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Ser/045  
09 Aug 12

From: [REDACTED]  
To: Commander, U.S. Naval Forces Central Command  
Subj: COMMAND INVESTIGATION INTO CTG 56.11 USE OF FORCE on 16 JULY 2012

Ref: (a) JAGINST 5800.7E (JAGMAN)

- Encl: (1) Appointing Order (U)
- (2) [REDACTED]
- (3) USNS RAPPAHANNOCK Embarked Security Team Watchbill
- (4) Travel Orders for [REDACTED] (U)
- (5) [REDACTED]
- (6) [REDACTED]
- (7) [REDACTED]
- (8) [REDACTED]
- (9) USNS RAPPAHANNOCK (T-AO 204) Position log for 16 July 2012 (U)
- (10) [REDACTED]
- (11) USNS RAPPAHANNOCK at Sea Watch Bill 16 July 2012 (U)
- (12) USNS RAPPAHANNOCK Deck Log Entries 16 July 2012 (U)
- (13) Embarked Security Team Watchbill (U)
- (14) Drawing of USNS RAPPAHANNOCK showing locations of weapon mounts (U)
- (15) Statement of [REDACTED] 18 Jul 12 (U)
- (16) Statement of [REDACTED] 18 Jul 12 (U)
- (17) Statement of [REDACTED] 18 Jul 12 (U)
- (18) Statement of [REDACTED] 20 Jul 12 (U)
- (19) Statement of [REDACTED] to NCIS (U)
- (20) Statement of [REDACTED] 20 Jul 12 (U)
- (21) Statement of [REDACTED] to NCIS (U)
- (22) Statement of [REDACTED] 20 Jul 12 (U)
- (23) Statement of [REDACTED] to NCIS (U)
- (24) Statement of [REDACTED] 20 Jul 12 (U)
- (25) Statement of [REDACTED] to NCIS (U)

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- (26) Statement of [REDACTED] 20 Jul 12 (U)
- (27) Statement of [REDACTED] to NCIS (U)
- (28) Statement of [REDACTED] 20 Jul 12 (U)
- (29) Statement of [REDACTED] to NCIS (U)
- (30) Statement of [REDACTED] to NCIS (U)
- (31) Statement of [REDACTED] 20 Jul 12 (U)
- (32) Statement of [REDACTED] 20 Jul 12 (U)
- (33) Statement of [REDACTED] 20 Jul 1 (U) 2 (U)
- (34) Statement of [REDACTED] 20 Jul 12 (U)
- (35) Statement of [REDACTED] to NCIS (U)
- (36) CD containing Electronic Chart Data from USNS RAPPAHANNOCK from the ships TRANSAS NAVISAILOR 4000 navigation system (U)
- (37) Brief containing screen captures of a reference chart for the approach to Jebel Ali, screen captures from USNS RAPPAHANNOCK's electronic navigation system, and a Maneuvering board graphic depicting the relative positions, courses and speeds of the two vessels at time 14:49:52D on 16 July (U)
- (38) Photographs of the weapon mounts and LRAD on USNS RAPPAHANNOCK, including reference photos demonstrating the maximum depression angle of Mount 53 and a calculated estimate of the mount's minimum engagement range (U)
- (39) Photographs of the small boat after it stopped (following the shots from Mount 52), and then the boat departing the area under its own power a few minutes later (U)
- (40) [REDACTED]
- (41) [REDACTED]
- (42) [REDACTED]
- (43) [REDACTED]
- (44) [REDACTED]
- (45) MSRON3INST 3100.3C, Maritime Expeditionary Security Squadron Three Detachment Bahrain Standard Operating Procedures (SOP) (U)
- (46) [REDACTED]
- (47) Mission Commander Script for JEB port entrance 16 July 12 (U)
- (48) Commander, Maritime Security Force Instruction 3502.1B, MARITIME EXPEDITIONARY SECURITY FORCE

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TRAINING INSTRUCTION (U)

- B(1)
- (49) [REDACTED]
- (50) Statement of [REDACTED] 24 Jul 12 (U)
- (51) Maritime Expeditionary Security Group One Det Bahrain training lecture and simulator muster sheets (U)
- B(1)
- (52) [REDACTED]
- (53) MESH-1 Det Bahrain Command Training Team Scenario package for 21 May 2012 (U)
- (54) 21 May 2012 EST Training Exercise After Action Report (U)
- (55) [REDACTED] Designation as Embarked Security Team Tactical Supervisor (U)
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- (56) [REDACTED] Designation as Embarked Security Team Chief of the Guard (U)
- (57) [REDACTED] Designation as Embarked Security Team Chief of the Guard (U)
- (58) [REDACTED] Training Record (U)
- (59) [REDACTED] Training Record (U)
- (60) USNS RAPPAHANNOCK Embarked Security Team daily OPSUM for 16 July 2012 (U)
- (61) Multi-Service Tactics, Techniques, and Procedures for the Tactical Employment of Nonlethal Weapons, NTPP 3-07.3.2, October 2007 (U)
- (62) Hand Held Laser (LA-9/P) Concept of Employment (CoE), PMS 480, 3 November 2009 (U)

