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HEADQUARTERS
UNITED STATES FORCES - AFGHANISTAN
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APO AE 09356

USFOR-A DCDR-S

13 APR 2010

MEMORANDUM FOR Commander, United States Forces-Afghanistan/International Security Assistance Force, Afghanistan

SUBJECT: Executive Summary for AR 15-6 Investigation, 21 February 2010 CIVCAS incident in Uruzgan Province

1. On 21 February 2010, up to twenty three (23) local nationals were killed and twelve others injured when the convoy they were travelling in was mistaken for an insurgent force and engaged with air-to-ground fire. The tragic loss of life was compounded by a failure of the commands involved to timely report the incident. The strike occurred because the ground force commander lacked a clear understanding of who was in the vehicles, the location, direction of travel and the likely course of action of the vehicles. This lack of understanding resulted from poorly functioning command posts at SOTF (b)(1)1.4b and CJSOTF-A which failed to provide the ground force commander with the evidence and analysis that the vehicles were not a hostile threat and the inaccurate and unprofessional reporting of the Predator crew operating out of Creech, AFB Nevada which deprived the ground force commander of vital information.
2. Three vehicles carrying over thirty civilians were mistaken for an insurgent convoy and engaged with Hellfire missiles and 2.75" aerial rockets. The ground force commander was executing a combined combat operation in the village of Khod. He believed the vehicles, approximately 12 kilometers away, contained a group of insurgents attempting to execute a flanking maneuver to reinforce insurgents operating near the village.
3. Movements of the vehicles appeared to match calls heard over (b)(1)1.4(a) radio for insurgents to mass for an attack on the combined US and Afghan forces near Khod. The vehicles were first spotted at approximately 0500D (local time). None of the women were spotted in or near the vehicles during the three and a half hours the vehicles movements were tracked. Two children were spotted near the vehicles, but inaccurate reporting from the crew of the unmanned Predator aircraft to the forces on the ground led the Operational Detachment Alpha (ODA) to believe that the vehicles contained only armed military aged males. Information that the convoy was anything other than an attacking force was ignored or downplayed by the Predator crew. In addition, the operations centers at SOTF (b)(1)1.4b and CJSOTF-A failed to analyze the readily available information and communicate effectively with the ODA Commander.
4. The ODA Commander conducting Battle Damage Assessment (BDA) counted fifteen (15) to sixteen (16) men killed at the site. During follow-up operations, local elders identified twenty three men killed and solatia payments were made to their families. Additionally, eight (8) men, one (1) woman and three (3) children were injured in the engagement and are receiving care from US or Coalition medical personnel. The ODA commander immediately released the remains of the deceased to local Afghan

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Police and community leaders at the strike site and the ODA team evacuated the wounded for medical care.

5. Initial observations of the vehicles appeared to indicate a threat force. Adult men were observed gathering in and around the vehicle, moving tactically and appearing to provide security during stops. The movement of the vehicles matched pre-mission intelligence and the (b)(1)1.4(a) radio traffic. The ODA Commander displayed tactical patience in letting the situation develop for several hours before the engagement. The time bought by that patience was wasted because of the Predator crew's inaccurate reporting and the failure of both command posts to properly analyze the situation and provide control, insights, analysis, or options to the ODA commander. Once the more experienced SOTF (b)(1)1.4 Day Battle Captain came on shift, the situation was analyzed and he took appropriate steps to assist in developing alternative engagement scenarios with the SOTF (b)(1)1.4 Commander. Unfortunately, these alternatives had not yet been implemented before the engagement occurred.

6. Immediately after the engagement SOTF (b)(1)1.4 and CJSOTF-A had ample evidence of a possible CIVCAS incident but failed to report it. Both commands sought to confirm the existence of CIVCAS rather than reporting suspected CIVCAS as required. The OH-58Ds which fired the missiles and rockets, ceased their engagement when they spotted bright clothing and suspected women were present. Despite the reports sent by the OH-58Ds, the Full Motion Video (FMV) from the Predator showing women and children on the objective site and reports from the Predator over the Internet Relay Chat (mIRC), neither SOTF (b)(1)1.4 or CJSOTF-A reported suspected CIVCAS. Even after receiving a First Impression Report from the aviation unit which conducted the strike and performed the MEDEVAC, CJSOTF-A refused to report CIVCAS as the information contradicted initial reports from the (b)(1)1.4a, (b)(1)1.4c and did not come from a CJSOTF-A unit. SOTF (b)(1)1.4 and CJSOTF-A finally reported the CIVCAS nearly twelve (12) hours after the strike when the SOTF (b)(1)1.4 surgeon reported the casualties in the hospital.

