

SFC: Maybe six Sir, and that is a guess, I am trying to picture it in my mind of exactly where they were. On the second there were two women and one little boy. On the last vehicle there was an elderly woman. There was another child laying down, but he seemed to be coherent. I don't believe the medic treated him.

(b)(3), (b)(6) Form when the strike happened at around 0850... When do you get there?

SFC: Around noonish is when we took off Sir.

(b)(3), (b)(6) How long do you think?

SFC: I probably was there about a quarter to one, maybe.

(b)(3), (b)(6) Any idea of why it took so long from when the strike happened until you guys got there?

SFC: I have no idea Sir.

(b)(3), (b)(6) Sergeant, that is all I got for you, I appreciate your time coming in here. This is trying to figure out what happened. If you are not aware how any of this occurred I got that. But since this has happened is there anything that comes to you mind that you can offer as a recommend that you can offer to us, that we should look at to help ODAs and ODB to prevent this from happening in the future.

SFC: For one thing the ODAs the feed that we received on the ground, I had a chance to review it once we returned to the firebase. What the guys that the firebase was looking at was crap. It was a lot of static and cracking. The CJSOTF and the SOTF they have much better feeds maybe communication between those elements and the team, because of the quality of video that we actually received might have been helpful. After looking at the video afterwards someone was saying when the vehicles had stopped, the vehicles would pray. Someone said there might be people pulling security. When I looked at video they also could have been taking a piss. Whoever was viewing the video real-time, maybe they need a little more tactical experience. It needs to be someone that knows the culture the people. I have seven trips here, four of the near Uruzgan so you know the culture of the people. If I can say anything they just need to be familiar with what they are looking at.

ADDITIONAL QUESTIONS ON 6 MAR 10.

Reminder of sworn testimony provided by COL (b)(3), (b)(6)

(b)(3), (b)(6) Following the striking of the OH58s that was west to your location did your commander call the leadership in and if so what did he share with them.

SFC: He said that there was a strike and we were going to do BDA on the site.

(b)(3), (b)(6) Did he share anything with you guys about the potential civilian casualties?

SFC: Well sir that's what I assumed because of the brightly colored clothing that there may women on the sight. To my knowledge he called up higher to inform them.

(b)(3), (b)(6) Could you hear the conversation that he had with higher?

SFC: No sir I did not. He informed me that there was a report of people there with colorful clothing. I assumed by that there were possible women there and he informed our higher headquarters.

STATEMENT OF SF(b)(3), (b)(6) TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

Original statement was taken on 26 February 2010. The statement begins on page 2 and ends on page 8.

A second questioning session took place on 3 March 2010.

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**AFFIDAVIT**

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_ I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 9 OF 9 PAGES

ANA Commander

(b)(6)

21yrs as a Soldier

3yrs joined the ANA

1.4(c)

Stationed at Deilahwd

1.4(c) in Charchino, Urazgan

Interviewers:

MG McHale

COL

MAJ (b)(3), (b)(6)

(MG McHale introduces himself and the investigation)

MG: Are you from this part of the country?

ANA: Originally from Kabul Providence a town called the Ohlie area.

MG: Was he on the operation with CP(3), (b)(6)

ANA: In Khod village I was together on the operation with the CP(3), (b)(6)

MG: So you were on the operation with CP(3), (b)(6)

ANA: Yes sir.

MG: Could you explain what went on before the operation, the planning, what was the mission?

ANA: The mission was a surge mission in Khod village. It was 0300 when we were transferred down there by helicopters and we cleared the Khod village and the BAZAAR.

MG: When he said he cleared it, what does he mean by clearing it?

ANA: The village Khod was an enemy area, where the enemy was and they wanted to clear it from the enemy and we did

MG: How many enemies were in the village when you cleared it?

ANA: The Intel was telling us that there were 20 enemies in the village, but when we got there we found no enemies, they had already escaped.

MG: When CP(3), (b)(6) was tracking the vehicles up north of the position of the village going from northeast to southwest were you already aware of that?

ANA: I was not aware of the convoy or the cars that were traveling. The first time that I heard about that was the time that they were attacked and after the strike.

MG: Are you familiar with the close air support of the helicopters that shot the vehicles?