Preliminary Statement

1. (U) Paragraph 2 of Enclosure 1 directs an investigation into the underlying circumstances of the escalation of force by CTG 56.11, including the mission guidance and direction provided in OPTASK VIGILANT MARINER and the manning and equipping of embarked security teams with recommended administrative or disciplinary action.

2. (U) Naval Criminal Investigative Service (NCIS) conducted a separate, parallel investigation of this incident. Some witness statements made to NCIS investigators are also included in this investigation, otherwise all statements were given to and transcribed by the Investigating Officer. Where key terms or words were used by the subjects being interviewed, they appear verbatim in quotation marks in the witness statements.



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4. (U) RAP had a Force Protection Plan approved by Commander, Task Force (CTF) 53 for the 16 - 17 July visit. [Encl (6) and (7)]
5. (U) RAP had a Force Protection Plan approved by Commander, Task Group 56.7 for the period covering 26 June - 26 July. Task Group 56.7 is designated as Force Security Officer for U.S. ships in port in the UAE. [Encl (8)]
6. (U) Between 1200D and 1430D, RAP had been loitering in vicinity of 25-10N 054-56E in anticipation of a revised pilot pickup time for entering port Jebel Ali. [Encl (9)]
7. (U) At approximately 1430D, RAP and the CTG 56.7 LNO in the Port Control Tower were informed that RAP's pilot would embark the ship about 1500 in vicinity of Buoy 3. [Encl (15), (16), (24), (25)]
8. (U) Also at approximately 1430D, three force protection escort boats from CTU 56.7.1 got underway enroute to meet RAP and escort the ship into port. [Encl (10) and (17)]
9. (U) At 1430D, the [REDACTED] was the officer on watch, [REDACTED] was the ships lookout. [Encl (11) and (12)]
10. (U) The EST was manned in [REDACTED], with Mission Commander [REDACTED] in the pilot house as Tactical Supervisor, [REDACTED] on watch at Mount 53, and [REDACTED] on watch at Mount 52. [REDACTED] and [REDACTED] were the on watch response force inside the ship. [Encl (13), (14), (18), (20), (22), (31), (34)]
11. (U) Sometime before 1450D, [REDACTED] reported a small boat overtaking RAP at high speed on the ships starboard quarter. [Encl (18), (19), (20), (21)]
12. (U) When at a relative position off RAP's starboard beam, the boat changed course to port and began rapidly closing directly towards RAP's starboard side. [Encl (18), (19), (20), (21), (24), (25), (26), (27), (33)]
13. (U) The boat was tracked by RAP's radar, which fed the track information for display into the ships electronic charting and navigation system. Recorded data was extracted from the

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system, however, the data can only be replayed on a TRANSAS Electronic Navigation system. [Encl (36)]

14. (U) Data recorded between 1430 and 1452 was reviewed onboard USNS RAPPAHANNOCK on the ships TRANSAS system and screen captures were made of the sequence of events for inclusion in this investigation. [Encl (37)]

15. (U) Electronic Navigation system screen captures show a contact closing RAP's starboard side from approximately 1180 yards at time 14:48:51 to distance of approximately 400 yards at time 14:49:52 (1 minute and one second). [Encl (37)]

a. (U) Taking into account RAP's speed of 9 knots on course 160, this closure rate is consistent with a contact speed as tracked by radar of between 28 and 29 knots and a course of approximately 100 degrees. [Encl (37)]

b. (U) At a range of 400 yards, the contact is still being tracked on course 097.5 and a speed of 28.3 knots. [Encl (37)]

c. (U) Around 14:49:52, the radar appears to lose track on the contact as it approaches RAP's starboard side as indicated by the electronic track symbol becoming stationary on the display - which is consistent with the radar system attempting to re-gain track on the contact. All witness statements confirmed the boat did not actually stop, but rather passed close astern of RAP from starboard to port. [Encl (18), (19), (20), (21), (24), (25), (27), (28), (29), (31), (32), (33), (34), (36)]

