

5510
Ser H00A
29 Jun 2016

MEMORANDUM FOR THE RECORD

From: Executive Assistant, Chief of Naval Operations

Ref: (a) SECNAV M-5510.36, DON INFOSEC Programs

Encl: (1) CPF ltr 5720 Ser 01J/1634 of 24 Jun 16
(2) COMTHIRDFLT ltr 5720 Ser N00/215 of 28 Jun 16
(3) COMNECC ltr 5510 Ser N00/383 of 29 Jun 16
(4) Executive Summary (Breckenridge Supplement) to DESRON
FIVE-ZERO ltr 5830 Ser N00/034 of 28 Feb 16
(5) VCNO ltr 5830 Ser N09D/16U112919 of 31 Mar 16
(6) CPF ltr 5830 Ser N01/084 of 31 Mar 16
(7) COMNECCPAC ltr 5830 Ser N00/026 of 11 Apr 16
(8) COMTHIRDFLT ltr 5830 Ser N00/S003 of 15 Apr 16
(9) CPF ltr 5830 Ser N00/0100 of 20 Apr 16
(10) VCNO ltr 5830 Ser N09/16U100522 of 31 May 16

1. Enclosures (1) through (3) defer declassification authority of enclosures (6) through (9). NAVCENT and DNS-36 conducted a declassification review for Freedom of Information Act (FOIA) proactive release of enclosures (4) through (10). As a result, information was redacted for those sections unable to be declassified and released in accordance with reference (a).

2. All other information is determined to be "UNCLASSIFIED."

3. The points of contact for this matter are (b) (6)
(b) (6) NAVCENT, and (b) (6) DNS-36. (b) (6) can
be reached at (b) (6) or email:
(b) (6), and (b) (6) can be reached at
(b) (6) or email: (b) (6)


M. A. MCCAMNEY

Copy to:
NAVCENT
DNS-36



~~SECRET//NOFORN~~
DEPARTMENT OF THE NAVY
VICE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

IN REPLY REFER TO:

5830
N09/16U100522
31 May 16

EIGHTH ENDORSEMENT on (b) (6), (b) (7)(C) USN ltr 5830 Ser N00/0034 of
28 Feb 16

From: Vice Chief of Naval Operations
To: File

Subj: COMMAND INVESTIGATION TO INQUIRE INTO THE INCIDENT IN THE
VICINITY OF FARSI ISLAND INVOLVING TWO RIVERINE COMMAND
BOATS (RCB 802 AND RCB 805) ON OR ABOUT 12 JANUARY 2016 (U)

Encl: (357) VADM Richard P. Breckenridge ltr 5830 Ser N012/S018 of 12 May 2016

1. (U//~~FOUO~~) This investigation was convened on 13 January 2016 by Commander, U.S. Naval Forces Central Command to inquire into the facts and circumstances related to the detention of U.S. Navy Sailors and sovereign immune property by members of the Iranian Revolutionary Guard's Corps Navy (IRGCN) in the vicinity of Farsi Island on 12 January 2016. The scope and substance of the initial investigation was thorough, but the perspective and facts were insufficient to support the review necessary by Navy leadership. I broadened the scope of inquiry to include review by additional endorsers who augmented the facts and modified the findings, opinions and recommendations from the man, train and equip perspective. Further, enclosure (357) is a supplement that I directed to focus on: command and control of this mission up through the operational level of command; the impact of disaggregating units coincident to deployment; and, an evaluation of international law and whether the naval forces involved operated in compliance thereto. I have reviewed the subject investigation and approve the findings, opinions and recommendations of the investigating officer and endorsers as modified and consolidated by enclosure (357). I also note that many of the recommended corrective actions are complete or are actively being pursued by the cognizant commanders.

Summary

2. (U//~~FOUO~~) (b)(1) E.O. 13526 1.4(a)

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3. (S) RCBs are a component of a Coastal Riverine Squadron (CRS). When a CRS is deployed to the Commander, U.S. Fifth Fleet (C5F) area of responsibility they become a

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Task Group (CTG 56.7) subordinate to a Task Force (CTF 56). The Task Group Headquarters was located in Jebel Ali, UAE with oversight over four disaggregated Task Units located in Bahrain, Kuwait, and two locations within UAE (Jebel Ali and Fujairah). In total, the CRS involved in this incident was manned for their deployment with 351 personnel.

4. (S//NF) On 12 January 2016, two RCBs (RCB 802 and 805) left Kuwait on a 259 nautical mile offshore transit to Bahrain. Each was manned with a five-person crew. Neither crew had attempted such a transit before. They were provided less than 24-hours notice to prepare. The morale of the crews was poor. They did not believe they were trained or prepared for this mission. They were physically tired and had not been compliant with crew rest mandates. They put out to sea without establishing or understanding the go-no communications criteria and command and control authorities. In addition, one of the two boats was in an (b)(1) E.O. 13526 1.4(a).