ANA: The helicopters that dispatched to the area detected the vehicles, but the incident that took place was not in the area of Urazgan Providence. The area was part of the Dykundi Providence, Kazron District. Through the radios we heard the Taliban say that they will attack the village from two directions. We didn't see any enemy and they were gone.

(CO**(b)(3), (b)(6)**)

CO**(b)(3), (b)(6)** Did he have access to any of this Taliban radio traffic?

ANA: Thru 1.4(g)

(MG)

MG: He was able to listen himself?

ANA: Thru the **(b)(1)1.4** radio I heard it myself; the Taliban was saying we have to attack these villages in two directions.

(CO**(b)(3), (b)(6)**)

CO**(b)(3), (b)(6)** What language were they talking?

ANA: Pashtu

(MG)

MG: Did he hear anything else about how they were going to attack? There was a lot of 1.4(g) can he tell us some other chatter that was going on?

ANA: I just heard the Taliban saying that we have to attack these villages in two different directions; I didn't hear any other chatter on the 1.4(c)

(CO**(b)(3), (b)(6)**)

CO**(b)(3), (b)(6)** In any of the planning or preparation for the mission was there any discussion about avoiding civilian casualties in the planning?

ANA: The mission that was planned we were informed about it 1-2hrs before hand and they don't tell us the direction, where we are going and what the mission is.

CO**(b)(3), (b)(6)** How long have you personally been working with this operational detachment?

ANA: With the current advisor for the mentors group it's been 1 ½ months. It's been a total of 2mths that I've been working in Charchino District. There was another group that left and the newcomers it's just 1 ½mths I'm working with them.

CO (b)(3), (b)(6) Is it your belief that this group does its best to avoid civilian casualties?

ANA: On Wednesday's we have a meeting with the district, the Police Coalition Forces and the Army and we always talk about avoiding civilian casualties. Despite all the efforts that we did we are very sorry about it. We always do our best to avoid civilian casualties. The incident took place about 10-12Kilo away from the mission site.

CO (b)(3), (b)(6) Were you apart of the team that went to the site after the incident happened?

ANA: No I was not

CO (b)(3), (b)(6) Did you talk to any of the Afghans that went to the site with CP (b)(3), (b)(6) after the incident?

ANA: Yes I've talked to them

CO (b)(3), (b)(6) Can you tell me how many people were killed based on what the people told you that went?

ANA: An Afghan guy named (b)(6) that works with the Americans at Charchino District said there were 15 KIA and 10 have been injured. The KIAs were transported to Dykundi Providence, Kazron District and the injured were transported to Urazghan Providence. There were 3 vehicles in the convoy; there were 2 Land Cruisers and 1 Pickup truck. (b)(6) is from Dykundi himself and from Kazron District. His relatives were among the casualties.

(MG)

MG: His relatives?

ANA: (b)(6) 's residents

(CO (b)(3), (b)(6)

CO (b)(3), (b)(6) Who is (b)(6) ?

ANA: The Afghan guy from Chachino District, Urzghan Providence that works with the American Forces.

CO (b)(3), (b)(6) Here's the other part of that question, based on your discussions with (b)(6) were any of the ones that were killed/wounded women and children and how many?

ANA: Based on the information I got from (b)(6) there was 1 woman killed and 2 children. But I don't know if there's any woman and children among the injured.

CO (b)(3), (b)(6) Is (b)(6) in the Army, the Police, or a local civilian working with the Americans?

ANA: The local civilian working with the Americans

CO (b)(3), (b)(6) What FOB does he work at? Is it Ripley, Cobra?

ANA: At Cobra. (b)(6) as 100-150 people under his Command, they're also local.

(MG)

MG: How would be the best person to talk to about these people in these vehicles? Who would know who they are?

ANA: (b)(6) would be the best person because he is from Kazron District and he knows the killed and injured people by name.

MG: How do you know (b)(6) ?

ANA: He's next to our base.

MG: Has anybody else talked to him?

ANA: Nobody talked to him. (b)(6) was the only one who talked to him. He was the 1<sup>st</sup> one to go with CP (b)(3), (b)(6) to the incident site along with 10 other people.

MG: Did (b)(6) talk to you about these people who died?

