as much corroborating / cross-referencing detail as possible. All timings below are given in local Afghanistan time (Delta, which is Zulu time<sup>8</sup> plus 4 hours 30 minutes, and which is 30 minutes behind Pakistan time (Echo)).

**SUMMARY OF THE INCIDENT**

10. **Structure of the Summary.** For ease of reference, this summary is divided into three sections as depicted at Figure 1:



**Figure 1: Structure of the Incident Summary**

11. **Preparation and Initial Operation.**

a. **CONOP Briefing and Approval.** The initial CONOP proposed insertion at a Helicopter Landing Zone (HLZ), which was within 1km of the Pakistan (PAK) border. This planned proximity to the border (and because it would an ANA Company sized unit), initially caused the CONOP to be set at Level 2. Accordingly, it was briefed to the IJC’s DCOS JOPS, U.S. Marine Corps Major General (MajGen) James Laster on 22 November 2011. He made two demands: move the HLZ further away from the border, effectively reducing this to a Level 1 CONOP; and, confirm the location of Pakistan’s border checkpoints. The CONOP was rebriefed to him on 23 November 2011 with a HLZ (known as HLZ HOLDEM) 1.3km to the north of the objective and 2.3km from the Pakistan border, and a map produced showing the known PAK border checkpoints. The map did not show checkpoints in the area where the engagements took place. The CONOP was then approved by MajGen Laster in his separate capacity as USFOR-A DCOS Interoperability.

<sup>7</sup> Air platform videotapes, commonly known as ‘gun tapes’ record what is seen by the crew using imaging devices; these tapes record exact position (latitude/longitude) and Global Positioning System (GPS) time in ZULU hrs. They sometimes record the radio transmissions and communication between the crew.

<sup>8</sup> ZULU time is Greenwich Mean Time (GMT).

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b. **Preparation for the Operation.** GF were briefed on the CONOP on 24 November 2011. Task Force (TF) SABER briefed an air specific CONOP on 24 November 2011 to the rotary wing (helicopter) assets. Other air assets also received the CONOP and were briefed. The NBCC was not provided with a copy of the CONOP through official channels but received a “back channel” copy from an interested third party. The NBCC was unable to clarify the status of the CONOP with RC-E; furthermore, there was some uncertainty as to the PAKMIL releasable slide included in the CONOP that contained the caveat ‘no release date/ time before 25 2130D Nov 11. ICEPAK was not provided with a copy of the CONOP.

c. **Initial Stages of the Operation.** Figure 2 is a graphic representation of Operation SAYAQA. GF were complete at HLZ HOLDEM by 2206 hours and then proceeded to their objective.



Figure 2:  
Graphic of Operation SAYAQA

12. **Contact and Lethal Action.** GF came under fire from a heavy machine gun (HMG) at 2309 hours; the firing point of origin (POO) was positively identified by the GF Team Leader (GFTL) and AC-130H and MC-12 crews as a position on the eastern ridgeline [Engagement Area 1 (EA-1) for purposes of this report]. This location was understood to be in the vicinity of the Pakistan border. Within a few more minutes GF came under accurate mortar fire. The Joint Terminal Attack Controller (JTAC)<sup>9</sup> requested a “show of force”<sup>10</sup> from the F-15E element. At 2320 hours, the lead F-15E flew near EA-1 at high speed and at low altitude dispensing flares; this triggered flares to be automatically dispensed from the AC-130H. However, the GFTL could not extract his troops due to continuing accurate fire (attempts by the GF to move away from their positions at that time would

<sup>9</sup> JTAC advises the GFTL and is his means to communicate with, and control, air support.

<sup>10</sup> Show of force: an often effective means to protect forces on the ground that is used, when appropriate, to demonstrate a credible military presence.

## UNCLASSIFIED

have increased the GF exposure to, and risk from, the fires they were receiving). The GFTL then decided to request clearance to engage and received agreement from SOTF-E to do so. At 2324 hours, the AC-130H engaged targets inside EA-1 to be followed by AH-64D. GF remained under fire, with mortar rounds impacting as close as 50m. Knowing the vicinity of the PAK border, the GFTL called his superior to verify that the fire was not coming from PAKMIL positions. Shortly after, he received notification that there were no PAKMIL in the area. At 0039 hours, an AH-64D engaged an identified tripod weapon inside a bunker in EA-1 and destroyed it with a HELLFIRE missile. At 0054 hours a third engagement took place at EA-2. Both an AH-64D and the AC-130H fired at a bi-pod weapon system and at hostile personnel. At 0055 hours, RC-E received word from HQ IJC that PAKMIL were reporting that they are being engaged in this area. RC-E verified the information they have received and passed it to the GFTL at about 0104 hours (this is *after* the GFTL had called for the last airstrike that ultimately hit PAKMIL positions/ personnel). Further requests for engagement are denied permission after 0104 hours. The PAKMIL presence was further confirmed at 0151 hours and having received this information, the JTAC notified all air assets and ordered them to fully disengage from the area.

13. **Continuation of the Operation.** At 0154 hours, the GF continued with their operation to clear Objective OCTAGON. As they cleared through the objective, significant weapons and ammunition caches were found that indicated that this was an INS training facility, C2 node and logistic hub. Items recovered included improvised explosive device (IED) equipment, rifles, significant amounts of ammunition and RPGs. Sporadic opposing fire continued throughout the night. At daylight, the GFTL and ANA CDO initiated key leader engagements with the village elders who were “happy to see ANSF” (Afghanistan National Security Forces) in the area. At 1930 hours, as GF began to move to HLZ BLACK and were informed by SOTF-E of a new HLZ location that was moved 4km from the PAK border by direction of higher HQ.<sup>11</sup> The extraction time was delayed to 2330 hours. By 0350 hours the following morning (27 November 2011) all GF were back in base.

14. **Reaction and Liaison at the Higher Level during the Incident.** Shortly after coming under fire, the GF requested verification through SOTF-E, that there were no PAKMIL in their area. As RC-E attempted to gain information from NBCC, RC-E informed SOTF-E that TF BRONCO was attempting to confirm that PAKMIL were not in the area and that RC-E were “not tracking any PAKMIL posts on CPOF<sup>12</sup> in that area.” This was taken by SOTF-E to actually mean that there were no PAKMIL in the area and this was entered onto MIRC<sup>13</sup> at 2327 hours; this in turn was read by RC-E who believed that verification had been gained by SOTF-E and therefore relayed the information. At around 2340 hours a PAKMIL LNO at RC-E reported to the RC-E CJ3 Borders

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<sup>11</sup> Annex A-23 to IJC FRAGO 731-2011

<sup>12</sup> CPOF: Command Post of the Future, a computer mapping data system

<sup>13</sup> Military Internet Realtime Chat – an instant messaging system with multiple channels. The SOTF-E MIRC entry read: “PAK MIL has been notified and confirmed no positions in area.”

## UNCLASSIFIED

section that PAKMIL border positions were being engaged by fires coming from Afghanistan. There was some confusion within the RC-E CJ3 Borders section and this report could not be immediately confirmed. Just after midnight, a general location (for security reasons) was passed to the PAKMIL LNO at the NBCC who confirmed that there were no PAKMIL in the general location he was provided by the NBCC. It was later discovered that a misconfigured electronic CPOF map overlay was used by the NBCC, this caused the NBCC to refer the NBCC's PAKMIL LNO to a "general location" that was 14km to the north of the actual engagement area. The NBCC's PAKMIL LNO's answer was therefore based on the incorrect general location he was given by the NBCC. Shortly afterwards, RC-E's LNO (a U.S. officer) to the PAKMIL's 11 Corps contacted HQ RC-E and briefed them that 11 Corps was reporting an attack against Border Post "Volcano" in the Mohmand Agency within the Federally Administered Tribal Areas (FATA) of Pakistan. Although no grid references were given, 11 Corps and the American LNO could verify near border operations in the vicinity of Konar/ Mohmand Agency. Soon after, the United States' Office of the Defense Representative, Pakistan (ODRP) learned of the incident and contacted HQ IJC. At 0055 hours, RC-E received a call from HQ IJC informing them that it was PAKMIL in their area; meanwhile GF called requesting permission to engage a further target, which was denied, as the chain of command had been apprised of the situation. IJC called RC-E to confirm that PAKMIL had been engaged in the area, which was then relayed to all elements via MIRC.

**15. Role of higher HQs and the Office of the Defense Representative in Pakistan (ODRP).** The Chief, ODRP is U.S. Army Lieutenant General (LTG) Ken Keen. LTG Keen was first notified by the ISAF LNO to ODRP, at about 1:20 a.m. (this was after the actual engagements had ended). The ODRP usually receives near-border CONOPs in advance; however, the CONOP for Operation SAYAQA had not been sent to the ODRP. The ISAF LNO to ODRP stated that the first calls from PAKMIL authorities were received just after the first air to ground engagements had ended (and about the time the subsequent ones were in progress). The ISAF LNO to ODRP informed the Night Director of IJC's Combined Joint Operations Center (IJC CJOC DIR Night) at 0035 hours of the incident. At 0120 hours, the IJC CJOC DIR Night updated MajGen Laster and U.S. Army Brigadier General (BG) Gary Volesky (Deputy Commander (DCOM)-Maneuver at HQ RC-E).

16. MajGen Laster contacted RC-E and directed them to de-escalate the situation immediately. He further contacted LTG Keen and asked for the ISAF LNO to ODRP to put him in contact with Major General Ishfaq Nadeem, the PAK Director General Military Operations (DGMO), also in an attempt to defuse the situation. BG Volesky had followed the events of the evening but was still under the impression that PAKMIL were not involved. Once it became clear that PAKMIL were involved, he contacted U.S. Army Major General (MG) Daniel Allyn (COM RC-E) at approximately 0200 hours, to update him on the situation. At 0230 hours, MajGen Laster informed U.S. Army Lieutenant General (LTG) Curtis Scaparrotti (COMIJC) of the incident. The Commander ISAF, U.S.

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Marine Corps General John Allen, was visiting Pakistan on the night of this incident; he was first informed en route to the Islamabad airport. A brief update was sent to him at 0550 hours.

17. **Response from Pakistan.** The principal sources of Government of Pakistan and PAKMIL reaction were through Pakistan media.

### EVIDENCE

18. **Ground Operations.** The GF comprised a team of 14 U.S. Special Operations Forces (SOF), including a JTAC to provide advice on and liaison to supporting air assets, and an ANA CDO Company (100 men). This was a standard, well-rehearsed shaping operation in support of VSO, and would last 24 hours. The GF were aware of the heightened threat as Coalition Forces had experienced several contacts (coming under fire) in this area, the last being 5 October 2011. Intelligence had indicated that Maya village and the surrounding area was a C2 node, logistics hub and training camp for a specifically identified Taliban subgroup and its local leader may be in residence. There was also indication that the civilian population was being driven out or oppressed. There were expectations that an estimated 25 – 30 INS would have a persistent presence with an unknown number in transit or training at any given time. There was a strong chance that there would be a threat from small arms fire or Rocket Propelled grenades (RPG). Furthermore, there had been neither Coalition nor ANSF presence in the area for some time.

19. At 2144 hours, the first CH-47 lift delivered half of the force (Main Element (ME) 1 and ME2) to the Helicopter Landing Zone (HLZ HOLDEM), securing it for the second lift that would bring the remainder of the force (Support Element (SE 1 and 2). In the twenty minutes that elapsed, troops rapidly dispersed to secure the immediate area over pitch black rocky terrain. The familiar and distinctive noise of the heavy lift CH-47 helicopters in the dead of night would have left no doubt in the minds of anyone within several miles that Coalition Forces were in the area.

20. At 2206 hours, all elements were “boots on the ground” at HLZ HOLDEM. The GFTL noted that it was uncharacteristically quiet. As the special operators adjusted to their environment they looked up at a dark gray moonless sky and fixed their eyes upon the rocky ridgeline as a reference because it was the only contrasting image that they could see; they were aware that this was the border with Pakistan. The ambient light was minimal. At this time, the commanders checked and reported that they were ready to begin the cautious single file movement down a steep rocky goat trail towards the valley floor and Maya Village. As planned the force split into two groups; one headed in an easterly direction and the other took a westerly route into the valley. SOF personnel were equipped with signaling devices and every ANA CDO had an additional signaling device in his pocket that would be seen by the aircrew as a measure to avoid accidental targeting from the air. It was so dark that the GFTL requested the use of infra-red flares from the supporting AH-64D,

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which allowed them to covertly view the valley with their own night vision devices. The valley appeared deserted.

21. All elements moved to clear Named Areas of Interest (NAI 1 and NAI 2) where there were buildings numbered in series for ease of reference. SE1 moved directly to the 100 series buildings; ME1 continued southeast to NAI2 (Building 312). SE2 and ME2 provided local support by fire positions to enable SE1 and ME1 to move to their Objectives. SE1 reported that during the clearing of Building 101 they discovered an AK-47 assault rifle and three persons known to the Intelligence community; the CDOs questioned them to get the atmospherics of OBJ OCTAGON.

22. At 2309 hours the GF came under heavy machine gun fire, the tracer rounds indicating that it came from the eastern ridgeline near the border. The sonic "crack" of the rounds going just overhead forced everyone to take what cover they could find. The fire concentrated on Buildings 312, 311, 310, 304 and 306. At this time, the lead element was in the vicinity of Building 312. ME1 immediately gained a foothold in Building 312 and remained there for cover. The accuracy of the fire led the GFTL to believe that the only way they could have been seen from the ridgeline was through night vision equipment.

23. Following the initial contact of heavy machine gun fire, the rest of the ME and SE1 were engaged by effective mortar fire; the familiar flash from the mortar barrel being identified as coming from a point on the ridge. The first round landed close to HLZ HOLDEM and was only 150m from the trail element of SE1 and ME2. After the first mortar round, the heavy machine gun concentrated its fire on ME2. ME2 immediately found a position from where they could provide support. The GFTL called his superiors via radio to inform them of the situation and to get clearance to engage the point of fire. He also relayed his concern that the fire may be coming from PAKMIL elements. In addition, he asked his JTAC to request a show of force with the air assets. This displays to the enemy that we have air superiority and is designed to prevent an escalation. At 2320 hours, the noise of gunfire was drowned out by the deafening roar of a jet flying low overhead; the valley briefly turned to day as flares dropped from the sky.

24. However, the machine gun fire did not stop but increased and a second mortar round, which landed only 50m from the group, divided the force. Fire was also identified as coming from another position close to the first and a second position further along the ridgeline. The increasing accuracy of the fire led the GFTL to conclude that he could not safely withdraw his troops to any safer position; he then decided more decisive action was needed and requested the JTAC engage the firing position with the AC-130H.

25. The AC-130H positively identified and engaged a fighting position on the ridgeline at 2324 hours. The GFTL had called his superior for approval, having assessed there were no civilians in the area and that collateral damage would be minimal. As he received clearance he also was given

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confirmation that there were no PAKMIL in the area. The explosions of the AC-130H engagement reverberated around the valleys.

26. Despite the effectiveness of the engagement, the GF continued to be engaged by mortars and machine guns. The JTAC received an accurate description of the positions, noting fortification as well as mounted weapon systems. Again the GFTL called his superior for approval to engage, and having given the necessary reassurances, he received permission. The engagement lasted from 0039 - 0105 hours. The JTAC was aware of reports from the air that armed personnel were moving between the two ridgeline positions and not retreating. Sometime between 0104 - 0110 hours, the GFTL learned that the positions on the ridgeline had been PAKMIL. Despite this news, he was in no doubt that he had done the right thing; his team and the village had come under fire and he had called in fire to protect them. Once he was sure he could safely move his troops, the GFTL ordered the mission to continue and all elements moved to their objectives.