5. (S//NF) There was an absence of leadership oversight of the mission. Task Group Leadership was unaware of the Fleet Commander's guidance regarding the importance of over-watch of smaller vessels. To this point in the deployment, Task Group leadership had fostered an unprofessional culture marked by insufficient mission planning, failure to adhere to basic navigational planning standards, substandard maintenance, and the absence of sustainment training. The Task Group leadership characterized this mission as an "admin move," despite historical routine interaction with Iranian forces in the Arabian Gulf. This mindset fostered a less vigilant posture in the RCB crews.

6. (S//NF) From the moment they left port, the RCBs deviated from their plan of intended movement. They inadvertently conducted innocent passage through Saudi Arabian territorial seas. Then, they similarly conducted innocent passage through Iranian territorial seas. When the RCBs were approximately 1.5 nautical miles from Farsi Island in Iranian territorial waters, one of the boats suffered an engine casualty. The boats went dead-in-the-water to conduct engine repairs. After repairs were complete and the boats were underway again, two IRGCN Patrol Craft approached the RCBs at high speed with weapons uncovered and impeded the RCB's innocent passage.

7. (S//NF) As the crews briefly attempted to evade and communicate with the Iranians, two more IRGCN vessels arrived. Perceiving that they were overmatched, the RCB crews submitted to IRGCN direction, nested their two boats together and permitted the IRGCN to board. The RCB crews complied with IRGCN direction, removed their body armor, knelt down and were bound. The IRGCN searched and ransacked the RCBs and the equipment onboard. While bound and kneeling, RCB 805's Gunner #2 activated the emergency position indicating radio beacon (EPIRB). The IRGCN confiscated the EPIRB, then struck the U.S. flag, replaced it with their own. The IRGCN forced two of the RCB crew members

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to drive the RCBs to Farsi Island at gunpoint. They were escorted by four IRGCN patrol craft. The RCBs arrived at Farsi Island at 1753 on 12 January 2016.

8. (~~S//NF~~) The ten RCB crew members were placed in a room and interrogated as a group. Over the course of the night, seven of the ten were further interrogated individually. They were fed the next morning while a news crew recorded them. One of the RCB Boat Captains, the only commissioned officer, was told that his crews would not be released until he read a script on camera exactly as written. He read the script. The crews were blindfolded and led back to the RCBs, which put to sea and met with USS *Anzio* at 1301 on 13 January 2016, where the crew was repatriated.

International Law

9. (U//~~FOUO~~) The actions of the IRGCN personnel in forcibly detaining RCB 802 and 805 and taking their crews into custody were inconsistent with customary international law with regard to the sovereign immune status of the RCBs and with regard to the right of innocent passage being conducted by those vessels in the Iranian territorial sea.

10. (U) The U.S. Navy RCBs are State vessels entitled to sovereign immunity as a matter of customary international law. They and the personnel, stores, weapons and other property onboard are immune from arrest or search whether in national or international waters. Detention of the two RCBs and their crews violate the sovereign immune status of the vessels. This was further compounded by the ancillary actions of IRGCN personnel that including striking the American flag and replacing it with an Iranian flag, damaging equipment, searching the vessels and crew, interrogating the crew, and filming the crew while in custody. In regards to filming of the crew, the Geneva Convention III, Article 13 requirement to protect prisoners of war against "insults and public curiosity" did not apply. The crew were not prisoners of war. However, it was a continuation of the violation of the sovereign immunity.

11. (U//~~FOUO~~) While the entry by the RCBs into Iran's territorial sea around Farsi Island was inadvertent, it was consistent with innocent passage under customary international law as codified by the United Nations Convention on the Law of the Sea (UNCLOS). While innocent passage must be continuous and expeditious, allowance is made for stopping incidental to ordinary navigation or for the purpose of rendering assistance to persons in distress. Stopping to investigate and repair the engine trouble experienced by RCB 802 was within the right of innocent passage.

12. (U) If a specific activity violates a coastal State's laws or regulations the proper course of action under customary international law as codified by UNCLOS is for the coastal state

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to first request compliance from a sovereign immune vessel and then if the vessel remains non-compliant to require it to leave the territorial seas. A coastal State can respond beyond that permitted by UNCLOS in case of self-defense when confronted with the threat of use of force; however, there was no indication that the RCB had engaged in any activity for which a self-defense response would have been appropriate.

Command and Control

13. (U//~~FOUO~~) In the Commander, U.S. Fifth Fleet (C5F) area of responsibility and other theaters, command and control (C2) is accomplished through Tactical Operations Centers (TOCs) and Maritime Operations Centers (MOCs). These centers communicate with operational units to provide oversight and support. They execute mission tasks and provide information flow to various levels of the operational chain of command to facilitate the Commander's clear understanding of force employment. TOCs receive position reports from smaller units and provide direct tactical level communications and shore support. The TOCs, in turn, feed tactical information to MOCs which maintain the common operational picture. In this instance, there was no C2 plan between the Task Group TOC and Task Force MOC to provide oversight of these RCB crews as they transited from Kuwait to Bahrain. Neither TOC nor MOC was able to establish or maintain communications with the RCBs.