ANA: For awhile I didn't see (b)(6) on the base. Then they showed up and I asked him "where were you guys?" He replied that 3 vehicles were attacked and 15 people were KIA and 10 were injured. Out of those 10 people that were injured 1 of them had superficial wounds and they were sent to Kazron District. The 7 that were severely wounded were transferred to Urazghan Providence.

(CO (b)(3), (b)(6))

CO (b)(3), (b)(6) What ethnic background does (b)(3), (b)(6) have because you said that most of these injured and killed were Nazrullah's family?

ANA: These casualties were from the same District as (b)(6) but I don't know if they are his family or his relatives. Ethnic he is Hazuran.

(MG)

MG: Could you show us on the map where they are from?

ANA: From the Kazron District. I can't read English.

(He was given an area map, and (b)(6) translated for him)

MG: Did you know if they had any weapons in those vehicles?

ANA: I haven't heard it.

(CO)(b)(3), (b)(6)

CO(b)(3), (b)(6) Has the mood of the population around the vicinity of this incident changed?

ANA: There is no discussion among the local population in Charchino and Urazghan because these people were coming from Dykhundi Providence, Kazron District. There might be something going on up there.

CO(b)(3), (b)(6) What happened as you cleared the BAZAAR?

ANA: At 0300 we landed and surrounded the suspected houses but we didn't go in for the search until the air was bright, clear, and daylight. Then we went in and searched all the houses in the village and in the BAZAAR but we didn't find anything suspected or any suspected people.

(MG)

MG: Other than (b)(6) is there anyone else that was on the scene that we should talk to?

ANA: (b)(6) was the 1<sup>st</sup> one that went to the site plus his ten people and the SF Interpreters his name is (b)(6) and he was there also.

MG: What's his position?

ANA: Translator or Interpreter for the Special Operation

We have a (b)(6) that came out with the team from the field

(MG)

MG: Did you hear anything about the people that were killed, there background and not just where there from?

ANA: No I don't have any more information about those people

MG: What do you think they were doing on that convoy?

ANA: They were traveling from Kazron maybe to Kandahar or TK. There's a pass because the roads are have mines around Charchino. So I think they were using the Churgha pass to go into TK or Kandahar. They were up early in the morning because it was such a long distance to move to their destination.

MG: Is there anything else that you could tell us that would help us in our investigation?



ANA: The Command should send a team to Charchino and take (b)(6) to talk to them and find more information from this area because he is from that area, I think I that will help you.

MG: We will do that. If I understand they were buried 24hrs later, do you know where they were buried?

ANA: I think they were buried somewhere in Kazron. It's the Afghan tradition to be buried at their villages or the place where they live.

(MAJ (b)(3), (b)(6)

MAJ (b)(3), (b)(6) When you said you didn't find anything in the village when you cleared the BAZAAR area...?

ANA: We didn't find anything in the Khod village but in the area of the BAZAAR we found a shop that was called a work shop. They were repairing Taliban radios and the people we were talking to also confirmed that information. We found some very old radios parts in the shop. It was the ANP that found the shop actually.

MAJ (b)(3), (b)(6) Did they find any Ammonia Nitride or any other indication that there was a bomb being utilized as a bomb?

ANA: At the repair shop we didn't find anything. There was a great quantity of Ammonia Nitride or fertilizer in the other shops in the BAZZAR.

(COL (b)(3), (b)(6)

CO (b)(3), (b)(6) What is your full rank and name?

ANA: 1LT

(MG)

MG: Is there anything else that he would like to share with us?

ANA: That's all I could offer but I would recommend that you talk with (b)(6) because he knows those people and he could give you more accurate information

MG: That is very helpful

ANA: Thank you

MG: Thank you

I'm honored to serve along with him in his Country.

ANA: It's been an honor for me too, to serve along with the people that helped us to have a Government. We expect more and more from your side.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to investigation regarding 21 Feb 10 Civcas incident

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

Cwd (b)(3), (b)(6)  
Printed Name/Rank

(b)(3), (b)(6)

26 Feb 10  
Date

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CW2/AD	
8. ORGANIZATION OR ADDRESS A Troop, 1-17 Cavalry Squadron			

9. I, CW2 (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Original statement was taken on 26 February 2010. the statemen t begins on page 2 and ends on page 11.  
The rest of this page was intentionally left blank.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>12</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF CW2 C (b)(3), (b)(6) DATED 26 FEB 10

MG: How long have you been in the Army?