27. Having refueled a second time, AH-64D assets were providing overwatch in the area about 1km west of Building 308. At 0146 hours, one AH-64D saw a flash and the other AH-64D heard and felt a nearby aerial explosion, the signature of an RPG round. The GF could not locate where the RPG came from and did not return fire; however, it reinforced the point that all ANA and U.S. forces had to remain alert. By 0238 hours, SE1 had cleared all 100 series buildings, and they had begun moving towards NAI 1. ME, ME2 and SE2 continued to move through NAI 2. At 0327 hours, the ME found a significant cache in Building 301 with various Improvised Explosive Device (IED) making materials, comprising 2 x pressure plates, initiating wires, a Taliban Flag, 1 x grenade and 6 x RPG boosters. At 0334 hours, the GFTL reported that NAI 2 was clear. SE1 conducted movement to clear NAI 1, and discovered a large weapons cache that included 2 x PKM machine guns, 12 x AK-47s, 1 x video camera and 1 x RPG launcher. At 0340 hours, the GFTL confirmed SE1 had cleared NAI 1 and the GFTL reported Objective OCTAGON clear. Only a few minutes later, GF saw a large explosion to their north. The AC-130H, also providing over-watch, identified a firing position about 3km north of Building 308 on the Pakistan border that had a recoilless rifle with six rounds. Two more rounds were fired but were ineffective; the GFTL decided to take no action.

28. From 0750 hours, once it was light and the village started to go about its daily business, the GF started to conduct patrols, noting that many buildings had been fortified. The patrols found multiple caches located around several buildings. The total amount of cache materials recovered that day were 2,000 x DshK (a Soviet Union heavy machine gun) rounds, 9000 x PKM (a Soviet Union medium machine gun) rounds, 3000 x PAKMIL rifle rounds in bandoleers, 27 x mortar fuses, 12 x RPG rounds with boosters, 2 x PAKMIL issue Binoculars, multiple sets of *salwar kameez* (traditional styled dress) made from PAKMIL uniforms, 2 x AK-47s and 3000 x AK-47 rounds. The cache material was documented and photographed. The bulk of the cache material was destroyed on site, but the ANA CDOs did recover some select items for additional exploitation. They GF also

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detained a suspected insurgent known to the Intelligence community, he was identified as an up and coming Taliban leader within the Shalay Valley.

29. Throughout the remainder of the day, all GF elements conducted KLE with the local elders of Maya Village, who stated they were extremely happy to see the GIRoA in their village. They had been telling GIRoA officials that they have been regularly attacked in their houses with mortar fire and heavy machine gun fire. They were happy to see that someone else had witnessed this act. The local elders had been conducting a funeral on the day of infiltration where a young girl had been killed by machine gun fire from the ridgeline. Another young girl, the daughter of a village Mullah, is still in hospital having been shot the week before. The story was the same across the whole village. They confirmed what the GF had encountered the night before. Testimony from village elders was documented with supporting photographs and video.

30. At 1930 hours, the GF started to move to HLZ BLACK for their extraction. Upon arrival the GFTL was notified that they had to move 4km away from the border in order to be extracted.

31. GF arrived at the HLZ at 0000 hours; by 0400 hours they were back at their base with no casualties.

32. **Air Operations.** All crews received a theater indoctrination briefing upon arrival in Combined Joint Operations Area – Afghanistan (CJOA-A) that provided a general overview of the ISAF and OEF missions, their specific role during operations, and, the overall Intelligence situation. All crews received a detailed ROE brief that included the ISAF/ USFOR-A Tactical Directives and applicable Standard Operating Procedures (SOPs). Prior to Operation SAYAQA, all aircrews received the CONOP with enough time to prepare for their specific role in the operation, including details on the expected high-threat environment. For all aircrews, operations in close proximity to the border were discussed, but the details focused solely on airspace and their mission in support of the Operation SAYAQA GF. The air assets did not expect to encounter border posts. All crews were qualified to perform the assigned mission. The Air report is at Annex G. Capability by asset is as follows:

a. The MC-12, which provided ISR was on station and recorded both engagements on EA-1. The third and final engagement was not recorded due to sensor direction on GF. Despite previous mission experience, they had no prior experience in identifying PAKMIL border posts. MC-12 is an OEF asset.

b. The F-15Es were tasked to provide airborne Close Air Support (CAS). The lead F-15E conducted the show of force requested by the GFTL. Their sensor data was recorded throughout the flight and includes audio of the internal crew communication and external radio transmissions. Neither F-15E employed weapons or ever crossed into Pakistan's airspace. One F-15E crew acted

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under ISAF ROE and the other under OEF ROE. The F-15E is an OEF asset, voluntarily adhering to ISAF ROE.

c. The AC-130H was tasked to provide airborne CAS. Crew error led to no video being available. The AC-130H crossed into Pakistan airspace up to two nautical miles in order to engage, based on the weapon system requirements. The AC-130H is an OEF asset.

d. The AH-64Ds were tasked to perform reconnaissance, security and Close Combat Attack (CCA) throughout the operation. They recorded video of their sensors along with audio, to include internal crew communication and external radio transmissions. Both crews were highly proficient and experienced. Neither AH-64D crossed into Pakistan's airspace. The AH-64D is an ISAF asset.

33. **Operational Command, Control and Communications.** ISAF and OEF C2 structures are shown in Annex E since both ISAF and OEF units were involved in Operation SAYAQA.

a. **ISAF.** Annex B of Reference H shows that Supreme Allied Commander Europe (SACEUR) designated Commander JFC Brunssum as overall operational commander to COMISAF. COMISAF is the in-theatre Commander. COMISAF is dual-hatted as COM USFOR-A and is responsible for the de-confliction of ISAF and OEF operations. COMISAF has command responsibility over COMIJC. COMIJC commands ISAF's tactical operations in AFG. Reference I acknowledged and established that forces will, at minimum, be Operational Control (OPCON) to COMISAF through SACEUR and JFC Brunssum at Transfer of Authority, unless otherwise directed. At Reference J (particularly Appendix 2 to Annex B) the dual-hatted command relationship of COMISAF/COM USFOR-A is further clarified. COM IJC is also the DCOM of COMUSFOR-A. Through Reference K, COMIJC established the command structure for the regional commands OPCON to IJC. RC-E, as one of ISAF's regional commands, has NATO Tactical Command (TACOM) over organic units (to include the units that replace these). Organic units are units that are originally subordinate to RC-E. All units that are under temporary C2 of RC-E or a subordinate commander thereof, maintain a NATO Tactical Control (TACON) relationship (Annex B to RC-E CJTF-1 Organization as of 22 Nov 11). As depicted in Annex E, there are three ISAF units subordinate to RC-E that were involved in support of Operation SAYAQA. These units also maintain a US C2 (US OPCON) relationship with RC-E, which is called Combined Joint Task Force 1 (CJTF-1), in terms of USFOR-A, as mentioned in USFOR-A FRAGO 10-299.<sup>14</sup> The three above mentioned ISAF units are:

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<sup>14</sup> (Annex C USFOR-A FRAGO 10-299 and 11-287, Clarifies USFOR-A National Command Authorities and National Support Element Responsibilities). US OPCON for forces deployed under USFOR-A briefly means that COM USFOR-A is responsible for providing national support (medical, logistic etc.) for all US forces in AFG. The NATO C2 relationships are for US Forces in CJOA-AFG are set out separately in USCENTCOM message DTG 052150ZMAR10 Subject: CENTCOM TOA.

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(1) 3/25 TF BRONCO, NATO TACOM / US OPCON to RC-E resp. CJTF-1, as Battle Space Owner (BSO).

(2) 82 Combat Aviation Brigade (CAB) TF POSEIDON TO TACOM / US OPCON to RC-E / CJTF-1, which is supported ("General Support," *i.e.*, support given to a force as a whole, rather than to particular unit thereof) by:

a) 3-82 TF TALON, delivering the CH-47/ CHINOOK helicopters, used for the in/exfiltration of the Ground Forces into the area of Operations.

b) 1-82 Aviation Battalion, delivering the Attack Weapons Team (AWT) consisting of two AH-64/LONGBOW attack helicopters.

*Note:* Both the CH-47 and AH-64 helicopters were assigned to Operation SAYAQA by an Air Mission Request to TF POSEIDON (Annex C-27).

(3) The Nawa Border Coordination Centre (NBCC), NATO TACOM / US OPCON to RC-E, resp. CJTF-1 that was involved in coordination with PAKMIL.

b. **OEF.** All C2 relationships of USFOR-A are described in Reference E. The involved units were:

(1) ODA 3313, which provided the GF in a partnering role with ANA 3/1 CDO. The ODA is a part of Special Operations Task Force-East (SOTF-E). SOTF-E is US OPCON to Combined Joint Special Operations Task Force-Afghanistan (CJSOTF-A). CJSOTF-A is US OPCON to Combined Forces Special Operations Component Command-Afghanistan (CFSOCC-A) (Reference K, para 3.C.10.A). CFSOCC-A is US OPCON to USFOR-A (Reference K, para 3.C.1.A.23).

(2) 16 Special Operations Squadron (SOS) which provided the AC-130H is US OPCON to Combined Joint Special Operations Air Detachment (CJSOAD), who directly support CJSOTF-A (Reference K, Att. 1, Annex A, p 5).

(3) TF Observe Detect Identify Neutralize (ODIN) provided the MC-12 (ISR) that is US OPCON to USFOR-A (Reference K para 3.C.1.A.12).

(4) 455 Air Expeditionary Wing (AEW) provided the F-15Es that were tasked to perform CAS. 455 AEW is US OPCON to the 9<sup>th</sup> Air Expeditionary Task Force-Afghanistan (9 AETF-A), which is US OPCON to Allied Forces Central Europe (AFCENT), (Reference K Annex E, att 1 page 23). AETF-A is in direct support to USFOR-A.

*Note:* Assignment of the air assets is based on standing agreements the investigation teams did not review.

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34. **Cross-Border Coordination.** There are several elements to cross-border coordination contained in Reference L; in essence:

a. **CONOP Routing Procedure.** The accepted routing procedure for CONOP approval is as follows:

(1) The GF (SOTF-E) builds the CONOP, determines what information is releasable to PAKMIL, and when the information should be released. The GF then forwards the CONOP to RC-E.

(2) For Level 2 CONOP (high risk), IJC retains approval authority.

(3) RC-E evaluates the CONOP, concurs or adjusts what information is releasable to PAKMIL, and tasks the GF with providing any additional required clarification. Once the GF accomplishes all requirements, RC-E and COMIJC approves the CONOP and forwards it to the BSO (TF BRONCO), the NBCC, and ODRP.

(4) RC-E CJ3 Borders is responsible to ensure NBCC has the correct release instructions.

(5) The BSO does not alter the CONOP, to include the coordination procedures.

(6) The NBCC releases the "Releasable PAKMIL (REL-PAKMIL)" CONOP information to their PAKMIL LNO at the appropriate time.

b. **The Routing of this CONOP.** The CONOP for Operation SAYAQA was routed as follows:

(1) SOTF-E forwarded the CONOP with a REL-PAKMIL slide through RC-E to HQ IJC.

(2) MajGen Laster directed: a change to move the infiltration HLZ away from the border in order to reduce the CONOP to Level 1; and, verification of known border post locations.

(3) SOTF-E moved the HLZ further from the border, RC-E CJ3 Borders gave the nearest border posts. MajGen Laster then approved the CONOP subject to approval from COM RC-E.

(4) The SOTF-E LNO to RC-E sent the CONOP to TF BRONCO on 23 November 2011 and discussed it during a video teleconference. RC-E did not forward the CONOP to NBCC or ODRP.

(5) The NBCC, however, received information of an upcoming operation from an outside source that did not contain any REL-PAKMIL information. The NBCC e-mailed RC-E CJ3 for more information. RC-E CJ3 Borders did not reply to the e-mail. The NBCC did not follow up on their request for information, and did not track Operation SAYAQA or conduct any pre-mission coordination with the NBCC's PAKMIL LNO.

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(6) SOTF-E and TF BRONCO battle-tracked Operation SAYAQA, but did not conduct or confirm any PAKMIL coordination.

c. **Time-sensitive Incident Procedures.** Notification from any source must be forwarded to RC-E, who forwards to the NBCC and ODRP. If NBCC receives information from another source, they confirm the information with RC-E. Due to conflicting statements and products, it is unclear what processes were actually used during Operation SAYAQA.

d. **The Control and Coordination of this Incident.** At 2309 hours, the GF began to take effective fire from the ridgeline. Handling then unfolded as follows:

(1) At 2322 hours, the GF C2 element (SOTF-E) reported the event to RC-E, who reported it to the BSO (TF BRONCO), but not to the NBCC or ODRP.

(2) At 2325 hours, SOTF-E request update from RC-E and are informed that they do not have PAKMIL locations on their CPOF. SOTF-E understands this as confirmation of no PAKMIL in the area and enters this into MIRC. At 2328 hours, this same MIRC entry is read by RC-E and is believed to be affirmative confirmation from SOTF-E that there was no PAKMIL in the area.

(3) The BSO (TF BRONCO), then called the NBCC to report the GF was being engaged. Per RC-E instructions, the BSO passed the exact grid location of the source of hostile fire to the NBCC but informed the NBCC to only pass a general location to the NBCC's PAKMIL LNO as part of the NBCC's effort to have the NBCC's PAKMIL LNO confirm whether or not PAKMIL were at the location of the hostile fire.

(4) The NBCC then passed a general location to their PAKMIL LNO using GIROA district borders as a geographic reference. However, the PAKMIL LNO's map showed a different location for the district borders than that the CPOF system (which was mistaken as to the district border locations) used by the NBCC. The PAKMIL LNO told the NBCC that there were no PAKMIL forces in the area pointed out to him by the NBCC. The NBCC and PAKMIL LNO never referred to any shared mapping system to confirm they were each referencing the same geographic coordinates (*vice* the location of the regional border as shown on their separate mapping systems). The NBCC then notified the BSO shortly before 2327 hours that there were no PAKMIL forces in the area. Meanwhile, RC-E checked for PAKMIL locations listed in CPOF. It did not find any and confirmed to the GF C2 element (SOTF-E) that there were no PAKMIL in the area of Operation SAYAQA.

(5) At 2324 hours, the AC-130H/ SPECTRE fired the first air to ground munitions. At 2327 hours, the GF C2 element (SOTF-E) entered the "no PAKMIL in the area" message into MIRC that led all tactical players to conclude that the ridgeline fires were from enemy forces.

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(6) At 2350 hours, the PAKMIL LNO to RC-E received notification from PAKMIL sources that helicopters were firing on PAKMIL forces on the border, he passed that information to RC-E CJ3 Borders. RC-E CJ3 Borders passed the information to the NBCC but not to ODRP.

(7) HQ IJC (MajGen Laster) was notified at approximately 0115 hours that there was an incident ongoing. Coordination between HQ IJC, RC-E, and the PAKMIL continued throughout the night, with HQ IJC's main intent being the de-escalation of hostilities and movement of the aircraft away from the border, without compromising the GF's ability to defend itself.

(8) The BSO did not get any indications of PAKMIL involvement until 0530 hours.

e. **Responsibility for pre-mission de-confliction with PAKMIL.** The RC-E CJ3 Border cell director has primary responsibility for this task.

f. **Responsibility for Coordination and Control of Critical Incidents.** COM RC-E.

35. **Law of Armed Conflict (LOAC), Command Directives, ROE, and relevant authorities.** The use of force under ROE is constrained by the LOAC and, if applicable, the mandate as provided by the United Nations Security Council Resolution (UNSCR) 1368 of 2001. Commanders can further restrict the use of force as authorized by ROE and can issue guidance (*e.g.*, tactical directives) with respect to the use of force. Each level of command develops SOPs describing processes for a particular area. There were no violations of the LOAC during Operation SAYAQA. U.S. forces also follow national Standing ROE (SROE) provisions of self-defense that can override both ISAF and OEF ROE. This was the case during Operation SAYAQA – ultimately the U.S. SROE was relied upon for the self-defensive fires that occurred. Additionally, all applicable COMISAF and OEF Tactical Directives were adhered to during Operation SAYAQA. This is covered in detail at Annex H.