16. (U) [REDACTED] ordered preparation of the LRAD which was stowed mid-ships on the foc'sle. [REDACTED] began moving the LRAD to the starboard side in vicinity of Mount 51. [Encl (18), (19), (22), (23), (24), (25), (38)]

17. (U) The LRAD was not actually employed. [Encl (18), (19), (22), (23), (24), (25), (38)]

18. (U) [REDACTED] ordered the employment of the LA-9 Laser Dazzler. [Encl (18), (19), (20), (21), (24), (25)]

19. (U) [REDACTED] at Mount 53 employed the Laser Dazzler against the approaching boat and reported "Dazzler Ineffective" to [REDACTED]. [Encl (18), (19), (20), (21), (31)]

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20. (U) [REDACTED] directed the use of warning shots against the approaching boat. [Encl (18), (19), (20), (21), (31)]

21. (U) [REDACTED] fired one 4 round burst of .50 cal tracers from Mount 53 toward the approaching boat's port bow. The boat did not appreciably slow down or change course. [Encl (18), (19), (20), (21), (31)]

22. (U) [REDACTED], who had arrived at Mount 53 reported "Warning shots ineffective" to [REDACTED]. [Encl (18), (19), (20), (21), (31)]

23. (U) [REDACTED] fired an additional 36 rounds of .50 cal from Mount 53 at the approaching boat. During the engagement, the boat turned to port then passed close astern of the RAP from starboard to port. [Encl (18), (19), (20), (21), (24), (25), (28), (29), (30), (31), (32)]

24. (U) [REDACTED] did not give the order for destructive fire to Mount 53, but reported he was about to give the order when [REDACTED] opened fire on the boat. [Encl (18)]

25. (U) [REDACTED] decided to open fire because based on the boats speed and its angle; he believed the boat was going to strike "our vessel." He stated "if I did not fire, I didn't know what kind of damage would have occurred on the ship or the people." [Encl (20)]

26. (U) Multiple witnesses report the boat maneuvering in an unusual manner, that it appeared to be on a collision course with RAP, and that it altered course and crossed astern at a range much closer than they had seen before. Specific comments in the witness statements include: [Encl (18), (19), (20), (21), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), and (34)]

a. (U) The 3<sup>rd</sup> Mate thought "it is going right into the stern." [Encl (26)]

b. (U) The ships Fire Marshall standing on the 0-1 level starboard quarter reported the boat "heading right at the ships starboard quarter" and reported it passing the stern at "no more than 20 yards." [Encl (28)]

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c. (U) [REDACTED] looked out his port hole and saw a small boat "close by" and then saw it pass astern of the flight deck at a range of  $\frac{1}{2}$  to  $\frac{3}{4}$  of the length of the flight deck (50 - 75 feet). He noted "that was the closest I've ever seen a boat to a USNS ship." [Encl (32)]

d. (U) [REDACTED] was the ship's lookout on watch and reported the boat "kicked up a big rooster tail" and noted he had "been coming in and out of here since 2005 and had never seen a boat do that before." [Encl (33)]

e. (U) [REDACTED] had responded to Mount 53 during the event and stated he could "see rounds impacting around the boat's stern as it swerved just aft of RAP," noting "it looked like you could have jumped into the vessel as it went around." [Encl (34)]

27. (U) [REDACTED] reported that almost immediately upon starting the engagement, he had Mount 53 depressed to the maximum angle - approximately a 15 degree depression, which would result in rounds landing approximately 80 yards from Mount 53. [Encl (20), (38)]

28. (U) After crossing close astern of RAP, the boat became visible off RAP's port quarter to [REDACTED] at Mount 52 on RAP's port bow. [REDACTED] fired two .50cal bursts of three rounds each at the boat. [Encl (18), (19), (22), (23), (24), (25)]

29. (U) [REDACTED] fired at the boat because he knew it had been engaged by MT 53 and had crossed into that mount's cutouts, and when it emerged onto RAP's port quarter, it was not opening away from RAP, but was turning starboard towards him. He reported he was looking at the boat's starboard bow as he fired. [Encl (18), (19), (22), (24), (25)]

30. (U) Following the second three round burst, the boat stopped and [REDACTED] ordered "Cease Fire" on the radio. [Encl (18), (19), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34)]

31. (U) RAP increased speed to open away from the boat, and then slowed back down as the boat moved away under its own power. [Encl (24), (24), (26), (27), (35)]

32. (U) [REDACTED], the off watch TAC SUP, arrived on the bridge and took photos of the boat off RAP's port quarter, which

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moved away to the northeast shortly after the engagement. [Encl (35), (39)]

