



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