CW2: Since February 2001.

MG: When did you graduate flight school?

CW2: June 2008.

MG: Is this your first duty assignment?

CW2: As an aviator, yes.

MG: Is this your only unit?

CW2: Yes I got to 1-17 in September 2008.

MG: Are you Pilot-in-Command?

CW2: No.

MG: How many hours do you have?

CW2: About 750.

MG: On the day of the incident you were flying with LT(b)(3), (b)(6)?

CW2: Yes.

MG: So you were his co-pilot that day?

CW2: No, I was flying and gunning that day he was performing the administrative duties.

MG: What was your mission that day?

CW2: We were scheduled to do route recon on route Bear, general TK recon. Before the brief even started we were informed by the BTL CPT that a TIC was in progress at FB 1.4(c). The right-seaters left to take care of the paperwork needed for the mission while the left-seaters got more detailed information about the situation. We then went down and verified that we were good to head to COBRA and left.

MG: Did you get much information from the brief?

CW2: The left-seaters do the briefing portion while the right-seaters get the bird ready for flight. It is usually a brief as you go, but during run up there is plenty of time to speak with the TOC and all four pilots were up to speed at that point.

MG: What did you know to be going on at that point or what was briefed to you.

STATEMENT OF CW2 ~~CORDON BEATTE~~ DATED 26 FEB 10  
(b)(3), (b)(6)

CW2: It was my understanding that [redacted] and [redacted] were on a patrol and were going to be doing a mission in one of the cities near their FOB, that they had PIDd a large force maneuvering down from the North and that they had forces to the south as well.

MG: Did they talk about the target set that you were going to be engaging?

CW2: I contacted [redacted] 1.4(c) on [redacted] 1.4(c) [redacted] while running up. He painted a very broad picture for me at that point. I called to tell him that we were on our way and that it would be about 30 minutes until we were in the area. He told me that it was roughly 30-50 MAMs to his north that we would be looking to engage.

MG: Any other description on that?

CW2: Not at that time.

MG: So you get out there and your mission was?

CW2: Because of other assets around we were told to hold at FB [redacted] 1.4(c) and wait for further guidance. We had circled for the first ten minutes or so and then sat down to conserve fuel and extend our station time.

MG: What time was it when you got to (b)(1)1.4a?

CW2: I would say it was about 0700 loitered for a few minutes then put it on the ground. I do not recall the times just because of the duties of the individuals that day.

MG: So you were flat pitched then what happened?

CW2: At that point we acted as a retrans station to relay stuff between the FOB and the JTAC and from the F15s and a few messages went to [redacted] 1.4(c) [redacted]. We were really just waiting and communicating to TK about an Apache team that was supposed to come out as well.

MG: What do you recall that you relayed from [redacted] 1.4(c) to [redacted] 1.4(c) [redacted] ?

CW2: The main things that we sent back and forth were to call on the iridium phones, and there was one time that we relayed a SITREP to [redacted] 1.4(c) [redacted].

MG: What was contained in that SITREP?

CW2: This was a location of the vehicles because everyone was already tracking the composition and disposition of the vehicles at this point. We would plot the grids and relay them on.

(referring to the map)

MG: Can you walk me through the movements that you tracked while you were flat pitched?

STATEMENT OF CW2 ~~CONFIDENTIAL~~ DATED 26 FEB 10  
(b)(3), (b)(6)

CW2: The grids that we got, took the enemies position from south to primarily western initially they had turned do south and the ground forces expected them to come straight into their position and that was about the time that the F15s flew over and the vehicles then changed their course to a westerly heading. As 1.4(g) got the fast movers off station they began to move south through the SERKAY WAADI.

MG: When you arrived on the scene where were they at physically?

CW2: We actually left at one point to refuel at TK. When we came back we sat down again.

MG: When you did move into the engagement area where did you pick them up at roughly?

CW2: Just north of the target site.

MG: When you left to refuel where did you go?

