

Exhibit 2.1



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HEADQUARTERS
UNITED STATES AFRICA COMMAND
Office of the Commander
UNIT 29951
APO AE 09751-9951



February 23, 2018

MEMORANDUM THRU THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF
FOR THE SECRETARY OF DEFENSE

SUBJECT: (U) Army Regulation (AR) 15-6 Investigation: 4 October 2017 Enemy Contact Event in
Tongo Tongo, Niger

1. (U//~~FOUO~~) Attached for your review and action, as appropriate, is U.S. Africa Command's (USAFRICOM) completed investigation conducted pursuant to Army Regulation (AR) 15-6 into the facts and circumstances surrounding the enemy contact event that occurred on 4 October 2017 in Tongo Tongo, Niger. I request you forward this report, as well as the approved findings and recommendations, to U.S. Special Operations Command (USSOCOM) for consideration and action as deemed appropriate.
2. (U//~~FOUO~~) I convey my deepest condolences to the families of our deceased Soldiers as well as those of our Nigerien partners. Additionally, I want to recognize the individual valor and courage displayed by the Soldiers of (b)(3) / (b)(6) and their partners in the Nigerien Armed Forces during the events of 4 October 2017. Finally, I want to recognize the unhesitating response to this attack by our French and Nigerien partners whose actions most certainly saved U.S. and Nigerien lives.
3. (U//~~FOUO~~) The attached report is a comprehensive review of the enemy contact event on 4 October 2017, including a detailed account of the event, key causal factors, and a thorough review of numerous contributing deficiencies that require attention by USAFRICOM, USSOCOM, Special Operations Command Africa (SOCOMAFRICA), and other commands within the Department of Defense. This investigation was exhaustive, examining not only the event itself, but also providing a holistic review of force generation, equipping, pre-deployment training, unit transitions, partner force assessments, command oversight, and operational support. As thorough as the investigation may be, it was unable to address specific information regarding the precise enemy composition, how the enemy was aware of the location of U.S. forces, and how the enemy planned and executed a deliberate ambush on 4 October 2017.
4. (S//NF) The African continent is home to several violent extremist organizations that threaten regional stability and U.S. national interests. These extremists, linked by an ideology of oppression, are drawn to countries like Niger. Niger faces the threat of violent extremists on all of its borders, and from groups affiliated with both Al Qaeda and the Islamic State. It is also one of the poorest countries in the world, with a significant youth bulge and extreme poverty. Niger has sought U.S. security force assistance on a bilateral basis, as well as through the African Union and the United Nations. In Niger, just as we are engaged at other locations around the world, our Government is pursuing diplomatic and

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development solutions to address the underlying causes of instability. In support of these efforts and at the request of the Government of Niger, the U.S. military is partnered with the Nigerien military to develop defense institutions and security forces that protect their populace, defend their territorial sovereignty, and represent the legitimacy of their government. It is within this broad context U.S. forces are operating in Niger today. Niger has proven itself to be a willing and capable partner with the U.S. in our fight against violent extremism. This mission is dangerous, and involves risks – even to U.S. forces not engaged in direct combat operations. Moreover, it is critical to the security in Niger and West Africa as well as to the security of our European allies and that of the United States. Since 2012, U.S. forces in Niger have been operating in accordance with guidance formulated at the Presidential level and execute orders issued by the Secretary of Defense. These authorities include the ability to train, advise, assist, and when appropriate, accompany partner forces on missions (b)(1)1.4a

(b)(1)1.4a

To achieve our goals, USAFRICOM uses the “By, With, and Through” strategic approach for training, advising, assisting, and accompanying our partner forces.

5. (U//~~FOUO~~) The immediate and proximate cause of the deaths of U.S. and Nigerien Soldiers during the ambush in Tongo Tongo, Niger on 4 October 2017 was tactical surprise by a numerically superior enemy force. No single factor within the control of U.S. forces was the proximate cause of our Soldiers’ deaths. Nevertheless, tactical decisions made in the course of combat caused confusion and were compounded by a lack of meaningful pre-mission rehearsals and interoperability challenges between U.S. and Nigerien forces.

6. (S//NF) SOCAFRICA’s assessment of the operational environment leading up to the events of 4 October 2017 was informed by all available sources of information, and we do not assess any intelligence was overlooked, withheld, misinterpreted or otherwise mishandled that would meet commonly-accepted definitions of the term “intelligence failure.” In early October 2017, in Niger, the SOCAFRICA chain of command – especially at the Group and Battalion levels and below - and their Nigerien partner force were continuously aware of the trends indicating the potential for enemy contact in the region, but had no specific indicators or warnings that an attack of the size and scope that occurred was imminent. Rather, tactical surprise achieved by the enemy was due in part to intelligence gaps in terms of (b)(1)1.4a, 1.4c that may have given clues or warnings about the intentions of the enemy force. USAFRICOM has documented its collection shortfalls such as ISR. Improvements to USAFRICOM’s intelligence collection, processing, exploitation, and dissemination shortfalls would reduce—(b)(1)1.4g—the likelihood of future tactical surprise.