### FINDINGS

36. Overall, a lack of confidence that sensitive mission related information will be protected, the lack of an agreed border, incompatible technical planning systems, and incomplete written coordination/deconfliction procedures inhibited precise and timely advance coordination, communication, and emergency border region deconfliction between Pakistan and Afghanistan. Based on the preceding totality of evidence and analysis, Brigadier General Jorgensen and I both made the following findings, including ten major critical findings which are expanded upon at Annex I, and a group of minor findings worthy of note.

37. **Critical Findings.**

a. Pre-operation border deconfliction was not accomplished.

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- b. Positive ID of all established Pakistani border posts was lacking, thus limiting precision in pre-mission planning and deconfliction.
- c. Results of a previous operation against this same objective, combined with available target intelligence, resulted in the expectation of hostile action on the objective.
- d. Machine gun and mortar fire against Coalition Forces and Afghan Commando forces from the border ridgeline was the catalyst for the engagement. The resulting aircraft fire was executed in self defense of the ground force.
- e. Miscommunication and imprecise terminology between the RC-E JOC and SOTF-E JOC resulted in a false understanding of there being no PAKMIL in the area immediately following the first engagement.
- f. Lack of detailed and understood coordination and emergency deconfliction procedures resulted in misidentification of the engagement area to the NBCC's PAKMIL LNO who then passed it to 11 Corps HQ, resulting in the "confirmation" of no PAKMIL in the area reply.
- g. Continued fire from the border ridgeline area exacerbated the engagement.
- h. The LOAC was respected and the ROE were applied correctly and legally.
- i. Coalition GF did not cross the border, but one aircraft briefly orbited up to 2 nautical miles into Pakistan's airspace as required by that aircraft's flight profile.
- j. Operation SAYAQA supported the overarching ISAF Campaign Plan.

38. **PAKMIL Questions Relayed from ODRP.** The investigation was also able to answer the following questions posed by PAKMIL through ODRP:

- a. Did ISAF pre-notify PAKMIL of this near-border operation?
  - (1) In short, no.
  - (2) SOTF-E requested that PAKMIL be notified upon the GF's infiltration. The coordination process broke down and a REL-PAK CONOP slide did not make it to the NBCC.
- b. Did ISAF provide incorrect coordinates of the engagement or from where it was taking fire?
  - (1) The TF BRONCO battle captain provided specific grid references to the ISAF LNO at NBCC with the stipulation that these specific coordinates were not to be provided to the NBCC's PAKMIL LNO and that only a general location was to be passed.

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(2) Due to a configuration error with the CPOF tool utilized by ISAF personnel, the CPOF system displayed an incorrect boundary line that was approximately 14km away from that displayed on the wall chart utilized by the PAKMIL LNO.

(3) The NBCC PAKMIL LNO then transmitted the misidentified area to his higher HQ.

c. Did the PAKMIL provide coordinates or incorrect coordinates for their border posts?

(1) Last reported update of border positions was indicated as Feb 2011.

(2) The chart that was posted in NBCC during Operation SAYAQA, as printed by the United States' National Geospatial-Intelligence Agency (NGA), was dated June 2011.

(3) The NBCC's ISAF LNO verbally provides latitude and longitude coordinates to the NBCC's PAKMIL LNO who in turn inputs them into his computer that uses the FALCON VIEW system (in coordination with his higher HQ) to determine if any PAKMIL border posts or personal are at the coordinates provided by the NBCC's ISAF LNO.

d. How did ISAF not know the border posts were there?

(1) PAKMIL did not provide information identifying these locations.

(2) Pre-mission planning did not identify any known border posts in the area of Operation SAYAQA.

(3) Pre-mission intelligence analysis indicated possible border posts north and south of the Operation SAYAQA target area as provided by the NBCC and/or RC-E Borders.

(4) Aircrew pre-mission planning packages did not include any data regarding "possible border posts" since they were data points outside the Operation SAYAQA area.

(5) Aircrew testified that the encampment areas seen on their sensors during the airstrikes did not resemble the PAKMIL border posts they had seen on previous missions.

e. If the first engagement was mistaken "friendly fire," explain the second and third engagements. Which engagements had the most casualties?

(1) The first engagement (identified by time range sequence) was precipitated by direct and indirect fire on the GF.

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(2) The second engagement (identified by time range sequence and in the same identified engagement area as engagement one) was precipitated by continued direct and indirect fire on the GF.

(3) The third engagement (identified by time range sequence in a second identified engagement area) was a reaction to hostile intent as direct and indirect fire was being received from that area as identified by the GF.

(4) As best can be determined by video evidence the first and third engagements had about the same number of casualties.

### 39. Findings Worthy of Discussion.

a. Strict adherence to complex C2 structure during Time Sensitive Incident Procedure precluded timely senior commander intervention.

b. Lack of clear understanding of battlespace coordination/de-confliction roles and processes hampered a proper sense of accountability/responsibility for dealing with this incident.

c. Inadequate resourced NBCC (equipment and trained/experienced personnel).

## RECOMMENDATIONS

40. Fundamental to moving forward on a number of findings is the requirement to establish an environment of mutual trust amongst the stakeholders working in the border areas through a return to earlier envisaged confidence-building measures. These measures have been well articulated in earlier plans and include more frequent and routine Border Flag meetings.

41. A lack of clarity surrounding procedures, SOPs and directives for cross-border coordination and cooperation contributed negatively to the 25-26 November 2011 incident. It would be prudent to review of all SOPs, directives, and Fragmentary Orders with a view to aligning and harmonizing these in order to clarify authority and responsibilities as well as defining better procedures for Command, Control and Communication in near-border operations. Equally important, in order to address noted areas of unfamiliarity within the C3 structure with respect to cross-border coordination prior to and during near-border operations, it is advisable to consider formal individual training, collective training exercises and drills to practice and gain confidence with cross-border coordination and deconfliction. Senior leadership and unit visits to confirm training, empower subordinates and build confidence in junior staff unfamiliar with coordination of complex operations in complex environments would further enhance the capabilities of the BCC

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Teams who currently receive a very limited handover/training package as part of their Relief in Place/Transfer of Authority processes.

42. A lack of transparency by all stakeholders contributed to a lack of information with regards to the presence/non-presence of border installations. This led to uncertainty as to whether PAKMIL forces were in the area. An immediate initiative aimed at implementing a program of full disclosure of all border area facilities and installations - including installations on both sides of the border - should be implemented. This program would include provisions for systematic updates based on a collaboratively designed data base and a common map, and incorporate periodic reciprocal coordination visits to confirm methods for indicating Border Posts and Checkpoints, and any other installation or forces.

43. An incomplete knowledge of Border Post and Border Checkpoint locations and PAKMIL garrisoning details prior to Operation SAYAQA contributed to uncertainty regarding the forces firing on the GF. It would be prudent to insist that all future Coalition units and formations contemplating near-border area operations be required to establish positive confirmation of all permanent/semi-permanent installations located on or in the immediate vicinity of both the border and the planned objective area prior to the conduct of any operations or approval of any CONOP being approved for execution. Measures to achieve this enhanced level of fidelity include the conduct of a full ISR sweep of the border area shortly before the execution of a CONOP.

44. The long-standing dispute as to the precise location of the Afghan-Pakistan border has contributed negatively to local attempts at implementing effective, efficient and confident border-area cooperation and coordination. Consultations at the highest levels should be initiated with a view to begin a process of resolving the border area disputes that have created the extremely difficult conditions within which the local border confidence-building measures have failed to make real progress. Indeed, a single internationally recognized border would provide a highly favorable foundation for cross-border cooperation and coordination of border-area operations in the mid-term and set the scene for long-term peace and stability along the border.

45. Since the use of force escalation measures such as a "show of force" may not be widely recognized by all forces operating in the border areas, it would be advisable to develop a set of commonly understood TTPs to share widely with all parties – including having these use of force procedures well understood by personnel manning Border Posts or Border Checkpoints. TTPs should incorporate the full range of show of force options available to all parties, including low-level/high-speed flight, overt flares, target indication, and so forth.

46. Persistent and growing levels of concern exist amongst the Coalition Partners and Allies and reflect some confusion arising from the "dual-hatted" role of senior NATO Commanders such as COM IJC (who also serves as DCOM USFOR-A), and the application of OEF ROE by US Forces

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serving in the ISAF Campaign. Consideration be given towards clarifying ISAF and OEF differences (in terms of mandates) while harmonizing ISAF and OEF ROE to promote clarity and transparency and enhance Coalition solidarity.

### CONCLUDING COMMENTS

47. A system of command-initiated ISAF directives, Orders and SOPs governing a tri-partite process for coordinating cross-border or border-area operations should be implemented. In the case of Operation SAYAQA, a CONOP was proposed by US Forces aimed at conducting an operation in the Maya Valley. Using matching ISAF and OEF/USFOR-A SOPs, the CONOP was eventually submitted to HQ IJC for approval. After careful review and modification, the CONOP was approved at the appropriate level of command by a senior General Officer authorized to do so in accordance with OEF and ISAF orders, SOPs and directives. However, the precise location or state of manning of possible PAKMIL border installations had not been established, either by previous reconnaissance/surveillance or through the system of cross-border coordination in place between PAKMIL Forces, Coalition Forces and Afghan National Security Forces.

48. Once the CONOP had been approved, a heavily redacted copy of the CONOP suitable for release to the PAKMIL (described as a "REL PAK CONOP") via a system of LNOs was prepared by SOTF-E in accordance with SOP. However, for a number of reasons and contrary to SOP, a copy of the REL PAK CONOP was not released to the PAKMIL until Operation SAYAQA was well underway and after the engagement of the PAKMIL border positions had ended. In fact, a copy of the actual CONOP was also not provided to the NBCC or ODRP. The REL PAK CONOP was not released to the PAKMIL in a timely manner – contrary to SOPs, order and directives – because of a prevailing sense of mistrust amongst the three forces (PAKMIL, ANSF and Coalition Forces). This omission led ultimately to a critical delay in notifying PAKMIL authorities of the impending operation and created critical ambiguity overall with regard to the identification of forces on the border.

49. Once Operation SAYAQA was launched and the engagement began, PAKMIL authorities contacted HQ RC-E to determine if Coalition Forces were conducting an operation on the border, based upon reports of incoming fire they received from their forces. The GFTL in the vicinity of Maya Village also attempted to verify whether the fire the GF received might have originated from PAKMIL forces because he was aware of earlier information regarding possible but unconfirmed locations of PAKMIL Border Posts on the mountain ridge overlooking Maya Valley. Only later was the OEF unit in command of Operation SAYAQA ultimately informed that forces that had engaged the Coalition Forces from the area of the border – and had been engaged in return by Coalition aircraft – were PAKMIL forces.

50. During the same period of time, the NBCC tried to ascertain if the personnel at the border who were engaging Coalition Forces and who were being engaged by Coalition aircraft in return

were PAKMIL personnel. Rather than bringing clarity to the situation, however, the actions of the personnel at the NBCC created further confusion by failing in their efforts to establish the location of the area being targeted by Coalition aircraft in relation to the location of PAKMIL forces. The NBCC reports further exacerbated the sense of confusion dominating Operation SAYAQA at that point with respect to the identity of forces in contact at the border.

51. Ultimately, after firing had ceased from the border positions Coalition aircraft had ended their engagements, and also after it was confirmed that the forces at the border were PAKMIL, senior ISAF officers directed immediate de-escalation measures to prevent further loss of injury or loss of life, establish ground truth and complete notification to all senior levels of command, including COMISAF and PAKMIL General Headquarters in Islamabad, Pakistan. However, it had taken several critical hours for the situation to be finally clarified, highlighting the absence of a responsive emergency system of direct, high-level contacts and an equally agile hierarchy of controlling Headquarters armed with well-established and familiar orders, directives and SOPs.

52. In summary, while ISAF and OEF Orders (Fragmentation Orders), SOPs and Directives have been published to describe the borders coordination and confidence-building measures within the RC-E Area of Operations, they lack clarity and precision and failure to clearly establish emergency override measures to be taken in exactly the type of situation that unfolded on the night of 25 – 26 November 2011. Furthermore, a prevailing climate of distrust precluded the provision of prior notification to all coordination nodes of the impending operation in a timely and appropriate manner. Additionally, an unfortunate problem of miscommunications between PAKMIL and Coalition Forces personnel in the NBCC on the night of Operation SAYAQA led to the establishment of incorrect locations for the forces involved, and thereby hampered the identification of units and forces involved in a timely and effective manner. Finally, during the engagement, HQs and individuals did not respond correctly, quickly enough, or with the sense of urgency or initiative required given the gravity of the situation and the well-known sensitivity surrounding the Afghan-Pakistan border region in RC-E.

53. The totality of circumstances described above set the conditions for the death and injury of large number of PAKMIL personnel and the destruction of PAKMIL Border Post. However, the catalyst for this tragedy ultimately was the initial and continuing engagement by PAKMIL forces on Coalition Forces - who in turn responded accordingly and appropriately.

54. In the context of this tragedy, a way forward must be found to prevent similar occurrences in the future. Following careful analysis of this incident, the way forward in the short term is to be found in establishing an aggressive program of confidence-building measures, harmonizing and clarifying extant orders and procedures governing border-area operations and cross-border coordination. Achieving complete transparency in the locations of all border installations on both sides of the border, widely sharing critical signals and actions that indicate the imminent use or

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potential use of force, and deliberately and physically confirming the location of Border Posts prior to the execution of operations in the border areas is also necessary. Over the long term, the way to long-term peace and stability along the border is to be found in resolving the long-standing border disputes that perpetuate a state of uncertainty and mistrust within which local cooperation and coordination efforts are less likely to succeed. Within the ISAF structure, thought should also be given to harmonizing ISAF and OEF chains of command and ROE with a view to reducing the potential for friction and misunderstanding between the nations working together to achieve the objectives of the ISAF Campaign Plan.



STEPHEN A. CLARK  
Brig Gen, USAF  
Investigating Officer

Date: 18 December 2011

Annexes:

- A. USCENTCOM TOR
- B. JFC Brunssum TOR
- C. Conduct of the Investigation
- D. Detailed timeline for the incident
- E. Command and Control
- F. Ground Operations
- G. Air Operations
- H. LOAC, Command Directives, ROE, and Relevant Authorities
- I. Major Critical Findings
- J. Glossary

## TERMS OF REFERENCE

1. The Commander, United States Central Command (USCENTCOM), General James N. Mattis, has appointed Brigadier General Stephen Clark, U.S. Air Force, to investigate a 25-26 November 2011 engagement between U.S. and Pakistan Military Forces at Salala Checkpoint, Khas Kunar Province, Afghanistan near the Pakistan border. This engagement tragically resulted in the deaths of Pakistan Military personnel. General Mattis intends that the maximum possible information sharing, cooperation, and coordination occur between Brigadier General Clark and any Senior Representatives who may be designated by the North Atlantic Treaty Organization (NATO) / International Security Assistance Force (ISAF), the Government of the Islamic Republic of Afghanistan (GIROA), and the Government of Pakistan (GoP).
  - a. The Commander, Allied Joint Force Command Brunssum (JFCB) has also appointed Brigadier General M. Jorgensen, Canadian Army (CAN A) to conduct an investigation into this same event. Brigadier General Jorgensen's investigation will focus on operational aspects and compliance with NATO direction, in order to evaluate whether ISAF Rules of Engagement, Standard Operating Procedures, tactics, techniques and any other applicable directives or procedures have been applied, implemented and followed.
  - b. Although two investigating officers have been appointed, they will form a composite investigative team that will collectively gather all relevant facts about this incident and report back to both NATO and USCENTCOM. Their investigative efforts will be closely coordinated and deconflicted to the maximum extent possible.
  - c. Any conflicts or requests for additional guidance in the conduct of the investigation will be forwarded to the respective Chiefs of Staff for USCENTCOM and JFCB for resolution.
2. Brigadier General Clark will work with whichever Senior Representatives are designated by NATO / ISAF, GIROA, and the GoP.
3. The provision of Senior Representatives would greatly assist Brigadier General Clark in:
  - a. Conducting an objective, comprehensive inquiry that will endeavor to fully determine all relevant facts and circumstances regarding the 25-26 November 2011 engagement;
  - b. Identifying lessons learned from this matter; and
  - c. Developing recommendations that would minimize the potential for any recurrence of such a tragic event and that will improve cross-border security, communication, and cooperation.
4. Scope of Inquiry. Brigadier General Clark is charged to determine the following:
  - a. the facts and circumstances surrounding the engagement (to include a timeline and all pertinent events including Command and Control functions, deconfliction, authorizations, approvals, etc.) related to the engagement;

## TERMS OF REFERENCE

- b. the specific U.S., ISAF, Afghanistan and Pakistan units that were involved in (to include before and after) the engagement;
- c. what units (ground and air) did or did not cross the border and under what conditions and authority;
- d. what coordination was conducted before, during and after engagement between the units involved;
- e. what was the battle damage assessment and, to the extent possible, the cause of any deaths and/or injuries;
- f. any recommendations concerning improvements to the tactics, techniques, and procedures of the units involved to improve our near-border operations; and any other relevant matters pertaining to this engagement.