CW2: Back to TK.

MG: How long were you gone?

CW2: 30 minute round trip.

MG: Did you have good radio communications? Were you still tracking the battle?

CW2: We tracked it on (b)(1)1.4 as long as we could, we lose it at one point because of high ground to the east but we monitored 102 the whole time.

MG: What were the reports that you were getting when you sat down the first time?

CW2: We were still under the impression of 30-50 MAMs in three vehicles. We were getting reports that they would move for a little bit then stop and pull security and then move again. There was never any real reason put out for the stopping. We did hear traffic from KIRK that they did see weapons and that it was all MAMs.

MG: Did you hear anything else over the radio traffic about women or children?

CW2: Actually, to the contrary, the JTAC that was still at 1.4a had asked for clarification on an earlier call and when it came back it was all MAMs.

MG: What time was that report?

CW2: I believe that was our first time that we were sitting flat pitched.

MG: Do you guys get (b)(1)1.4a ?

CW2: No not in the birds.

STATEMENT OF CW2 ~~(b)(3), (b)(6)~~ DATED 26 FEB 10

MG: So you wouldn't know what all is going on with the predator?

CW2: We had good 1.4(g) with them but we couldn't see their feed.

MG: What was predator telling them?

CW2: He was the main source of all of the identification that we got. We asked them several times later on if they were all males and if weapons were present and that they had been tracking them for the last three hours or so.

MG: When they talked about the 30-50 MAMs at the river did you hear anything about weapons?

CW2: Yes I remember them saying that they had PIDd weapons. I don't think that we had a definitive number until we arrived on station and we were speaking directly to 1.4(c) at this point it was all eavesdropping.

~~(b)(3), (b)(6)~~ MG said that the LT was the PIC and you were just the pilot that day?

CW2: Yes, that is correct.

~~(b)(3), (b)(6)~~ Do you do a lot of missions with the ODA?

CW2: Yes.

~~(b)(3), (b)(6)~~ Do you know them pretty well then?

CW2: Very well.

~~(b)(3), (b)(6)~~ What did you expect when you came forward?

CW2: They will use us as forward eyes, a predator picture is one thing, and they will send us out to maintain PID from the predator or whomever.

~~(b)(3), (b)(6)~~ What do you mean by PID?

CW2: Positively identification of weapons, individuals, or whatever they are going to have us look for.

~~(b)(3), (b)(6)~~ What did you view your tactical mission to be?

CW2: At that point I believed that ~~(b)(1), 1.4~~ was about to get rolled up and I wanted to go and help them out.

~~(b)(3), (b)(6)~~ Wasn't a typical detector mission it was more of a defender mission or protector mission?

CW2: The way I took it from my brief was that there was a 12 man team out there plus whatever fills they had that were about to get a whole lot of guys in their face.

~~(b)(3), (b)(6)~~ When you were getting ready to go back to the FARP what was going through your head?



STATEMENT OF CW2 GORDON BEATTIE DATED 26 FEB 10  
(b)(3), (b)(6)

CW2: I knew that we were coming back, and that we were going to be supporting them until they were complete with their mission.

(S) (b)(3), (b)(6) What kind of target handover were you given?

CW2: We came in and we were having communications troubles so we went 1.4(c) checked in with 1.4(c) He didn't want us to burn his position so he gave us another heading. Once we got the last hard grid of the convoy. We describe what we see from a grid that 1.4(c) calls out to ensure proper PID of what they are watching. We will radio up what we see at his grid and when we did that he came back with a positive that we had the same vehicles that he had.

(S) (b)(3), (b)(6) What comes after identifying the target?

CW2: At that point it is a three-way conversation. I am talking to 1.4(c) is talking to me and 1.4(c) and everyone is talking to everyone at this point. 1.4(c) questions 1.4(c) to make sure that they have maintained the vehicles the whole time, it is still all MAMs, and they still have the weapons.

(S) (b)(3), (b)(6) Who cleared you to engage?

CW2: The GFC through 1.4(c)

(S) (b)(3), (b)(6) On the basis of what in accordance with the ROE?

CW2: It was imminent threat.

(S) (b)(3), (b)(6) Can you define imminent threat from us?