33. (U) Witnesses did not see any damage or casualties on the boat, and several wondered if they had hit the boat at all as they watched it leave the area. [Encl (18), (19), (22), (23), (24), (25), (26), (27), (34), (35)]

34. (U) The Pilot boat and CTG 56.7 escort boats arrived in vicinity of RAP outside the channel near Buoy 2 at approximately 1514D. The CTG 56.7 LNO embarked for communications with the escort boats. [Encl (11), (17)]

35. (U) After initial reports in voice and chat, CTG 56.11 sent OPREP 3 Navy Blue, dtg 161245ZJUL12, reporting the incident. [Encl (40)]

#### Rules of Engagement and Procedures

36. (U) Paragraph 3.a of enclosure A of Enclosure [41] states "Inherent Right of Self-Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other US military forces in the vicinity." [Encl (41)]

37. (U) Paragraph 3.f. of enclosure A to Encl [41] states "Hostile Intent. The threat of imminent use of force against the United States, US forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel or vital USG property." [Encl (41)]

38. (S) Procedures governing the coordination of security measures for U.S. Navy and USNS vessels in and around the port of Jebel Ali are governed by the OPTASK SEAWARD SECURITY OPERATIONS (OPTASK SSO), including the organization of the Tactical Operations Center (TOC), the Liaison Officers (LNO) assigned to ride ships into and out of port, and the Patrol Leader (PL) of the assigned escort boats. [Encl (42)]

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39. (S) OPTASK SSO assigns CTG 56.7 as the Force Security Officer for the port of Jebel Ali with responsibility for Force Protection of for U.S. High Value Assets, which includes Military Sealift Command vessels. [Encl (42)]
40. (S) CTG 56.7 falls under the operational control of CTF 56, but under the Tactical Control of CTF Shore Battle Space (CTF SBS). [Encl (42), (43)]
41. (S) Under the duties of the LNO, OPTASK SSO states that "Transit inbound shall not commence until the LNO is onboard unless weather does not allow embarkation." [Encl (42)]
42. (E) This guidance is also contained in the CTF 53 Force Protection approval message which states, "Ships are reminded to remain in vicinity of the rendezvous point until CTG 56.7 Navy escort arrives. Ships are not to proceed into port without an assigned escort." [Encl (7)]
43. (E) The CTG 56.7 Force protection plan also states that "CTU 56.7.1 Patrol Boats will [REDACTED] . Patrol Boats will escort RAP [REDACTED] ." [Encl (8)]
44. (S) The OPTASK SSO states that "CTG 56.11 provides direct support to CTF 53 for FP per OPTASK OVM. When a vessel enters inside 12 NM of ports and anchorages of Jebel Ali and Fujairah, PL (Patrol Leader) assumes TACON of PB and EST between arrival and departure periods." [Encl (42)]
45. (U) While waiting for a pilot, RAP had been loitering in vicinity of 25-10N 054-56E, about two miles east of the charted pilot pickup area and the point designated in the CTG 56.7 Force Protection Message. [Encl (9), (37)]
46. (E) Because of extensive land reclamation, including the creation of "Palm Jebel Ali," the charted pilot pickup area is no longer 12 miles from land, it is actually about 8 miles from the nearest land. [Encl (37)]
47. (U) Following contact by the port authorities, RAP began transiting to the designated pilot pickup location in vicinity of buoy 3. This location is approximately 3 miles closer to the

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port than the charted pilot pickup area outside buoy 1. The actual location of the pilot rendezvous is indicated in one of the screen captures in enclosure 37. [Encl (9), (15), (16), (24), (25), (37)]

48. (U) CTU 56.7.1 security boats and LNO arrived at RAP as they were receiving the pilot outside of Buoy 3. [ Encl (10), (17)]

49. (~~S/REL~~-CMFC) OPTASK OPERATION VIGILANT MARINER (OPTASK OVM) restates CJCS Self Defense ROE and states "Weapons release authority rests solely with the EST. To protect the ship in accordance with national and theater ROE, watchstanders will engage threats until they are mitigated. All lesser means are authorized and encouraged to deter threat prior to the use of deadly force." [Encl (44)]

50. (~~S/REL~~-CMFC) OPTASK OVM also states an EST will normally consist of 12 personnel, led by a Mission Commander, and that minimum manning is 10. It also defines OVM underway Force Protection conditions and sets the watchstanding requirements them. [Encl (44)]

a.

[REDACTED]

[Encl (44)]

b.

[REDACTED]

[Encl (44)]

c.

[REDACTED]

[Encl (44)]

51. (E) The EST on RAP remained in [REDACTED] while inside 12 NM from land, as had been their practice. [Encl (18), (47)]