### 5. Procedures.

- a. Brigadier General Clark will endeavor to complete this inquiry as soon as practicable. He will arrange for and coordinate any meeting(s) with Senior Representatives that any of the parties feels is necessary and/or proper. Working meetings at the staff level could occur as needed.
  - b. Visits to relevant locations in and around the Salala Checkpoint may occur as needed and be subject to adequate security guarantees from the parties.
  - c. Signed statements will be sought from all witnesses and should be sworn or affirmed whenever possible. If a written statement cannot be obtained from a witness, a memorandum for record will be prepared documenting the contents of the witness's oral statement.
  - d. Brigadier General Clark will ensure the maximum possible openness and candor with respect to all Senior Representatives. To the extent possible, he will: answer any question raised by a Senior Representative within his Report of Investigation; respond to any concerns a Senior Representative may raise during the course of the investigation; and will coordinate through the Senior Representatives to receive evidence and interview persons from within their respective organizations / jurisdictions.
  - e. General Mattis will ensure that USCENTCOM or other US records / information included within the final report of investigation are classified at no higher a level than necessary. It is also his intent to have as much of the final report of investigation, or separate portions thereof, be susceptible to sharing amongst the parties and/or the general public.
- (1) Every effort shall be made to declassify or downgrade the classification of information so that it can be coordinated and shared with the NATO/ISAF, GIRoA, and the GoP Senior Representatives as possible.

## TERMS OF REFERENCE

(2) Consistent with their organization's / government's information security requirements, Brigadier General Clark will work with the Senior Representatives to locate and receive any relevant information that may be currently classified by the Senior Representative's organizations / governments.

(3) Brigadier General Clark may request the assistance of Senior Representative(s) to have any of their organization's / government's classified material be declassified and/or downgraded as much as possible so that it could be shared with other parties and/or included in the final report of investigation. It is understood, however, that any action regarding classified information will be solely determined by the organization / government that classified and produced the information in question.

(4) Restricted information or material (e.g. information that must be restricted to certain nations / organizations consistent with classification markings) will be included in the report of investigation only as is absolutely necessary.

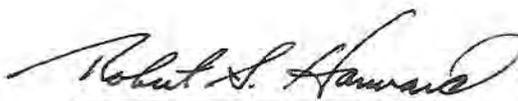
(5) Brigadier General Clark will seek the concurrence of the Senior Representatives before the public release of any material to be included in the Report of Investigation.

6. General Mattis and the USCENTCOM staff will coordinate amongst the parties with respect to any public release of general information concerning any findings and recommendations that General Mattis may approve at the conclusion of Brigadier General Clark's investigation. For example, any press conference and/or press releases will be coordinated in advance amongst all parties. Public release of the final Report of Investigation, or portions thereof (less any classified information), will only occur after prior coordination amongst the parties. To the extent possible, General Mattis intends to obtain written understandings / approvals from the respective parties prior to any public release of any portion of the final report of investigation that may be required by the Freedom of Information Act or other United States law or regulation.

7. Every effort will be made within USCENTCOM to protect any information discovered or developed during this investigation from any unauthorized release. Brigadier General Clark will likewise work very closely with the Senior Representatives to prevent the unauthorized release of information from within their organizations / jurisdictions.

8. Brigadier General Clark may at any time request that either General Mattis, myself, or the USCENTCOM Chief of Staff modify any portion of these Terms Of Reference or the terms of the separate memo General Mattis used to appoint Brigadier General Clark as Investigating Officer. Approved modifications must be documented in writing.

FOR THE COMMANDER:



ROBERT S. HARWARD  
VADM, USN  
Deputy Commander, U.S. Central Command

**CONDUCT OF THE INVESTIGATION**

1. **Team Composition.** The teams were composed as follows:

a. **USCENTCOM.**

BG Stephen Clark USAF – USCENTCOM Investigating Officer  
Maj [Name redacted] USAF – JTAC Advisor  
Maj [Name redacted] USAF – Legal Advisor  
SGT [Name redacted] US Army – Paralegal NCO  
SPC [Name redacted] US Army – Court Reporter

b. **NATO.**

Brigadier General Michael Jorgensen (CAN) – JFC Brunssum Investigating Officer  
Colonel [Name redacted] (Germany) – Senior Advisor  
Lieutenant Colonel [Name redacted] (United Kingdom) – Staff Officer/ Political Advisor  
Major [Name redacted] (Netherlands) – Legal Advisor  
Chief Warrant Officer [Name redacted] (Canada) – Advisor

c. **Afghan National Security Forces (ANSF).**

Major General Khalil Bakhtiyer – Deputy Chief Afghan Border Police (ABP) and  
Representative of the Ministry of the Interior (Mol)  
Colonel [Name redacted] – ABP Director Operations  
Colonel [Name redacted] – ANA G3  
Colonel [Name redacted] (Canada) – ISAF Senior Advisor to Major General Khalil  
Captain [Name redacted] (Canada) – ISAF Advisor to ABP Director Operations  
*Note: the ANSF team was accompanied by an interpreter*

d. **ISAF Assistance.**

Col [Name redacted] USAF – Senior Advisor  
COL [Name redacted] (US Army) – Special Operations Forces Subject Matter Expert  
LTC David Doherty (US Army) – Public Affairs  
MAJ [Name redacted] (US Army) – Executive Officer  
Maj [Name redacted] (USAF) – AC130 Subject Matter Expert  
Capt [Name redacted] (USAF) – JTAC Subject Matter Expert  
CW5 [Name redacted] (US Army) – AH-64 Subject Matter Expert

2. **General.** The investigation team assembled under the authority of their respective Terms Of Reference (Annexes A and B) between 30 November and 1 December 2011 initially at HQ IJC, Kabul International Airport (KAIA) and thereafter at Bagram Air Facility. The Investigating Officers agreed that

the USCENTCOM and NATO teams would conduct the investigation as a fully integrated team, sharing information and conducting composite interviews. However, separate reports would be produced for Commander USCENTCOM and Commander JFC Brunssum.

3. **Assembling Evidence.**

a. **Documents.** At the beginning of the investigation, the teams were provided with a set of documents ranging covering the build-up to the operation to those produced as an immediate response to the incident. In addition other documentation came to light as a result of interviews. All documentary evidence was compiled and registered in a single registry.

b. **Video and Tapes.**

c. **Interviews.** Interviewees were initially identified as being within the chain of command or decision makers for the operation and from analysis of the primary set of documents. Further interviewees were identified as a result of the ongoing investigation. A chronology of interviews is at Appendix 1. Interview teams were assembled as follows:

- (1) **Team 1 (General Officer).** Brig Gen Clark and Brigadier General Jorgensen.
- (2) **Team 2 (Command and Control).** [Four names redacted].
- (3) **Team 3 (Air).** [Four names redacted]
- (4) **Team 4 (Ground Force).** [Three names redacted]

DETAILED INCIDENT TIMELINES

Ser	Day (Afg)	Time	Time	Time	Event	Source
		Z	D	E		
1.	25	00:00 18:39	+4:30 23:09	+5:00 23:39	GFTL under fire – tracer rounds observed from eastern ridgeline (recorded on video at 18:40Z)	F-15,
2.	25	18:41	23:11	23:41	Fire concentrates on Bldgs 304, 306, 310, 311 and 312. Lead element of ME is in vicinity of Bldg 312. ME1 gains foothold in Bldg 312 and remains there for cover.	GFTL
3.	25	18:43	23:13	23:43	JTAC reports mortar fire; first round lands within 50m of HLZ HOLDEM; firing point positively identified by JTAC as [coordinates of Engagement Area 1 (EA-1)]; GFTL orders GF to turn-off infra-red strobes as the only way they could be seen in this level of light was my night vision equipment First round lands in vicinity of HLZ HOLDEM, 150m from trail elements of ME and SE1; these elements also under Machine Gun (MG) fire.	F-15, GFTL, JTAC
4.	25	18:45	23:15	23:45	JTAC asks F-15 for show of force; tells F-15 he is needed ASAP as they are taking rounds	F-15
5.	25	18:47	23:17	23:47	AC-130 states they have tracer fire from [redacted] declares 'going hot' (prepared to engage)	F-15
6.	25	18:50	23:20	23:50	Show of force - low fly (3,000ft AGL) at speed with flares; (within seconds, AC-130 automatically dispenses number of flares, assume triggered by F-15 flares)	F-15, AH-64 #1, AC-130
7.	25	18:50	23:20	23:50	GFTL calls SOTF-E for clearance of fires	AH-64 #1, GFTL, MC12
8.	25	18:51	23:21	23:51	Enemy MG fire observed from Southern bunker (EA-1 second position) and Northern bunker (EA-2) vicinity grid oriented WNW; flashes from northern position	MC12; AC-130
9.	25	18:52	23:22	23:52	SOTF-E approves GFTL to engage previously described target	F-15

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Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
10	25	00:00 18:52	+4:30 23:22	+5:00 23:52	GFTL: receiving mortar fire from [coordinates]. Target is 10 – 12 persons [PAX]. Zero collateral damage estimate (CDE). No women or children observed. Target is hostile force engaging CDO. GFTL replies to SOTF-E: “1 copy, cleared to engage”	SOTF-E; AH-64 #1
11	25	18:53	23:23	23:53	2 x burst MG fire observed from North position grid oriented NNW	AH-64 #1 VT, MC12
12	25	18:54	23:24	23:54	Initial engagement by AC-130 (splash on EA-1);	F-15, AH-64 #1 VT , MC12
13	25	18:54	23:24	23:54	GFTL calls SOTF-E to warn of his suspicion this could be PAKMIL, being so close to the border;	SOTF-E
14	25	18:57	23:25	23:57	SOTF-E S3 contacts RC-E to de-conflict with PAKMIL	SOTF-E
15	25	18:57	23:27	23:57	GFTL told “PAKMIL has been notified and confirmed no positions in area.”	SOTF-E
16	25	18:59	18:59	23:59	AC-130: “Copy post about PAKMIL”	SOTF-E
17	25	19:00	23:30	00:00	Last round of 18 by AC-130 (splash on EA-1)	AH-64 #1, F-15
18	25	19:01	23:31	00:01	Report of mortar fire	F-15
19	25	19:02	23:32	00:02	JTAC reports “clear to engage”	F-15
20	25	19:05	23:35	00:05	MC12 observes 10 – 15 persons leaving possible post at [coordinates]; No engagement on these	MC12
21	25	19:11	23:41	00:11	AC-130 informs AH-64 #1, still tracking movers in engagement area	F-15
22	25	19:12	23:42	00:12	AH-64 #1 notifies JTAC of 2 x individuals at previous engagement site (EA-1) JTAC clears AH-64s “Hot on those two individuals; AH-64 verifies with JTAC,	AH-64 #1

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Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
23	25	00:00 19:14	+4:30 23:44	+5:00 00:14	JTAC clears AC-130 to engage after AH-64; AH-64 #2 fires 10 x 30mm; AH-64 #1 observes mortar impact;	F-15
24	25	19:14	23:44	00:14	JTAC: "we're taking incoming, 200m from our position"; Mortar fire impact [coordinates] (50m N of ME); unknown Point Of Origin (POO)	F-15; AH-64 #1
25	25	19:17	23:47	00:17	AH-64 #1 fires 10 x 30mm	AH-64 #1
26	25	19:24	23:54	00:24	AC-130 informs JTAC of a mover at previous engagement are, requests to go hot; JTAC clears AC-130	AH-64 #1
27	25	19:27	23:57	00:27	AH-64 #1 to JTAC: "everything we've been engaging so far has been on the border. I confirm individuals with weapons on the border as well as previous engagement."	AH-64 #1
28	25	19:27	23:57	00:27	First 105mm round on EA-1 second position from AC-130	MC12
29	25	19:28	23:58	00:28	GFTL: AC-130 has maintained positive identification (PID) on hostile force engaging ANA CDO, Approved to reengage target	SOTF-E
30	25	19:28	23:58	00:28	Last round of 4 on EA-1 second position by AC-130	MC12
31	26	19:31	00:01	00:31	JTAC Net Call: "Just talked to CISOTF-A, they confirmed with PAKMIL, there are no PAKMIL in the AO"; good copy by AH-64 #1	AH-64 #1
32	26	19:31	00:01	00:31	AC-130 identifies 2 x PAX vicinity of EA-1 second position; SOTF-E requests GFTL to confirm; when positive, fires cleared	GFTL
33	26	19:40	00:10	00:40	(b)(1)1.4a	SOTF-E
34	26	19:55	00:25	00:55	(b)(1)1.4a	SOTF-E
35	26	20:00	00:30	01:00	GF (SE1) receives MG fire from a 2 <sup>nd</sup> position on the eastern ridgeline – PAK border (EA-2)	SOTF-E
36	26	20:05	00:35	01:05	(b)(1)1.4a	SOTF-E

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Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
37	26	00:00 20:07	+4:30 00:37	+5:00 01:07	AC-130 relays to JTAC, SOTF-E Commander cleared them to engage building with bi-pod weapon system (EA-1 second position); AH-64 #1 decides to use HELLFIRE	AH-64 #1
38	26	20:08	00:38	01:08	JTAC calls AH-64 #1 to suggest hitting EA-1 second position with HELLFIRE	AH-64 #1
39	26	20:09	00:39	01:09	AH-64 #1 engage EA-1 second position; building destroyed	AH-64 #1
40	26	20:22	00:52	01:22	JTAC clears AH-64 #1 for HELLFIRE and AC-130 for 105mm on Target 2 (EA-2); AH-64 #1 informs intention to refuel after engagement	AH-64 #1
41	26	20:23	00:53	01:23	AC-130 requests clearance to fire 105mm and 40mm after AH-64 #1 engages; JTAC clears	AH-64 #1
42	26	20:24	00:54	01:24	AH-64 #2 fires HELLFIRE on Target 2 (EA-2) destroying bunker; armed survivor engaged with 40 x 30mm; tri-pod hulk visible on out-turn;	AH-64 #1
43	26	20:24	0054	01:24	AH-64 #2 engages 1 x squirter with 40 x 30mm	AH-64 #2
44	26	20:25	00:55	01:25	RC-E informs SOTF-E S3 that PAKMIL are now reporting air-to-ground (ATG) fire against PAKMIL border positions; Commander SOTF-E receives request from GFTL requesting approval to engage movers on ridgeline. Request is denied and GFTL informed that reports had been received of PAKMIL in the area. He would only approve if in self-defense. <i>Note: Total time for this sequence of events lasted at least 10 minutes from start to finish. RC-E report to SOTF-E occurred at 00:55 local time. GFTL not informed of "reports of PAKMIL in area" until sometime after 01:05 local time.</i>	SOTF-E;
45	26	20:26	00:56	01:26	AH-64 #1 fires HELLFIRE at 3 x squirters running to ridge-top encampment	AH-64 #2, F-15
46	26	20:27	00:57	01:27	AH-64 #2 engages 2 x squirters with 20 x 30mm near ridge-top east of encampment; Target 2 (EA-2) engaged by AC-130 with 105mm; encampment 5 x squirters on top of ridgeline (24 rounds)	AH-64 #2, F-15
47	26	20:35	01:05	01:35	Last round from AC-130	AH-64 #2, F-15