CW2: It is hostile intent that is backed up by PID and in this case a considerable amount of 1.4(c) chatter.

(S) (b)(3), (b)(6) In the video who is talking mainly on the video?

CW2: LT (b)(3), (b)(6) I am only on there a couple of times.

(S) (b)(3), (b)(6) So he stated imminent threat, PID of weapons, and 1.4(c) which he described as tactical maneuvering.

CW2: Yes.

(S) (b)(3), (b)(6) Therefore you engaged the targets. You initially conducted hell fire engagements and then explain to me what happened next.

CW2: aircraft which had two missiles  
would 1.4(a) The second missile on the third  
vehicle appeared to be a direct hit but it kicked up a lot of dust and debris. Based on that there wasn't

STATEMENT OF CW2 GODDARD BEATTIE DATED 26 FEB 10  
(b)(3), (b)(6)

enough time to get a good shot on the middle vehicle. We viewed a number of individuals leaving the trail of the convoy and at that time we went in to engage them with rockets.

(b)(3), (b)(6) What did you see?

CW2: I set up pretty far out because I only had one missile and 1.4(a) I went in and the LT had me engage the people to the west of the vehicles and as I pointed the helicopter toward the target I actioned the weapons fire switch two times and had a malfunction so I took my attention inside rearmed and bumped back over to my rocket pages, the standard rearming procedure. At this point I didn't have myself set up to engage properly and by this time we had moved into a pretty tight formation and I wanted to get at least a round downrange to fix the enemy so that my wing man could effectively engage. I was able to punch off one rocket, but in landed nowhere close to vehicles. I wanted to be able to view his rounds and broke extremely hard and as I came back to watch him approach I viewed three individuals at the trail vehicles and at least two of them for sure had weapons and they were taking a knee full oriented out and there was a third individual between them, but I couldn't see if he had anything. We realized that there were weapons down there so we climbed up to altitude, and on that turn outbound that is the first that we had seen people wearing brightly colored clothing. I figured we would climb back up to altitude and get the sights back on them to develop a picture for ourselves.

(b)(3), (b)(6) How long have you been in Afghanistan?

CW2: 10 months.

(b)(3), (b)(6) Have you ever been directed by a GFC to conduct an engagement and not conducted it?

CW2: Yes.

(b)(3), (b)(6) What were the circumstances?

CW2: In the same area but I believe it was the previous group. We were set up and it looked good, but the individuals got to close to compounds so we decided to call off the engagement.

(b)(3), (b)(6) Did you say that you were 100% sure that the two individuals had rifles?

CW2: Absolutely.

(b)(3), (b)(6) You actually saw them?

CW2: Yes.

(b)(3), (b)(6) Anytime did anyone mention a HVI being in the vehicles?

STATEMENT OF CW2 ~~CORDON BEATTIE~~ DATED 26 FEB 10  
(b)(3), (b)(6)

CW2: There was talk of a couple of people and they spoke of their regular names as well as their JPEL names. I heard the mentioning of them but I cannot tell you if they were supposed to be in the convoy or if they were just in town.

(b)(3), (b)(6) ~~So~~ nobody specifically said that they were in the vehicles?

CW2: Not that I recall.

(b)(3), (b)(6) ~~Was~~ there any ever any mention about not letting the vehicles escape?

CW2: I do not believe so.

(b)(3), (b)(6) ~~Had~~ the JTAC came on and said that the GFC wanted to engage the vehicles because he believed that there was an HVI in the vehicle and it will escape, would you have fired?

CW2: Under the Imminent threat we couldn't have.

(b)(3), (b)(6) ~~So~~ your thought was not that they were trying to get away?

CW2: Absolutely.

(b)(3), (b)(6) ~~Did~~ you ever hear anything on radio traffic about adolescents or kids?

CW2: The only reference to children was the double confirming that there were not any.

(b)(3), (b)(6) ~~Did~~ they mention adolescents during that confirmation?

CW2: I don't believe I ever heard the word adolescent as much as just women and children.

(b)(3), (b)(6) ~~Can~~ you clarify "they"?

CW2: 1.4(c) had asked (b)(1)1.4 through us to confirm and this was pretty much the last transmission before clearance was given.