7. Using the questions contained in your appointment memorandum dated 22 February 2010, I have enclosed findings at TAB A. My administrative recommendations for avoiding incidents of a similar nature in the future are at TAB B. In addition, these findings include suggestions regarding command accountability at TAB C.



TIMOTHY P. MCHALE
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Deputy Commander, Support
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b. (U) Please describe in specific detail the circumstances of how the incident took place.

(1) (U) At 0245D on 21 February 2010, ODA 3124, augmented with 30 Afghan National Police (ANP) and 20 Afghan National Army (ANA) soldiers, conducted an air infiltration from Fire Base (b)(1)1.4a (frequently referred to by previous name, FOB Cobra) to Objective Khod. The intent of the mission was to conduct a daylight cordon and search of Objective Khod no earlier than 210605DFEB10 in order to disrupt insurgent infrastructure operating in western Uruzgan Province and increase popular support of the Government of the Islamic Republic of Afghanistan (GIROA) and the International Security and Assistance Force (ISAF). Objective Khod is a village in Shahidi Hassas district of Uruzgan Province. An AC-130 and an MQ-1 Predator were in support. The Predator pilot, call sign (b)(1)1.4a and the Predator crew operated out of Creech Air Force Base, Nevada and the Screeners operated out of Hurlburt Field, Florida.

(b)(1)1.4a, (b)(1)1.4c, (b)(3), (b)(6)

(3) (U) At 0533D, the Screeners from Hurlburt Field Florida first identified a possible weapon with the MAMs in the convoy. There are additional reports of weapons at 0622D, 0730D, and 0734D. Throughout the over three and a half hours the vehicles were observed, only three weapons were positively identified. This information was passed to the Predator Pilot located in Creech AFB, Nevada, (b)(1)1.4a who, in turn, passed this information to the ODA JTAC (Joint Tactical Air Controller; Technical Sergeant (b)(3), (b)(6) also known as call sign, (b)(1)1.4a.

(4) (U) At 0538D, 0540D, and 0547D, the Screener identified a child or two children in the vicinity of the SUV. However, when queried at 0738D by the ODA JTAC about earlier reports of children, the Predator crew discusses with the Screeners, and the Screeners change the assessment to "adolescents." Although there was no agreed to definition of "adolescents," the Predator pilot reports to the JTAC "We're thinking early teens.... adolescents." (b)(1)1.4a log, Book 5, Exhibit X, Pages 5, 6, and 12).

(b)(1)1.4a, (b)(1)1.4c

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(b)(1)1.4a, (b)(3), (b)(6)

1 (U) No one agreed on the definition of an adolescent. The Screener, SrA (b)(3), (b)(6), when asked "Is adolescent a different call out then child or children?" responded "I think it varies from Screener to Screener. One Screener may be more comfortable with calling out adolescent. It is very difficult to tell. I personally believe an adolescent is a child, an adolescent being a non-hostile person." (SrA (b)(3), (b)(6) Book 4, Exhibit 15). He stated he believed an adolescent to be 9-14 years-old (SrA (b)(3), (b)(6) Book 4, Exhibit 15). SrA (b)(3), (b)(6) the primary Screener at the time, said she believed an adolescent to be 7-13 years-old, and "in a war situation they're considered dangerous." (b)(3), (b)(6) Book 3, Exhibit 14, Page 5)

2 Despite lacking a common definition for "adolescent" the Screeners changed their initial call at 0837D, stating the "*2 children were assessed to be adolescents (sic) and they were last seen in the dark toned w/ white top SUV." (b)(1)1.4a Log, Book 5, Exhibit X). The * indicates a corrected assessment. (SrA (b)(3), (b)(6) Book 4, Exhibit 15). Ultimately, the distinction between children, adolescents and MAMs disappeared. The Predator crew immediately before the strike was ordered, only identified military capable war-fighting age males as being on the convoy. (Kiowa Radio Traffic, Book 2, Exhibit CC). During the target handoff between the Predator and the OH-58Ds, the Predator confirmed that they had PID'd a minimum 3 weapons, 21 MAMs and have not lost PID they are continuing to observe these vehicles as well. (Kiowa Radio Traffic, Book 2, Exhibit CC).