D - 4

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Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
		00:00	+4:30	+5:00		
48	26	20:40	01:10	01:40	AC-130 looking to go hot; JTAC gives clearance (no weapons employed)	AH-64 #1
49	26	21:16	01:46	02:16	AH-64 #1 observes flash behind AH-64 #2; AH-64 #2 states they hear loud bang close to aircraft; this is interpreted as RPG fire; no POO confirmed or damage sustained; no reaction necessary.	AH-64 #1
50	26	21:21	01:51	02:21	JTAC makes net call Net Call: 'enemy they engaged in self-defense was in fact confirmed by SOTF to be PAKMIL'; discussing early exfil; if not, move away from border	AH-64 #1

**Liaison and Awareness of the Incident**

Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
		00:00	+4:40	+5:00		
A	25	18:45	23:25(A)	23:45	RC-E CHOPS receives call from SOTF-E S3 stating GF in contact and asking to verify if PAKMIL were in the vicinity of GF, Op SAYAQA; SOTF-E attempting to contact PAKMIL	RC-E
B	25	18:47	23:26(A)	23:47	RC-E Dep Shift Dir calls TF BRONCO Battle Captain, asks to pass coordinates to NBCC	RC-E
C	25	18:55	23:27(A)	23:55	SOTF-E S3 calls RC-E with update and is told that TF BRONCO is contacting NBCC to get confirmation, but that RC-E is "not tracking PAKMIL in that location"	RC-E
D	25	18:56	23:27(A)	23:56	RC-E DCHOPS inform SOTF-E S3 that TF BRONCO PAKMIL LNO had informed them that no PAKMIL were in area.	RC-E
	25	18:57	23:28(A)	23:57	RC-E Deputy Shift Director receives copy of SOTF-E MIRC stating that PAKMIL have confirmed, no PAKMIL in AO	RC-E, SOTF-E
E	25	18:57	23:28(A)	23:57	RC-E Deputy Shift Dir. calls TF BRONCO to say SOTF-E confirmed no PAKMIL in AO	RC-E
	25	19:10	23:40	00:10	RC-E PAK LNO contacts RC-E CJ3 Borders stating that PAKMIL Frontier Corps soldiers were being engaged from inside AFG. Informs RC-E JOC Shift Director	RC-E

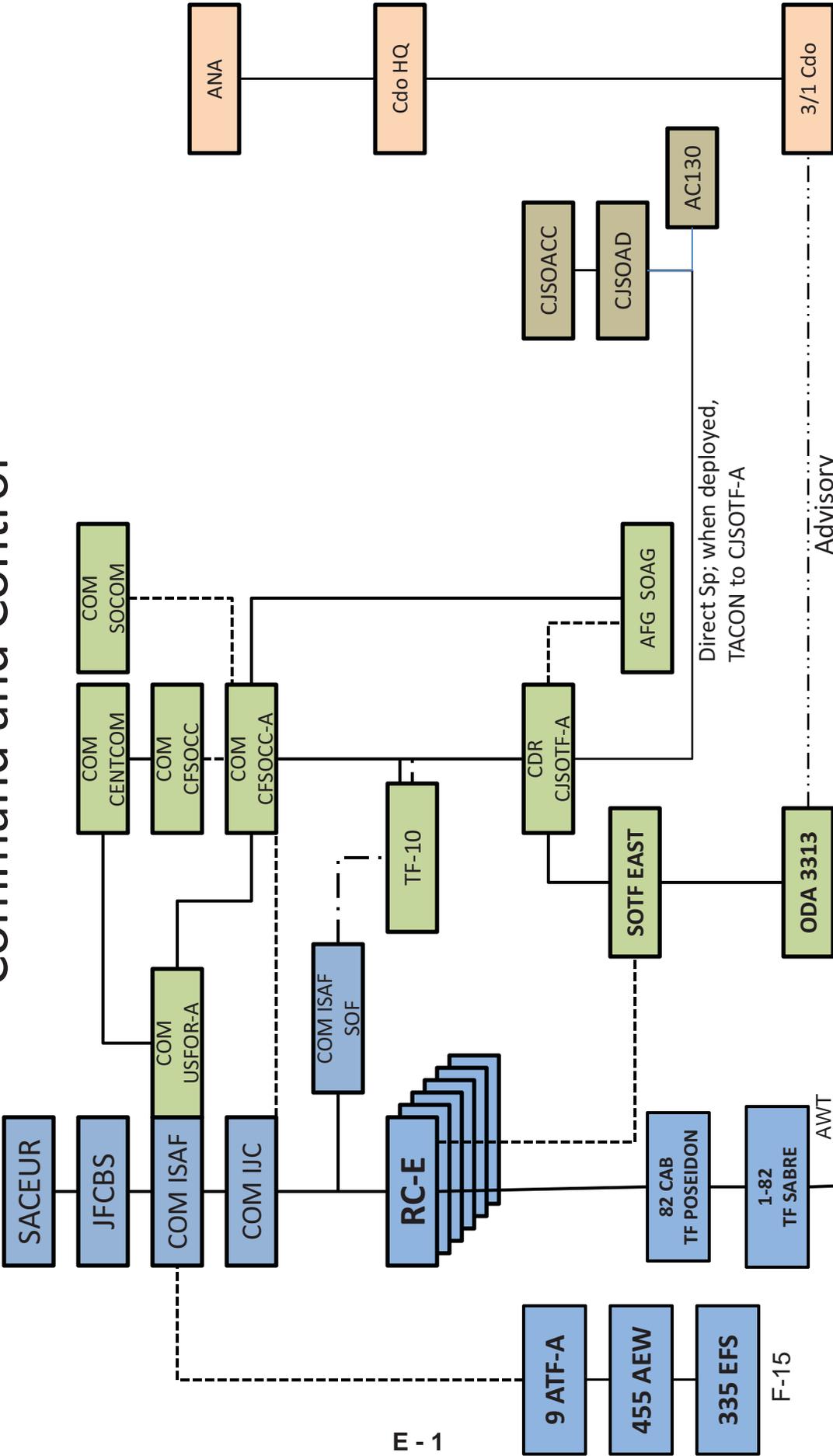
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Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
F	26	19:30	00:00(A) +4:40	00:30 +5:00	PAKMIL LNO NBCC made 3+ telephone calls; informed PAKMIL 11 Corps G1 that there was no firing in area. LNO felt 11 Corps G1 was not responsible for this area and confirmed with [another senior PAKMIL officer]	NBCC
G	26	19:40	00:10(A)	00:40	Under direction from RC(E), PAKMIL LNO at NBCC presented only with rough description of area (boundary of Marwarah and Sarkani Districts); PAKMIL LNO confirms no PAKMIL in that area	NBCC
H	26	19:52	00:22	00:52	PAKMIL 11 Corps Assistant Ops Officer calls ICEPAK (RC-E LNO to 11 Corps PAKMIL) to state border post 'Volcano' was being engaged. ICEPAK did not have this location on his FALCON VIEW (digital map)	ODRP
I	26	19:53	00:23	00:53	RC-E LNO to 11 Corps PAKMIL contacts RC-E Nightshift CHOPS and briefed him that 11 Corps said that Coalition Force Helicopters and a 'Drone' were firing on occupied PAKMIL Border Post 'Volcano' in Mohmand Agency. No grid given. RC-E verified on-going near border operations vicinity Konar/Mohmand Agency and confirmed Air Weapons Team (AWT) engaged targets after coalition forces (CF) received Small Arms Fire / Indirect Fire (SAF/IDF).	RC-E
J	26	19:59	00:25	00:59	RC-E CJ3 Borders called NBCC to state helicopter(s) returned fire and hit PAKMIL post	NBCC
K	26	20:12	00:42	01:12(A)	RC-E LNO to 11 Corps PAKMIL relays information to 11 Corps.	ODRP
L	26	20:20	00:50	01:20	PAKMIL requested helicopter(s) be moved back, that it already fired more than 9 x rockets. Message relayed to TF BRONCO	NBCC
M	26	20:20	00:50	01:20(A)	ICEPAK calls LTG Keen (ODRP) who in turn calls MG Laster at HQ IJC and asks him to contact PAK DGMO	ODRP
N	26	20:25	00:55	01:25	HQ IJC communicates with RC-E. SOTF-E LNO to RC-E calls SOTF-E S3 to inform that PAKMIL reporting Coalition Forces attacking their positions in area of Obj OCTAGON. Commander SOTF-E receives request from GFTL requesting approval to engage movers on ridgeline. Request is denied and GFTL informed that reports had been received of PAKMIL in the area. He would only approve if in self-defense. <i>Note: Total time for this sequence of events lasted at least 10 minutes from start to finish. RC-E</i>	SOTF-E

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Ser	Day (Afg)	Time Z	Time D	Time E	Event	Source
		00:00				
			+4:40	+5:00	<i>report to SOTF-E occurred at 00:55 local time. GFTL not informed of "reports of PAKMIL in area" until sometime after 01:05 local time.</i>	
O	26	20:45	01:15	01:45	MG Laster arrives CIOC IJC	IJC
P	26	20:50	01:20	01:50	NBCC continues to work with PAKMIL LNO for names/ grids of PAKMIL post. Found out it was 'VOLCANO' post; however, no grids were given. PAKMIL LNO stated that RC-E has the grids for all their posts.	NBCC
Q	26	21:00	01:30 (A)	02:00	IJC calls RC-E to de-escalate the situation as they are getting calls from PAKMIL	RC-E
R	26	21:20	01:50	02:20	PAK DGMO calls LTG Keen for help to get firing stopped, reporting 8 casualties. LTG Keen called MG Laster, asking him to contact DGMO.	ODRP