(b)(3), (b)(6) ~~Had~~ they said adolescents were present would that have changed your decision to fire?

CW2: No.

(b)(3), (b)(6) ~~What~~ about children?

CW2: Yes.

(b)(3), (b)(6) ~~How~~ old would you say an adolescent is?

CW2: 14 or 15 years old.

STATEMENT OF CW2 ~~CORDON BEATTIE~~ DATED 26 FEB 10  
(b)(3), (b)(6)

(b)(3), (b)(6) you would have been told that there were seven to 10 year olds would that have changed your thought process?

CW2: Most likely yes.

(b)(3), (b)(6) Have you heard stories of fighters dressing in women's clothing or the Taliban using human shields?

CW2: Yes.

(b)(3), (b)(6) Does that weigh on your thought process?

CW2: It does. I have experienced it first-hand.

MG: Who is the one who spotted different colored garb, and who made that radio call?

CW2: LT (b)(3), (b)(6) made the call to 1.4(c)

MG: Who identified it?

CW2: It was a simultaneous moment that we both noticed it.

(Interviewee made a motion that both pilots looked out the side of the aircraft in a stunned manner)

MG: At that moment what did you see, what did you feel, and what did you think?

CW2: I thought it was about to turn into a bad situation. I knew that we had done the right thing.

MG: Based on the information?

CW2: Yes, based on the information I believed that we had done the right thing. If they had been watching the vehicle for four hours and they stated that they had seen what they believed to be adult occupants exit and enter the vehicles all times then I believed the vehicles were full of what they said. It wasn't an issue of did we do the wrong thing, it was an issue of how did that information not see the light of day?

MG: What can we learn from this?

CW2: Ideally with the KIOWA we can get low and slow. I would have loved to have taken a look in the vehicles, but if it is a target that we are trying not to burn and they are armed to the best of my knowledge, then I don't feel comfortable hovering right next to them.

MG: What could we have done different? What alternate ways could we have targeted these vehicles?

STATEMENT OF CW2 ~~CORDON BEATTIE~~ DATED 26 FEB 10  
(b)(3), (b)(6)

CW2: If there was some sort of ARF (Air Reaction Force) maybe we could have used that. Sometimes it is I don't know what is going to happen in 20 minutes and I only have 15 minutes of fuel so if they are going to do something then we have to do it fast.

MG: All of the radio calls that led up to this there was no mention of children or adolescents?

CW2: No.

MG: From what you understood how many weapons were there?

CW2: The PID that we were passed was confirmed three weapons.

MG: What kind of reports went on after we saw women and then eventually children correct?

CW2: We didn't see children until we got back on station the second time. We then understood that it was going to be something larger than what it was in the beginning. We had radioed back to 1.4(c) what we saw and that is when 1.4(c) came over the radio and made it clear that he was changing his stance on what the occupants of the vehicle were.

MG: Can you explain that a little more?

CW2: He was relaying from the screener that after the strike that the SCR as changing the assessment to women in the vehicles.

MG: Who called in the 9 line?

CW2: I don't know.

MG: What were you and LT (b)(3), (b)(6) passing after you seen the women in brightly colored clothing? What transpired in the cockpit?

CW2: After the engagement we were sitting on about 15 minutes of fuel, and as soon as we engaged and saw the brightly colored clothes we dropped in to get some photos of the site, ensured 1.4(c) had good eyes on the site and the guy going north, and then we went back for fuel.

(b)(3), (b)(6) You didn't call the MEDIVAC? You had wounded people there.

CW2: No we didn't call for MEDIVAC.

MG: What do we need to do to meet GENERAL McCHRISTALs intent? From your position as an aviator coming up on the scene getting all of this data, and date not being correct, what do you see, and you have been flying for 10 and a half months?

STATEMENT OF CW2 (b)(3), (b)(6) DATED 26 FEB 10

CW2: I think both the air crews and the ground forces that there was nothing more that could have been done. To the best of our ability we were sure that those were all MAMs, we had PID for the last several hours, and that is about as much as we could have done.

MG: Another force had PID and when they passed it to you and you came up on it, we engaged them pretty quickly. Is there another set of criteria that we should be looking at for the future when an aircraft has low fuel and we are watching what they are doing? Is there something better that we can do?