7. (U//~~FOUO~~) The investigation identified individual, organizational, and institutional deficiencies contributing to the tragic events of 4 October 2017. These shortcomings require immediate action, which USAFRICOM, USSOCOM, SOCAFRICA, and other service components are addressing. The report identifies gaps in how USAFRICOM and its components operationalized the “By, With, and Through” strategic approach for training and advising our partner forces, assessed and mitigated risks, and coordinated for, rehearsed, and employed available resources. In the aftermath of the 4 October 2017 attack, I directed SOCAFRICA to take several additional steps to mitigate risks to forces

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operating throughout the AOR. These included enhanced requirements for ISR overwatch, heavy/light tactical vehicle choice, and improved response times for casualty evacuation (CASEVAC) requests. SOCAFRICA has complied with these directives.

8. (U//~~FOUO~~) USAFRICOM's strategic approach in building partner nation capacity can be described as "By, With, and Through." This concept emphasizes U.S. military capabilities employed in a supporting role to train, mentor, and facilitate African partner forces, rather than leading and engaging in direct combat operations by U.S. forces. This approach focuses on the execution of operations primarily "By" the partner force, as we work "With" them sharing our experience and expertise. The compatible strategic objectives of both the U.S. and partner forces are achieved "Through" a cooperative relationship. Leaders must communicate and reinforce the "By, With, and Through" approach to ensure the spirit and intent is understood and adhered to at all levels in the chain of command. Furthermore, experienced judgment and supervision are critical to translating this strategic guidance into appropriate tactical decision making. This requires commanders at each level to understand their authorities, assess known and foreseeable risks, and then articulate these factors in a manner commensurate with their echelon of command. They must also understand higher headquarters' intent, assess and understand partner force capability, and make well-reasoned decisions. Engaged leaders, who provide clear guidance and oversight that is directive but not prescriptive, are the linchpin in this process. Commanders must be continuously and fully engaged in order to facilitate and support decision making at the lower levels in the chain of command.

9. (U//~~FOUO~~) The SOCAFRICA chain of command admirably operated under the "Mission Command" construct that encouraged decision making at the lower levels and enabled disciplined initiative by subordinate commands. However, the investigation identified a disconnect within the SOCAFRICA chain of command between the "By, With, and Through" strategic approach outlined above, and how operations were actually carried out on the ground. As a result, tactical actions in the field were at times inconsistent with the overall intent of the "By, With, and Through" strategic framework. This culminated in U.S. forces taking on increasingly active roles in planning, directing, and conducting operations rather than enabling Nigerian forces to do so.

10. (U//~~FOUO~~) Moreover, the investigation highlighted other related deficiencies that will require examination by USSOCOM, SOCAFRICA, and other Special Operations Commands and components. First, force generation, specifically manning for deployment and unit in-country turn-overs, must be reviewed to ensure U.S. forces are best prepared to operate in Africa. Second, is the need to better focus on developing trust in and understanding of our partner forces' capabilities at the outset of a deployment, while ensuring our partner forces have the training, equipment and skills necessary to operate effectively with U.S. forces. Third, a more thorough and simplified understanding of the concept of operations (CONOPS) approval process within the SOCAFRICA chain of command is required for the effective development and execution of operations with partner forces. Addressing these deficiencies will improve the chain of command's shared understanding of the nature and conduct of operations in Africa and will ensure U.S. and partner forces can operate more seamlessly together and are well-prepared to face the threats they will meet in hostile and uncertain tactical environments.

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11. (U//~~FOUO~~) Regarding the chain of command, I do not find any officer above the company level was derelict or performed his duties in a clearly unacceptable manner. While the investigation determined the mischaracterization of the original mission to Tiloa prevented the higher headquarters from initially providing appropriate approval and oversight, the subsequent missions and approvals were conducted at the proper levels. The decision to conduct the mission on Objective North near the Mali border was made at the appropriate level in the chain of command and executed within the intent of the SOCAFRICA approval framework. The mission was within the scope of the Battalion commander's authorities and he kept his chain of command informed and aware of the actions he was taking. However, the investigation revealed a confusing CONOPs approval process that was not well understood up and down the SOCAFRICA chain of command. Commanders at all levels operated in an environment where tactical authorities and approval levels were unclear. This led to an atmosphere where concepts of operations were mischaracterized, and established notification requirements were not uniformly enforced. As illustrated with the initial mission to Tiloa that was described as a Key Leader Engagement, these factors dangerously reduced higher headquarters commanders' situational awareness and in turn further increased risk to mission and risk to force. Since this event, SOCAFRICA has streamlined and simplified the CONOPs approval process in order to eliminate the confusion that existed on 2 October 2017.

12. (U//~~FOUO~~) In the enclosed approval memorandum, you will find the investigating officer's findings and recommendations. I have approved, disapproved, or modified these findings, and provided specific and detailed comments on many of the findings and recommendations warranting your review. The findings and recommendations, as approved, address the critical questions and issues the investigation set out to resolve. Since the event, USAFRICOM, USSOCOM, and SOCAFRICA have directed certain actions reflected in some of the findings and recommendations. Nonetheless, I intend to continue to take action on findings within USAFRICOM's purview and request you forward this report, as well as the approved findings and recommendations, to USSOCOM for their consideration and action as deemed appropriate.

13. (U//~~FOUO~~) This investigation contains material, in segregated sections, that is both unclassified and tentatively classified as Secret/No Foreign/SCI. USAFRICOM will continue to coordinate for necessary declassification and process the investigation for Freedom of Information Act and internal accessibility purposes. The point of contact for this memorandum is the Chief of Staff, USAFRICOM.



Thomas D. Waldhauser
General, U.S. Marine Corps
Commander, U.S. Africa Command

Enclosure:

1. Action on Findings

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