# Command and Control



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TACON to CJSOTF-A

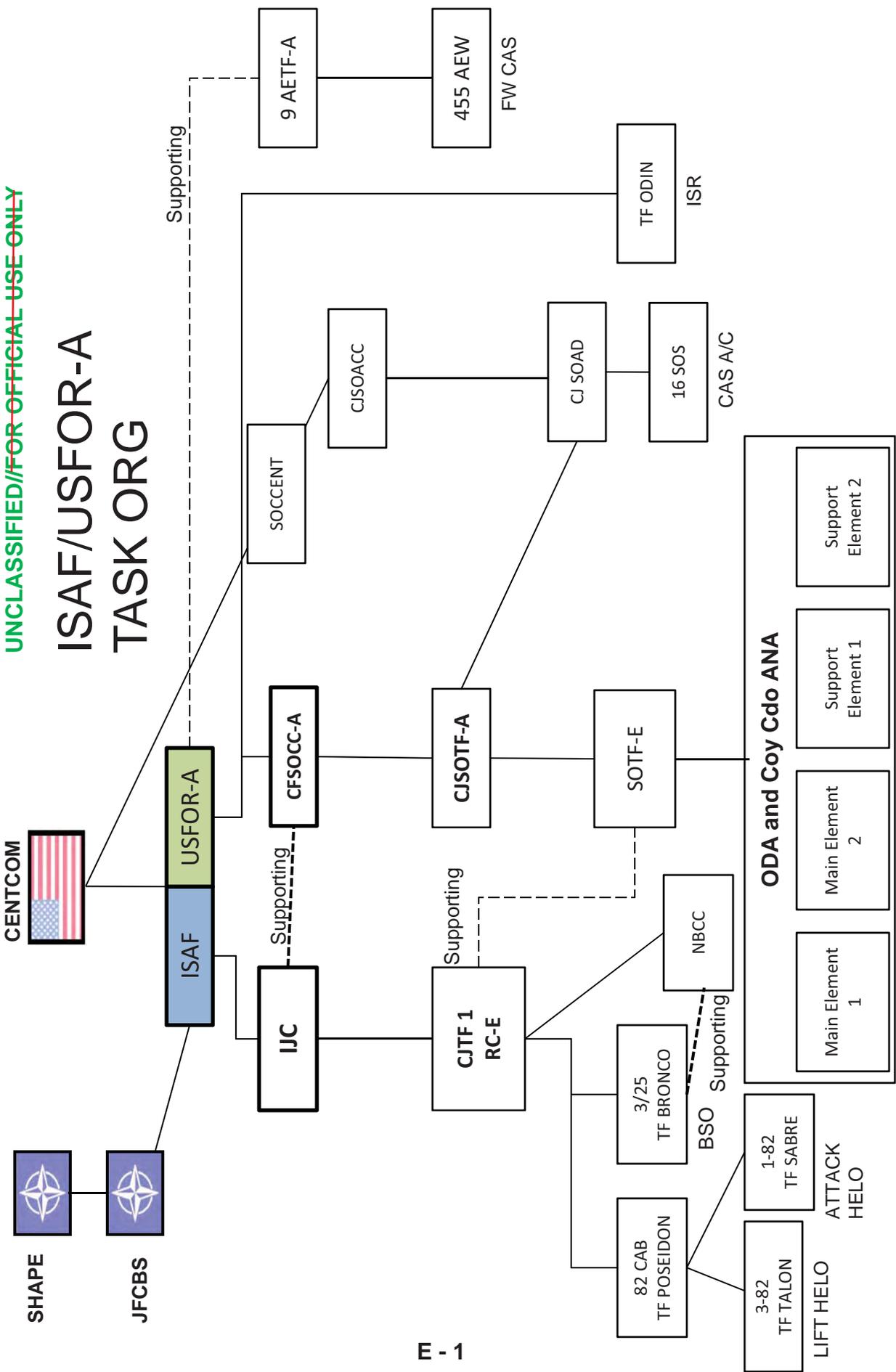
Advisory

- OPCON
- - - Supporting
- . - . - ADCON
- . . - . - NATO OPCON

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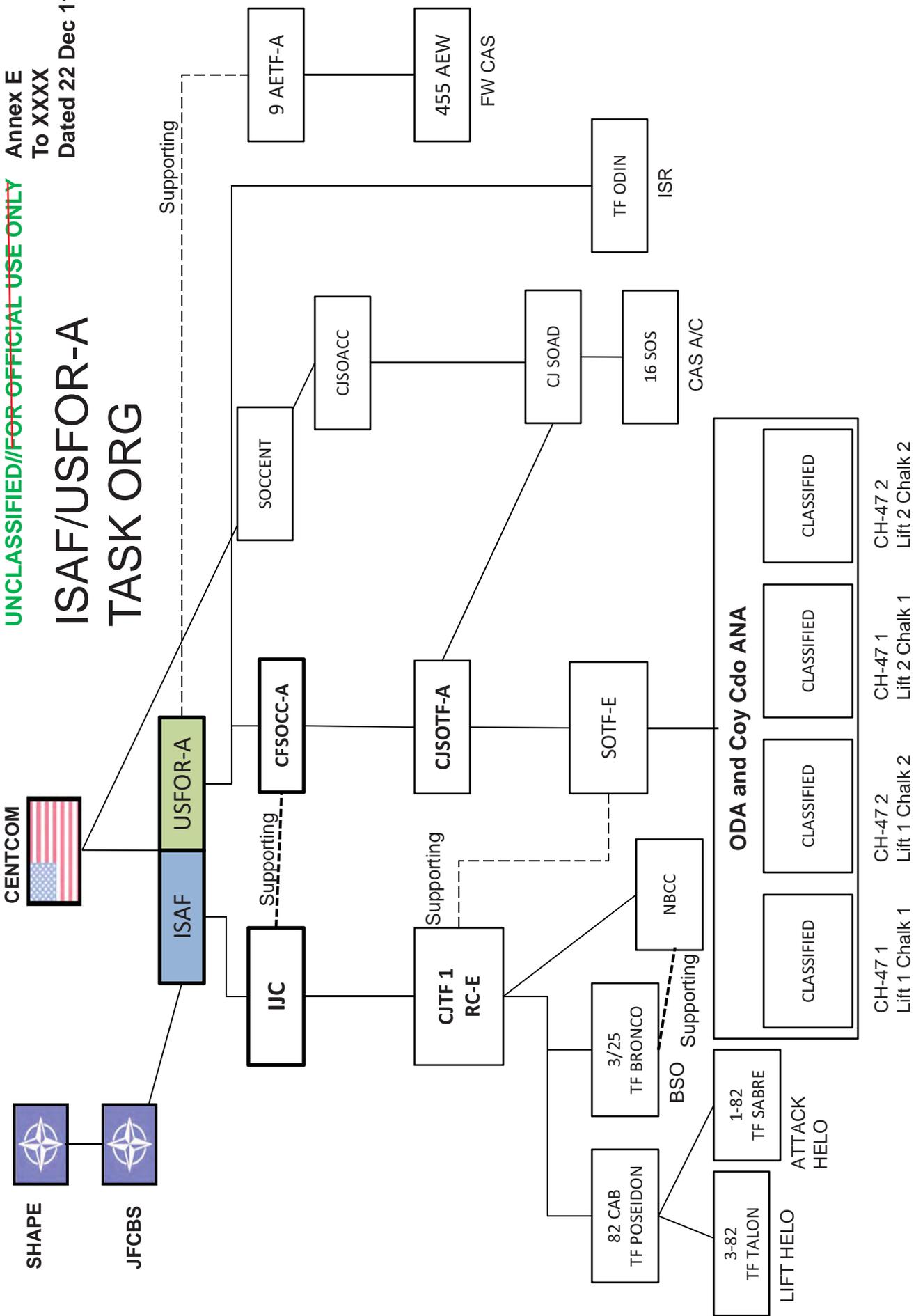
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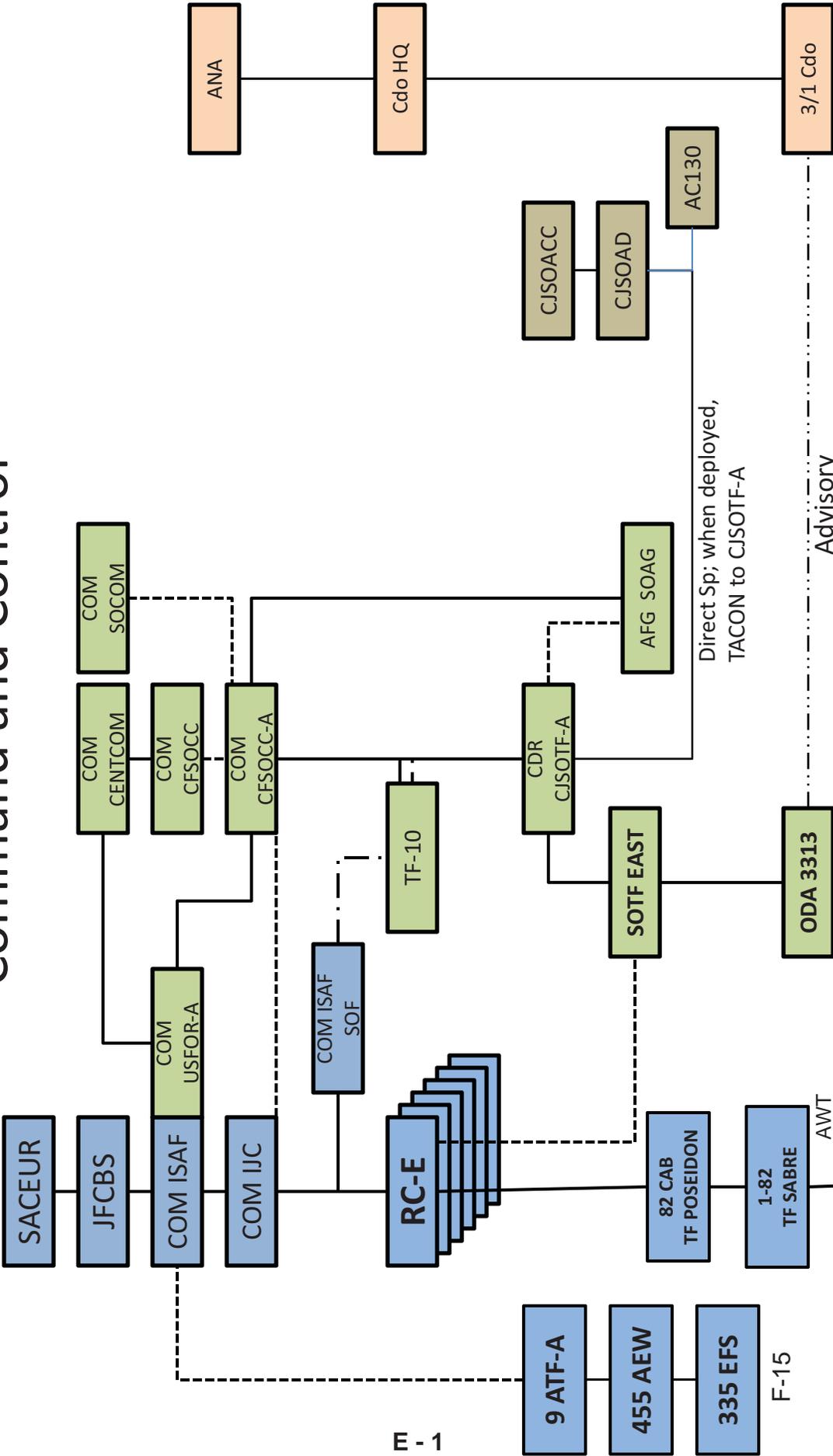
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# ISAF/USFOR-A TASK ORG



# Command and Control



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TACON to CJSOTF-A

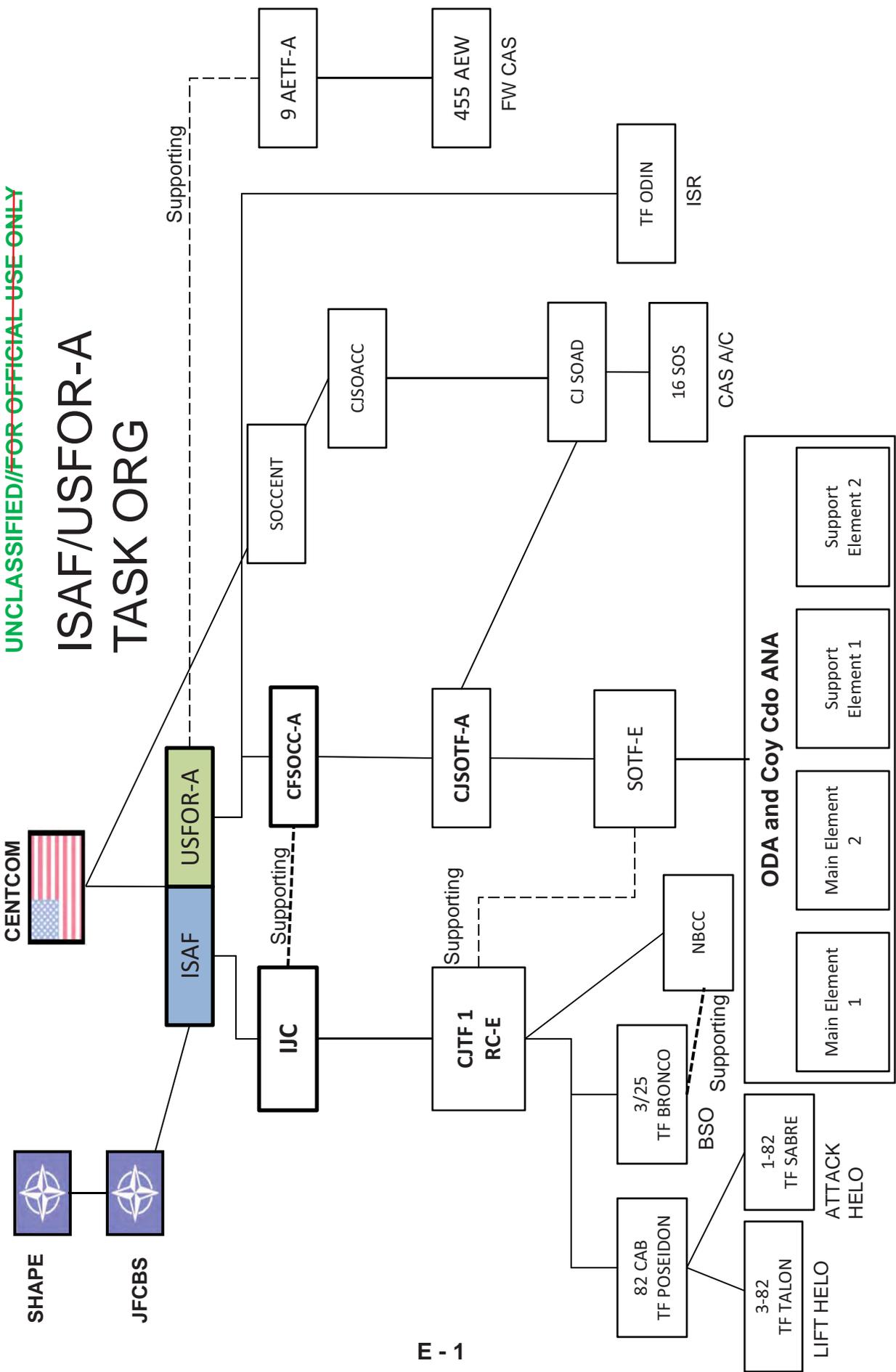
Advisory

- OPCON
- - - Supporting
- - - ADCON
- - - NATO OPCON

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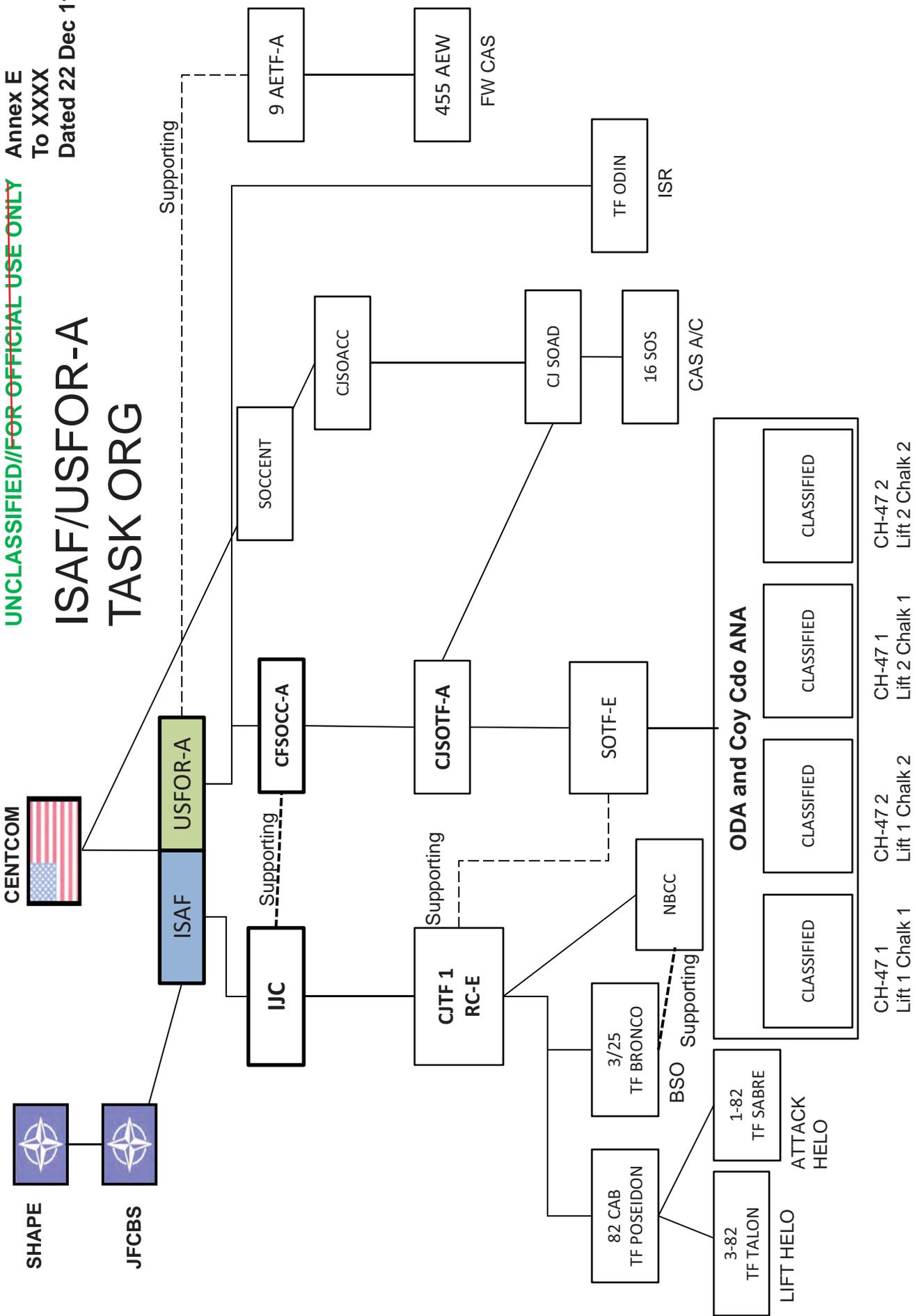
# ISAF/USFOR-A TASK ORG



E - 1

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# ISAF/USFOR-A TASK ORG



**AIR OPERATIONS**

1. Four air units were tasked to support the planned 25 – 26 Nov 11 shaping operation. The primary tasks were Intelligence, Surveillance and Reconnaissance (ISR), Close Air Support (CAS) and Close Contact Attack (CCA). The assets on station at the time of the engagements were:

Unit	Aircraft	Number of Aircraft	Task	ROE-Application (per crew statement)
455th AEW	F-15/EAGLE	2	CAS	F-15 # 1: ISAF F-15 # 2: OEF
TF ODIN	MC-12	1	ISR	n/a
16th ESOS	AC-130/SPECTRE	1	CAS	OEF
TF SABER 3-82	AH-64D/LONGBOW	2	CCA	ISAF

2. All CAS and CCA assets have sensors used for situational awareness and targeting purposes.

3. **In-theatre Training.** All crews received a theater indoctrination briefing upon arrival in Combined Joint Operations Area – Afghanistan (CJOA-A) that provided a general overview of the ISAF/OEF missions, their specific role during operations, and the overall Intelligence situation. All crews received a detailed ROE brief that included the Tactical Directives and applicable SOP. The ROE brief had to be reviewed periodically.

4. **Mission Preparation.** All crews received the CONOP with enough time to prepare for their specific roles, including details on the expected high-threat environment. The CONOP did not include information on possible PAKMIL positions. For all crews, operations in close proximity to the border were discussed, but the details focused solely on airspace and their mission in support of the GF. As a result, the air assets did not expect to encounter such positions. All crews were qualified to perform the assigned mission. The ambient situation showed a broken cloud deck at 25,000 feet and zero illumination (no moon). This did not affect the execution of the mission.

5. **Data Coverage, Flight Profile and Crew Experience.**

a. **MC-12.** Tasked to provide ISR coverage for GF before and during the mission. No hostilities occurred up to and including the infiltration. The sensor data was monitored onboard, recorded, and broadcast to the SOTF-E JOC. The video does not include audio and it was not transmitted to the ground troops. MC-12 did not cross into PAK airspace. MC-12 was on station and recorded both engagements on Locations #1 and Location #2. Another MC-12 then replaced the first MC-12 (only one MC-12 was on station at a given time), but did not record the final engagement due to sensor

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direction on friendly forces. The second MC-12 crew had previous mission experience and had seen some hostilities in this area, but had no prior experience in identifying PAKMIL border posts.

b. **F-15s.** Two F-15s were tasked to provide airborne CAS. One F-15 conducted a Show-of-Force (SoF) requested by the GF as part of the Escalation of Force (EOF) procedures. Their sensor data was recorded throughout the flight and includes audio of the internal crew communication and the radio calls. Neither F-15 used weapons and or ever crossed into Pakistan's airspace.

c. **AC-130.** The AC-130 was tasked to provide airborne CAS. There is no video available, because the responsible crew member forgot to take the data storage device to the aircraft. This does not preclude the aircraft from performing its mission and the lack of a storage device is not considered a mission abort criteria. The AC-130 crossed into Pakistan's airspace up to two nautical miles in order to engage, based on the weapon system characteristics.

d. **AH-64s.** Two AH-64s were tasked to perform reconnaissance and security and CCA throughout the operation. They have recorded video of their sensors along with audio, to include internal crew communication and radio transmissions. The video was not broadcast to the GF. The crews were intensely briefed on the high threat environment to be expected because of prior hostilities that took place in Oct 11. Both crews were highly proficient and experienced, specifically paired prior to this operation based on the expectation that hostilities could be encountered. Neither AH-64 ever crossed into Pakistan airspace.