(e) Additionally, on several occasions the Predator crew identified weapons on their own, independent of the screener's assessment. At 0511D the Predator pilot makes a radio call to (b)(1)1.4a and says "we are eyes on the first vehicle; observing to try and PID on the pax in the open" and then on internal intercom he says to the crew "I bet; DGS (Distributed Ground Station) is not calling anything for us, right?" They prompted the screeners in mIRC to let them know if they PID any weapons, but at 0518D, the screeners reported that they could not confirm any weapons. At 0529D the Predator pilot states to the crew "does it look like he is hold'n something across his chest. It's what they've been doing here lately, they wrap their *expletive* up in their man dresses so you can't PID it." Then on the radio to (b)(1)1.4a he says "looks like the dismounted pax on the hilux pickup on the east side is carrying something, but we cannot PID what it is at this time but he is carrying something." After the Predator crew prompted them twice in mIRC, the screeners call out a possible weapon and then ask the crew to go white hot to get a better look. The response from

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the sensor operator is "white hot is not going to give us anything better, that truck would make a beautiful target." The Predator pilot then at 0534D made this radio call "All players, all Players from (b)(1)1.4a from our DGS the MAM that just mounted the back of the hilux had a possible weapon, read back possible rifle." During their post strike review, the screeners determined that this was not a weapon. At 0624D the screeners called out a weapon, this was the only time that the Screeners called out a weapon without being prompted by the Predator crew. At 0655D, the Predator pilot called (b)(1)1.4a on the radio and told him that the Screeners called out two weapons. The Screeners had not made any call outs of weapons. At 0741 the Predator pilot calls (b)(1)1.4a and says " There's about 6 guys riding in the back of the highlux, so they don't have a lot of room. Potentially could carry a personal weapon on themselves." Again, no call out from the screeners, this is his own opinion.

(f) (U) The Predator crew used the term "PID" to mean positive identification of an object rather than as used in the Rules of Engagement to mean positive identification of a target. For example, at 0512D, (b)(1)1.4a states, "We are eyes on a vehicle, personnel in the open, definite tactical movement, cannot PID weapons at this time, how copy?" (b)(1)1.4a Log, Book 5, Exhibit X). The Predator Safety Observer, Capt (b)(3), (b)(6) described PID as "Positive identification. A reasonable certainty, whatever you think it to or what you're calling it out to be and you continue to maintain PID." Positive identification of weapons is neither required nor sufficient for PID. During the target handover with the OH-58Ds PID of weapons is passed rather than a true positive identification of the vehicles as a legitimate military target. At 0845D, (b)(1)1.4a (call sign of OH-58Ds) confirms visual contact of 3 vehicles with (b)(1)1.4a (call sign of Predator), and confirms PID of weapons. (Kiowa Radio Traffic, Book 2, Exhibit CC).

(g) (U) The Predator crew possessed a desire to engage inconsistent with evolving target actions. The pervasive theme throughout several interviews with the Predator team, and seen throughout the internal crew dialogue was the desire to go kinetic. The Captain who was supposed to act as a safety observer stated that there was a "Top Gun" mentality amongst the Predator crews. (CPT (b)(3), (b)(6) Book 4, Exhibit 20, p. 9). The Predator crews sitting safely in Creech AFB, Nevada should be a dispassionate check on forces facing a dangerous situation. Instead, the most mature voice on the radio was the JTAC, TSgt (b)(3), (b)(6) who was in harm's way on the ground.

1 Early on the AC 130 and the ODA CDR indicate a desire to destroy the vehicles based on the information available. At 0514D, the ODA JTAC passes to the Predator crew that the "ODA CDR's intent is to destroy the vehicles and the personnel." (b)(1)1.4a Log Chat, Book 5, Exhibit T, Page 7).

2 Early on when the Predator crew is talking about engaging the target based on a possible weapons sighting, TSgt (b)(3), (b)(6) responds "we notice that but you know how it is with ROEs, so we have to be careful with those, ROE's." In contrast the Predator crew acted almost juvenile in their desire to engage the targets. When the Screeners first identified children, the Predator Sensor responds "bull sh*t, where?" The Predator Pilot than follows with "at least one child... Really? assisting the MAM, uh, that means he's guilty//Yeah review that (expletive deleted)...why didn't he say possible child, why are they so quick to call (expletive deleted) kids but not to call (expletive deleted) a rifle." (b)(1)1.4a audio log, Book 5, Exhibit T). At 0539D, The Predator sensor operator says on internal comms "I really doubt that children call, man I really (expletive deleted) hate that." at 0557D he states,