14. (U//~~FOUO~~) I specifically concur and direct completion of the following recommendations in enclosure (357).

a. (U//~~FOUO~~) NECC and C5F shall review Coastal Riverine Force disaggregation policies and procedures to include overseeing the flow of disaggregated forces into theater, reviewing the command and control process for disaggregated units and increasing oversight of disaggregated operations while in theater. NECC, in coordination with C5F, shall conduct a full review of Task Force communications command and control architecture and provide feedback to improve the efficacy of information flow and command and control.

b. (U//~~FOUO~~) C5F shall review command and control effectiveness by assessing staff training and qualification requirements, command and control design, and mission tasking procedures and operational execution. C5F will report lessons learned and any action taken as a result of the assessment back to Echelon I.

Manning

15. (U//~~FOUO~~) I specifically concur with the enclosure (367) finding that the Coastal Riverine Squadron Three (CRS 3) manning was not a contributing factor to the events that took place on 12 January 2016. CRS 3 had the proper skill sets to successfully execute their

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deployment and were adequately manned when they deployed to C5F's AOR in August 2015.

16. (S//NF) Although adequately manned with (b)(1) E.O. 13526 1.4(a) at the start of the deployment, in the first month, the unit commander returned 18 personnel to San Diego to execute other missions. The RCBs involved in this incident were operating as a five-person crew, which is insufficient to man all weapon systems and drive and navigate the boat. Additionally, the small size of the detachment in Bahrain from which these RCB crews were assigned, does not account for maintenance, training, fatigue, injury or illness. The high operational tempo took a toll on the RCB 802 and 805 crew members. Morale was low and the crew was fatigued at the time of this incident. The return of 18 personnel, approximately 5 percent of the command, was a contributing factor to the readiness of the remaining deployed crews.

Training

17. (U//FOUO) I specifically concur with the enclosure (367) finding that CRS 3 and the RCB crews were adequately trained for deployment and appropriately certified for their expected mission sets.

18. (U//FOUO) Enclosure (357) conducted an independent review of the scope, quality and quantity of training and determined it was appropriate and met naval standards. Prior to deployment, Commander, U.S. Third Fleet certified the CRS 3 for deployment to Fourth, Fifth and Sixth Fleet AORs after the unit satisfactorily completed measures of performance in line with Navy Tactical Tasks and the Navy Mission Essential Task List.

19. (U//FOUO) The investigation revealed that many of the RCB 802 and 805 crew members felt that their pre-deployment training was insufficient to accomplish their assigned missions. The crew was certified for long-range navigation. The stateside exercise took them approximately 60 nautical miles along the coast of California. The Gulf transit was a 259 nautical mile open-ocean transit with a refueling en route. The Navy Mission Essential Task List and Navy Tactical Tasks for long-range navigation training shall be rewritten to ensure adequate definition. It is the responsibility of leadership to understand the capabilities and limitations of units during mission planning. There is constant pressure on deployed units to conduct missions for which additional tailored training is required. Effective mission planning either mitigates the inherent risk in taking on additional missions or identifies alternate courses of action for mission accomplishment. This is where CTF 56 and CRS 3 leadership failed. This event was not caused by inadequacies of training but a failure of leadership to conduct proper mission analysis to assess risk compared to success, to ensure proper crew rest and preparation and to operationalize the fleet commander's intent at the tactical level.

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Accountability

20. (U//~~FOUO~~) I concur with the recommendations regarding accountability as outlined in enclosure (357). The following personnel share responsibility based on their performance or conduct during or leading up to this incident:

a. Three members of the boat crews (b)(3) 10 U.S.C. 130b; (b)(6) and (b)(3) 10 U.S.C. 130b; (b)(6)).

b. Four CRS 3 members (b)(3) 10 U.S.C. 130b; (b)(6), and (b)(3) 10 U.S.C. 130b; (b)(6).

c. The Commander, Task Force 56 Commodore and (b)(6) (b)(7)(c); (b)(6) and (b)(6).

21. (U//~~FOUO~~) Finally, I specifically concur with the recommendation that the actions of (b)(3) 10 U.S.C. 130b; (b)(6) deserve special recognition. Not only did she have presence of mind to film video during the interactions with the IRGCN but at risk to her personal safety, she triggered RCB 805's emergency beacon in the presence of her armed Iranian captors. In this respect, her actions comported with the Code of Conduct's requirement to resist by all means possible and for that she should be recognized accordingly.

Michelle J Howard
MICHELLE J HOWARD

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SECNAV
CENTCOM
USFF
PACFLT
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NECC
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OJAG