6. **Air Timeline of Events.** All times are local (GMT + 4:30 hrs).

a. All air assets were on station, monitoring what proved an uneventful infiltration. In order to refuel, AH-64 #1 returned to the Forward Arming and Refueling Point (FARP). At 23:10 hrs, MC-12 and AC-130 reported enemy tracer fire from the PAK border from two positions (described as Engagement Areas 1 (EA-1) and 2 (EA-2)). At the same time, the GF came under attack, observing fire originating from EA-1 and EA-2. F-15 #1 observed a big flash, while MC-12 recorded the point of impact in close proximity to the GF on their video. Seconds later, the Joint Terminal Attack Controller (JTAC), embedded with the GF, transmitted that they are under heavy Machine Gun and mortar fire with a mortar round impacting 50m from their position. In accordance with Escalation Of Force (EOF) procedures, JTAC requested F-15 #1 to perform a Show of Force over the top of EA-1. Within a few minutes (23:20 hrs), F-15 #1 flew over EA-1 at approximately 1,700 feet above the ground with an airspeed of more than 560 NM/h, dispensing several flares (bright burning, high visible decoys). AC-130 sensors reacted to these and in turn dispensed flares. Despite this non-lethal Show of Force, the heavy fire from the ridgeline continued (visible on MC-12 video). JTAC assessed the situation (as did all the aircrews when interviewed) as a Hostile Act and cleared AC-130 at 23:24 hrs to engage under the self-defense ROE. At that time, AH-64s, both still in the FARP, heard AC-130 engaging, so they stopped refueling and headed back to the area. The following engagement, which also involved action from AH-64 #1 and AH-64 #2, lasted until 23:58 hrs. Partnered GF remained under attack throughout. Battle damage assessment (BDA) accounted for approximately 12 killed suspected Taliban.

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b. At the end of the engagement, JTAC asked air assets to confirm that EA-1 one was inside Afghanistan (AFG). AC-130 reported EA-1 was inside AFG, but on the border. At 00:01 hrs, JTAC transmitted to the air assets, that he had talked to CJSOTF-A and had received information, that no PAK military personnel were in the area. At that time, the aircrews understood that all personnel carrying weapons were hostile. Since the GF remained under fire, which could be easily seen by all the aircrews, AH-64 #1 and AH-64 #2 continued to monitor the fortified positions on the hillside and ridgeline. One bunker in EA-1, after a close identification flyby, showed a heavy weapon pointed in the direction of GF. Still under the threat of being engaged by this position, at 00:39 hrs, JTAC requested reengagement with a HELLFIRE missile. BDA was 2 suspected Taliban killed.

c. AH-64 #1/01 and AC-130 continued to monitor the area and identified further personnel northwest of EA-1. Believing there were no PAKMIL in the area, AH-64s had a closer look at this position. They identified another heavy weapon directed towards the GF, along with two personnel inside, one to the side and another six walking from the ridgeline to this structure. Describing the situation to JTAC, who together with GF were still under fire, the situation was assessed as hostile and subsequently cleared AH-64s and AC-130 at 00:53 hrs to engage. Both AH-64s, after the initial engagement, had reached minimum fuel and had to head for refueling in the FARP. AC-130 continued to engage until 01:09 hrs. BDA showed nine suspected Taliban killed.

d. After this engagement, no further ordnance was expended. However, the aircrews continued to observe bright flashes, providing an indication of mortar fire, but remained unable to locate the point of origin (POO). The GF and aircrew continued to observe gunfire throughout the night. AH-64s, after having returned from the FARP, were attacked with an RPG at 01:45 hrs, but did not sustain any damage.

e. At 01:51 hrs, JTAC addressed all flying assets that the former engagements had been on PAKMIL positions and ordered a cease fire on the ridgeline.

**7. Findings.**

a. In preparing the mission, the crews lacked information on Pakistan (friendly) positions (evidence: CONOPS).

b. The aircrews were applying differing ROE's during the mission. However, since US rules for self-defense supersede other ROE, this had no effect on the conduct of the engagements.

c. The enemy situation showed a high threat environment and the crews were highly alert to protect GF (J2-Mission Briefing, statement of the crews).

d. The observed muzzle fire and impacting mortar rounds led to the conclusion that they are under attack from identified positions and their engagement based on self-defense (video MC-12, Video F-15 #1).

e. After confirmation that there were no PAKMIL border posts in the area, crews assessed armed personnel as hostile.

f. Given the situational awareness, all aircrews acted according to applicable RoE and LOAC. Further elaboration on the application of ROE is provided in the main document.

**LOAC, COMMAND DIRECTIVES, ROE AND RELEVANT AUTHORITIES**

1. The units using force during Operation SAYAQA belonged to both ISAF and OEF.

2. **ISAF units.**

a. A preliminary statement is made regarding possible application of the Laws of Armed Conflict (LOAC). Within ISAF, no common understanding exists as to the exact legal characterization of the current conflict in AFG. However, it is clear to all that this conflict is not an "International Armed Conflict" since there is no armed conflict between two or more High Contracting Parties to the Geneva Conventions. Whether or not a "Non-International conflict" exists remains unresolved; the ISAF participating nations each have differing opinions on that question. This report in no way intends to answer the question on the nature of the (armed) conflict in AFG. Without prejudice to the positions of the participating nations, it is assumed that the participating nations to the ISAF, as a policy, will act in accordance with Common Article Three (3) of the Geneva Conventions and Customary International Law that is connected to that body of law. Furthermore, the ISAF Operation is a Chapter VII Peace Enforcement Operation based on the relevant United Nations Security Resolutions, to include UNSCR 1386, 2001, and the most recent one (being resolution 2011) extending the mandate of the ISAF mission to 13 October 2012. It provides ISAF with all the necessary means to fulfill the mandate.

b. Under NATO Regulations, ROE are the authorizations for, or limitations on, the use of force during military operations. The ROE that apply to the ISAF operation are stated in the ROE implementation message 001 as attached to the JFCBS OPLAN 30302. Under ROE there is an inherent right of self-defense: Self-defense trumps ROE. Self-defense must be applied in accordance with National Laws of the particular nation applying that force. The use of force under ROE is constrained by LOAC and the mandate as provided by the UNSCR. Commanders can further restrict the use of force authorized by ROE and can issue guidance (such as tactical directives) with respect to the application of force. In conclusion, each level of command in ISAF has developed standard operating procedures (SOPs) describing process on a particular area. These SOP's apply, depending on the nature of the SOP, to the own level of command only, or also to subordinate levels. In the below paragraph, adherence to (i) LOAC, UN Mandate, ROE and self defense, (ii) tactical directives and (iii) SOP's by ISAF forces is assessed:

(1) **LOAC, UN Mandate, ROE and Self-Defense.** ISAF forces that used force during Operation SAYAQA were the Apache helicopters (AH 64s) belonging to Task Force Saber, which is a U.S. unit, that supported ground forces within the ISAF mandate. However, US self-defense rules override ISAF ROE for Hostile Intent and Hostile Acts. Positive Identification of the hostile individuals was obtained prior to each engagement. At the time of the engagements there were no indications that Pakistani Military were involved after which the engagements

followed. The engagements of AH 64 helicopters during this operation were all captured by U.S. self-defense, that trump (ISAF) ROE.

(2) **Tactical directives.** The relevant tactical directives for this operation are COMISAF Tactical Directive, rev 4, dated 5 November 2011 and the COMISAF Night Operations Tactical Directive, Rev 2, dated 5 November 2011. Both directives aim at protecting the interests of civilians and, of paramount importance in a COIN Campaign, the avoidance of casualties amongst the civilian population. During the engagements there was no indication of civilians present on the ridgeline nor have there been any reports as to civilian casualties afterwards. No one other than Pakistani military became casualties.

c. **SOPs.** ISAF forces complied with the relevant SOP's for the authorization of use of force. Since TF Saber had a supporting role to the OEF unit ODA 3313, the organization of and the approval of the operation and the C2 over the unit was conducted under and by OEF procedures. Therefore, these procedures will be elaborated on in the below paragraph.

3. **OEF ROE.** OEF and ISAF are different missions. OEF is targeted both at eliminating remnants of the Taliban and Al-Qaida and at building the conditions for a stable Afghanistan, while ISAF is primarily designed to provide basic security, enabling Non-Governmental Organizations to perform their work and the GIRoA to deepen its hold on the country. The operational and political goals of the OEF and ISAF missions result in differing ROE.

4. **U.S. ROE.** [This SECRET paragraph deleted, FOIA (b)(1)]

5. **U.S. ROE.** In response to a hostile act or demonstrated hostile intent, commanders have the inherent right and obligation to use all necessary means available to take all appropriate action in self-defense of their units and other U.S. / designated forces, persons, property, and to achieve mission accomplishment. The use of force in self-defense may exceed the means and intensity of the hostile act or hostile intent, but the nature, duration and scope of the force used should not exceed that required. A hostile act is an attack or other use of force against the U.S., U.S. Forces, or other designated persons / property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. Forces. Hostile intent is the threat of imminent use of force against the U.S., U.S. Forces, or other designated persons or property, to include the threat of force to prevent or impede the mission or duties of U.S. Forces.

6. Under OEF ROE, "imminent" is based on an assessment of all the facts and circumstances known to U.S. Forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous. As a reminder, ISAF's definition of "imminent" is different and more restrictive than under U.S. self-defense policy.

7. **OEF – Tactical Directives.** The relevant tactical directives are COMISAF/CDR USFOR-A Directive, rev 4, dated 5 November 2011 and the COMISAF/CDR USFOR-A Night Operations Tactical Directive, Rev 2, dated 5 November 2011. Both directives aim at protecting the interests of Afghan civilians and the avoidance of casualties among the Afghan civilian

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population. During the engagements on 25-26 November 2011, there was no indication of civilians present on the ridgeline nor were there any later reports of civilian casualties.

8. **OEF SOPs.** U.S. Forces complied with the relevant SOP's for the authorization of use of force. The Commander, SOTF-E was verbally designated with the authority to authorize air to surface fires.

9. The CONOP procedure was complied with. All information that had to be included was included. The CONOP was briefed to RC-E DCOM MG Volesky and subsequently to IJC DCOS JOPS MajGen Laster. Both general officers expressed concerns as to the location of the HLZ relative to the Pakistan border and the Fire Control Measures regarding the border(posts). The location of the known possible Borderposts were to be included in the CONOP. After amendment, the CONOP was approved on 23 November. MajGen Laster, had his signature block changed, due to advice of his legal advisor, informing that the operation was to be regarded an OEF operation. Technically the change was not possible.

10. Any pre-planned targeting procedures were not applied, since the COPOP did not provide for pre-planned targeting. Any issues regarding CDE did not occur due to the composition of the terrain that was eventually engaged. There were no civilian structures present.

**MAJOR CRITICAL FINDINGS**

Appendices:

1. **Finding 1.** Pre-operation border deconfliction was not accomplished.
2. **Finding 2.** Positive ID of all established Pakistani border posts was lacking, thus limiting precision in pre-mission planning and deconfliction.
3. **Finding 3.** Results of a previous operation against this same objective, combined with available target intelligence, resulted in the expectation of hostile action on the objective.
4. **Finding 4.** Machine gun and mortar fire against Coalition Forces and Afghan Commando forces from the border ridgeline was the catalyst for the engagement. The resulting aircraft fire was executed in self defense of the ground force.
5. **Finding 5.** Miscommunication and imprecise terminology between RC-E JOC and SOTF-E JOC resulted in a false understanding of there being no PAKMIL in the area immediately following the first engagement.
6. **Finding 6.** Lack of detailed and understood coordination and emergency deconfliction procedures resulted in misidentification of the engagement area to the PAKMIL LNO located in the NBCC who subsequently passed it to 11 Corps HQ, resulting in the 'confirmation' of no PAKMIL in the area reply.
7. **Finding 7.** Continued fire from the border ridgeline area exacerbated the engagement.
8. **Finding 8.** The LOAC was respected and the ROE were applied correctly and legally.
9. **Finding 9.** Coalition Forces did not cross the border, but one aircraft briefly orbited up to 2 NM into PAK airspace as required by their flight profile.
10. **Finding 10.** This operation supported the overarching ISAF Campaign Plan.

APPENDIX 1  
TO ANNEX I  
DATED 16 DEC 11

**Finding 1. Pre operation border deconfliction was not accomplished**

Deconfliction is a key component for the successful execution of any mission. Areas of operation are normally subdivided into smaller geographical areas (battlespace) facilitating span of control and are designated under a single higher headquarters. The battlespace owner oversees, and is responsible for, the coordination and deconfliction of all operations within his area of operations. He is responsible for the command and control (C2) of only those operations over which he exercises operational control (OPCON). For this operation C2 responsibility remained within the Combined Joint Special Operations Task Force (CJSOTF) chain of command.

The deconfliction process begins when the tasked operational unit develops their concept of operations (CONOP), complete with mission statement, scheme of maneuver, supported and supporting units, control measures and other associated amplifying information. The CONOP is then submitted through command channels for approval. Upon approval the CONOP is distributed among the echelons of command within the battlespace for final coordination and deconfliction. In the case of operations near the Afghan Pakistan border certain details of the operation are coordinated with the associated Border Control Center (BCC) and shared with the Afghanistan and Pakistan authorities. During execution the various responsible command elements monitor the operations to ensure support is available as the mission unfolds.

The Operation SAYAQA CONOP was never officially transmitted and coordinated with the Nawa BCC (NBCC). Several days prior to execution a copy of a CONOP was transmitted from RC-E Borders to the ISAF OIC at the NBCC. The ISAF OIC emailed RC-E borders to confirm what information was releasable to the PAKMIL LNO. This was the result of a 16 Aug 11 email from the RC-E Borders Director stating that no information should be transmitted without the approval of the RC-E Deputy Commanding General for Maneuver. No response to the email inquiry was received and thus advance coordination was not accomplished. A Releasable PAKMIL (RELPAK) CONOP slide was prepared by the CJSOTF intended for release upon helicopter infiltration but this was not received by the NBCC until after the incident.

It is important to note that both the 16 Aug 11 email and the development of limited RELPAK CONOP slides was due to the strong belief that previous operations had been compromised. In fact, an operation to the same objective on 5 Oct 11 had to be aborted on infiltration when the assault force came under RPG-fire.

APPENDIX 2  
TO ANNEX I  
DATED 16 DEC 11

**Finding 2. Positive ID of all established Pakistani border posts is lacking limiting precision of pre-mission planning and deconfliction.**

During CONOP development, information regarding the location of Pakistani border posts was assessed. Only information identifying “possible border posts” was identified and annotated on the CONOP slides. The location of these possible border posts was 2.5 miles to the NE and 1.1 miles to the SW of the intended area of operations. Fire received by the ground force came from a location between these two locations.

From discussions with the PAKMIL LNO to the NBCC, it can take quite some time to establish new border posts. The most recent chart depicting established border posts hanging on the NBCC wall was dated 15 Jun 11. According to ODRP there is some indication from the PAKMIL that the border posts in question were established within the last three months.

The CONOP provided to the aircrew for mission planning did not include the “possible border post” identification data and therefore there was no expectation on their part that this was a possibility. There is no understood standard for the configuration of a border post; however through interviews with the aircrew, based upon their experience, they would expect to see a more built-up and established area.

APPENDIX 3  
TO ANNEX I  
DATED 16 DEC 11

**Finding 3. Results of a previous operation against this same objective combined with available target intelligence resulted in the expectation of hostile action on the objective**

A similar shaping operation on the same objective was executed on 5 Oct 11. Upon infiltration of CF the helicopter assault force came under heavy RPG fire (four rounds) and had to abort the mission. The timing and precision of the hostile action led to the belief that pre-mission coordination had been leaked and the mission compromised (see finding #1). The pre-mission intelligence summary anticipated 25-50 insurgent fighters to include several high level insurgent leaders. It was anticipated that there could be stiff resistance in order to allow the high level insurgent leaders to escape. Post-mission exploitation validated the existence of a significant insurgent presence in the area.

This finding is significant in establishing the mindset of the forces going into the objective area and their response to hostile fire from multiple directions over a period of time.

**Finding 4. Machine gun and mortar fire against Coalition Forces and Afghan Commando forces from the border ridgeline was the catalyst for the engagement. The resulting aircraft fire was executed in self-defense of the ground force**

Ground force and aircrew testimony combined with video evidence, and Pakistan public admission, confirms that precipitating direct and accurate fire originated from the mountain ridgeline down onto the ground force element at 23:09 hrs, 85 minutes after the first helicopter infiltration landing. Weapons fire originated from two separate locations and included heavy machine gun and mortar fire. Various levels of fire intensity continued from the ridgeline until 00:35 hrs. However, sporadic fire continued throughout the night, which included an RPG attack against an AH-64 at 01:46 hrs.

As the fire originated from high on the mountain ridge down onto the ground force position the ground force team leader could not return fire directly. He first ordered a show of force, a low pass by a F-15 combined with aircraft flares. When the firing persisted he directed close air support in self-defense of his force. As the air-to-ground engagements progressed the ground force continued to receive fire from two distinct engagement areas as identified by muzzle flashes visible to his position and as relayed verbally by the aircrew. It is important to note that the terrain channels steeply downhill and progressively narrows channeling movement and incoming fire into a very narrow geographical area. The ground force had just split, as planned, into two elements in order to facilitate rapid clearing operations to gain control of the village. Fire progressively shifted from the supporting effort (SE1) onto the main effort (ME). The terrain does not offer much cover and concealment allowing the ground force to “hunker down”. There was no indication of PAKMIL in the area and requested confirmation of this belief was returned with “no PAKMIL”.

**Finding 5. Miscommunication and imprecise terminology between RC-E JOC and ~~SOTF-E~~ JOC resulted in a false understanding of there being no PAKMIL in the area immediately following the first engagement**

After receiving the first incoming fire from the ridgeline the ground force team leader directed a show of force be demonstrated and then requested clarification/confirmation that no PAKMIL were in the area from his higher headquarters (SOTF-E). SOTF-E requested confirmation from RC-E that no PAKMIL were in the area. RC-E responded with, "We're not tracking any PAKMIL". With the pressure of his team under fire, the SOTF-E commander understood this as confirmation and passed back to his ground force team leader that no PAKMIL were in the area. There was no closed loop coordination with the NBCC.

It is unclear how confirmation of PAKMIL in the area might have changed the first engagement as the ground forces continued to be engaged from the ridge, following the show of force.

**Finding 6. Lack of detailed and understood coordination and emergency deconfliction procedures resulted in misidentification of the engagement area to the PAKMIL LNO located in the NBCC who subsequently passed to 11 Corps HQ, resulting in the 'confirmation' of no PAKMIL in the area reply**

FRAGO 1206 to CJTF-101 OPORD 10-01 dated 261745ZFEB11 clearly delineates the roles and responsibilities of the RC-E staff elements, Battlespace Owners (BSO), and Border Coordination Centers. OPCON is exercised by RC-E with NATO TACON exercised by the BSO. As such, RC-E CJ3 Borders supervises the activities and operations of the BCCs, facilitates routine mil-to-mil engagements and facilitates communications with ANSF, PAKMIL Frontiers Corps, RC-E and the BSO. The BSO is responsible to inform the appropriate BCC of all incidents within the border security zone and coordinate routine information sharing. Importantly, they are responsible for incorporating communication with appropriate BCCs into their battle drills for cross border and near border operations and incidents. They are also responsible for coordinating any pre-planned operations within 72 hrs with the appropriate BCC and RC-E LNO to PAKMIL. The BCCs serve as the primary information conduit for all incidents and activities within the border security zone. The BCC supervising officer is responsible for revising/developing and implementing BCC standard operating procedures and providing a copy to the BSO, CJ3 Borders and the CJ33 Current operations.

For this mission the BSO staff did not forward a CONOP or RELPAK CONOP to the Nawa BCC as it was a SOTF-E operation and the forces did not belong to the BSO. The assumption was that SOTF-E had their own capability and would do so. SOTF-E, as per the FRAGO, correctly assumed it was a BSO responsibility. As per the interview with the ground force commander, his intent was to have the RELPAK CONOP released upon helicopter infiltration as there was a feeling that the previous mission had been compromised resulting in four RPG shots and mission abort. Most CONOP are hung on the RC-E CJ3 Borders Portal. SOTF CONOPs are not releasable due to security concerns. Regardless, the ISAF contingent inside the BCC was unaware of the mission.

Once there was indication from the PAKMIL LNO to RC-E that PAKMIL forces on the border were taking fire, there was confusion as to what information could be passed to the BCC. RC-E CJ3 Borders claims they passed the 5Ws (who, what, when, where, why) to the BCC. Presumably the associated reference grids were also passed. This conflicts with what the BCC remembers receiving what was a "generic call that PAKMIL forces were under fire". The BCC also received a call from the BSO with the grid reference but was told only to pass the general location to the PAKMIL (presumably for security purposes). While attempting to verbally talk the BCC's PAKMIL

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LNO onto a geographical area depicted on the sole chart on the BCC wall, a 14km error was induced due to a differential between the Command Post Of the Future (CPOF) screen that the coalition operator used and the imprecise chart on the wall.

**Note:** *The PAKMIL LNO normally received LAT LONG coordinates to input into his FALCON view system thus deriving a much more accurate location to pass on to his HHQ for deconfliction.*

**Note:** *The coalition force composition in the BCC is manned by one Personnelist (OIC), two Communications NCOs, a Command Post NCO, and Security Forces NCO (First Sergeant), and a contractor that maintains the systems. None have tactical experience or extensive familiarity with tactical charts or geographic orientation.*

**Note:** *No battle drills have been conducted to exercise emergency procedures.*

**Note:** *NBCC does not have any written SOPs or procedures.*

**Finding 7. Continued fire from the border ridgeline area exacerbated the engagement**

From ground force team leader and aircrew testimony, as verified by limited video evidence, it is clear that direct and indirect fire from the area of the border ridgeline continued from 23:09 hrs until 00:35 hrs. The inherent right of self-defense exists and this right of self-defense applies to the aircrews to fire in support of the ground party. The inherent right of self-defense extends to a hostile act or demonstrated hostile intent. Hostile intent is further defined as the imminent use of force and is not restricted to the confines of immediate or instantaneous action. A commander must have an honest and reasonable belief that an attack against his forces or other designated personnel or property will occur unless the commander uses force to intervene.

It is important to note that in the mind of the ground force team leader and the aircrews, they were being attacked by an insurgent force as there was no evidence or direction that there were PAKMIL in the area. The continuous fire, following the show of force and the employment of lethal fires, served as further confirmation of this understanding. It was not until 01:04 hrs that word came down that the engaged force was identified as PAKMIL. No lethal fires were employed passed this time.

**Finding 8. The LOAC was respected and the ROE were applied correctly and legally**

The Internal Security Assistance Force (ISAF) Campaign and Operation Enduring Freedom (OEF) are different missions. ISAF's primary mission is focused on providing stability and support to the Government of the Islamic Republic of Afghanistan's reconstruction and development efforts while OEF is frequently a counter-terrorism effort. ISAF is conducting a Counter-Insurgency (COIN) Campaign aimed at security and stabilization. OEF supports ISAF objectives – including COIN missions – and also pursues counter-terrorism and detention operations. Accordingly, as a result of these operational and political goals (reflected often in national caveats also), the two missions apply different ROE. Both ROE are based on the LOAC.

All US Forces – including a small number of specific US Forces not operating under the Operational Control (OPCON) of ISAF – always follow the US definition of self-defense ROE, which is less restrictive than ISAF self-defense. US Forces under OPCON of ISAF follow ISAF ROE. Additionally, COMISAF has introduced a Tactical Directive aimed at reducing the use of air support in operations in order to reduce civilian or non-combatant injury or death as well as reducing damage to civilian infrastructure. However, nothing in this Directive is intended to limit the right to self-defense. The forces involved in Operation SAYAQA on the night of 25-26 November 2011 applied the correct ROE appropriately and legally.

LOAC principles of distinction, necessity, and proportionality were central to the decisions made on the night of Operation SAYAQA. Pattern of life in the target area was taken into consideration as was the potential for collateral damage by qualified and experienced personnel at all the right levels and locations. Use of force was exercised correctly against what the troops in contact believed to be opposing forces – from whom they were taking effective fire. Use of force, beginning with a show of force and escalating in relation to the perception to the imminent threat and danger posed to Coalition Forces was exercised appropriately. In this situation, deadly force was applied in self-defense by the on-scene commander against legitimate dynamic targets that emerged during the operation in a manner consistent with the LOAC.

**Finding 9. Coalition Forces did not cross the border, but one aircraft briefly orbited up to 2 NM into PAK airspace as required by their flight profile**

During operation SAYAQA, no ISAF, USFOR-A, or Afghan National Army ground forces crossed the internationally recognized border. Nor did these same forces cross any portion of any disputed border or fire across any borders – recognized or otherwise. Personnel engaged within the target areas were located in the immediate vicinity of the internationally recognized border as well as on the Afghan side of the internationally recognized border.

During Operation SAYAQA, a single fixed-wing US aircraft (AC-130), operating under OEF ROE, did cross into Pakistani airspace, as required by their flight profile, in the course of prosecuting their mission, *[remainder of this sentence is classified SECRET and is removed for reasons of Information Security, FOIA (b)(1)]*.

**Finding 10. This operation supported the overarching ISAF Campaign Plan.**

The operation was a shaping operation designed to neutralize the abilities of Insurgents to operate freely in the Maya Valley in order to implement the Village Stabilization Operations (VSO) program focused on governance and development and ultimately bringing stability to Maya Valley and Maya Village. The operation was intended to enhance the security of main Coalition Force bases and reduce the improvised explosive device (IED) threat along Main Supply Routes, while improving the ability of Afghan Local Police (ALP) to protect the population of Maya Village and thereby positively affecting the Villagers' perception of local government authorities.

This operation was conducted within the battle space of RC-E. The forces in this operation, with the exception of the Afghan Commando Company conducting the ground operation, were American – the majority of whom were operating under an OEF mandate and OEF ROE. However, the chain of command – from COM IJC, to DCOS JOPS, to COM RC-E to COM CJFSOC-A to the ODA Commander partnering the ANA Commando Ground Force portion of the operation clearly perceived this operation as an ISAF operation conducted in support of the ISAF Campaign Plan. COM IJC in particular likened the distinction to that of national caveats that affect his planning and conduct of operations. The Concept of Operations (CONOP) for executing the operation was processed according to ISAF direction along the ISAF chain of command – as well as the USFOR-A chain of command. The chain of command involved in this operation – from top to bottom – are generally unanimous in declaring that COMISAF's Tactical Directive was known to them and that the operation was conducted accordingly. Forces declared to both OEF and ISAF were employed – with both types of assets utilizing the associated ROE correctly and in a legal manner. The CONOP was signed and approved by RC-E HQ DCOS JOPS, although he signed in his capacity within the USFOR-A chain of command on the advice of his legal advisor. Finally, air and aviation assets that ultimately supported the Ground Forces with fire support during the operation were ISAF forces who responded with lethal force in self-defence of the forces on the ground.

In this operation, all participants adhered to the ISAF/ USFOR-A Tactical Directive, orders and SOPs. However, it cannot be clearly established that it was technically an ISAF operation. What can be established is that confusion persists with respect to the co-existence of the two mandates – OEF and ISAF – that ultimately leads to different ROE and potentially a different focus for the forces involved in the operation.

**GLOSSARY**

ABP	Afghan Border Police
AC	Attack Cargo
AETF-A	Air Expeditionary Task Force-Afghanistan
AFCENT	Allied Forces Central Europe
AH	Attack Helicopter
ALP	Afghan Local Police
ANA	Afghan National Army
ANSF	Afghan National Security Forces
AO	Area of Operations
AOB	Advanced Operating Base
BCC	Border Control Center
BDA	Battle Damage Assessment
BG	Brigadier General
BSO	Battle Space Owner
BTL CPT	Battle Captain
CAN	Canada
DCOS	Deputy Chief of Staff
C2	Command and Control
CAS	Close Air Support
CCA	Close Contact Attack
CDE	Colateral Damage Estimate
CDO	Commando (Afghanistan)
CENTCOM	Central Command
CHOPS	Cargo Helicopter
CHOPS	Chief of Operations
CJOA-A	Combined Joint Operations Area – Afghanistan
CJCSI	Chairman of the Joint Chiefs of Staff
CJSOTF-A	Combined Joint Special Operations Task Force – Afghanistan
CJTF	Combined Joint Task Force
CMD	Command
COIN	Counter Insurgency
COM	Commander
CONOP	Concept of Operations
CPOF	Command Post of the Future
CPT	Captain
DCOS	Deputy Chief of Staff
DGMO	Director General Military Operations

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EA	Engagement Area
FOB	Forward Operating Base
FRAGO	Fragmentary Order
GF	Ground Forces
GFTL	Ground Forces Team Leader
GMT	Greenwich Mean Time
GPS	Global Positioning System
HLZ	Helicopter Landing Zone
HMG	Heavy Machine Gun
HQ	Headquarters
ICEPAK	ISAF Coordination Element Pakistan
ID	Identification
IED	Improvised Explosive Device
IJC	ISAF Joint Command
INS	Insurgency/ insurgent
ISAF	International Security Assistance Force
ISR	Intelligence Surveillance Reconnaissance
JBLEGAD	Joint Forces Command Brunssum Legal Advisor
JFC	Joint Force Command
JOC	Joint Operations Center
JOPS	Joint Operations
JTAC	Joint Terminal Attack Controller
KBCC	Khyber Border Coordination Centre
KLE	Key Leader Engagement
LBCC	Lwara Border Coordination Centre
LNO	Liaison Officer
LOAC	Law of Armed Conflict
LTG	Lieutenant General
MC	Military Committee
MC	Multi-mission Cargo
ME	Main Effort
ME	Main Element
MG	Major General
MIRC	Military Internet Real-time Chat
NATO	North Atlantic Treaty Organisation
NBCC	Nawa Border Coordination Centre
NAI	Named Area of Interest
NS	NATO SECRET
ODA	Operational Detachment Afghanistan
ODIN	Observe Detect Identify Neutralize
ODRP	Office of the Defence Representative Pakistan

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OEF	Operation Enduring Freedom
OPCOM	Operational Command
OPCON	Operational Control
OPORD	Operations Order
PAK	Pakistan
PAKMIL	Pakistani Military
PID	Positive Identification
POO	Point of Origin
RC-E	Regional Command - East
REL	Releasable
ROE	Rules of Engagement
RPG	Rocket Propelled Grenade
SACEUR	Supreme Allied Commander Europe
SE	Supporting Effort
SE	Support Element
SOF	Special Operations Force
SOP	Standard Operating Procedure
SOTF	Special Operations Task Force
SOTF-E	Special Operations Task Force - East
SSE	Sight Sensitive Exploitation
TACOM	Tactical Command
TACON	Tactical Control
TASKORG	Task Organisation
TF	Task Force
TOA	Transfer of Authority
TOR	Terms of Reference
TTP	Tactics, Techniques and Procedures
US	United States of America
USAF	United States Air Force
US AID	US Agency for International Development
USFOR-A	United States Forces in Afghanistan
VSO	Village Stability Operations