CW2: In an ideal world it would have been great if there were another SWT to pass that off to, but there wasn't so with the sensors that we have I could tell that there were people in the vehicles but short of that I trust what the predator says.

MG: Who made the final decision to engage?

CW2: We were cleared to engage through (b)(3), (b)(6) from the GFC. Ultimately we agreed, and the GFC can clear me all he wants but I am the one to push the fire switch.

MG: So you were confident when you pushed the fire switch that you had good PID?

CW2: Yes.

MG: How long were you on scene before you pushed the fire switch?

CW2: About 10 minutes and I use the term scene loosely because of our egress. From the time that we visually acquired the target to the engagement was five minutes.

MG: Is that adequate time to understand their movements and the location of the GFC, how does that compare trying to lay out the whole thing.

CW2: Five minutes sounds like a quick amount of time, sometimes five minutes can take forever. In this case five minutes was more than enough time for us to find the target visually. I talked LT (b)(3), (b)(6) on to it with the sight, we cleared the area, we made sure there was nothing remotely close, we reconfirmed with 1.4(c) reconfirmed with 1.4(c) and let the target get into a position that we were not going to miss. So I believe that five minutes was more than enough time.

Warned and excused.

STATEMENT OF CW2 (b)(3), (b)(6) TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

Original statement was taken on 26 February 2010. Statement begins on page 2 and ends on page 11.

The rest of this page was intentionally left blank.

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 12 OF 12 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to

Investigation in 21 Feb CIVCAS incident

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6) Col  
Printed Name/Rank

(b)(3), (b)(6)

2 Mar 10  
Date



**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN);

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2010/03/01	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS COLONEL	
8. ORGANIZATION OR ADDRESS			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

INITIAL STATEMENT WAS TAKEN 1 MAR 2010.

ADDITIONAL QUESTIONING OF COL (b)(3), (b)(6) OCCURED ON 18 MAR 2010 AND IS INCLUDED.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 55 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

MG: COL (b)(3), (b)(6) how many years do you have in the army?

(S) (b)(3), (b)(6) Will be 26 coming up, 25 years sir.

MG: What was your source of commission?

(S) (b)(3), (b)(6) ROTC.

MG: Where?

(S) (b)(3), (b)(6) Valley State University.

MG: And you came in under what branch?

(S) (b)(3), (b)(6) Signal sir.

MG: How long were you with Signal before Special Forces?

(S) (b)(3), (b)(6) was a Captain so I went through the pipe line in '94.

MG: Tell us about your SF assignment up to now?

(S) (b)(3), (b)(6) My initial assignment detachment commander 5 SFG at Ft Campbell, from there I went to System 3, to Company Command to CGSC to 5<sup>th</sup> Group, 3d BTN, to BTN XO Group 3. Then I went to the Pentagon DDSO, J3 SOF, 3d Group, 2d BTN, USARC, War College to Command Group, Chief of Staff.

MG: How long have you been in command?

(S) (b)(3), (b)(6) About 18 months.

MG: How many deployments have you had to Afghanistan and Iraq?

(S) (b)(3), (b)(6) This is my fourth tour in Afghanistan, 2 as a SOTF BN Commander, and 2 as a CJSOTF Commander.

MG: Your staff, how long have they been with you?

(S) (b)(3), (b)(6) We TOA last August, so it was a turnover staff then. So the staffs have been together since August.

MG: What's was the training in preparation of this deployment?

(S) (b)(3), (b)(6) We trained at Bragg, with continuity with 7<sup>th</sup> Group, certain individuals come forward to get embedded to develop their SA and understand.

MG: Have you spent a lot of time on F/OE and PID with your staff, the reporting requirements?

(S) (b)(3), (b)(6) Relentless.

MG: What do you mean ruthless?

(S), (b)(6) From the time we are in the box, the elements that would join us, they were immediately given information to review, the ROE, tactical directives, we get back and go over that information. And TMZ coordinates all of that?

MG: When did you deploy over this time?

(S), (b)(6) Different elements started in December, others in January.

MG: The day of the operation, tell me your words what went on leading up to this operation starting with the approval through coordination process.

(S), (b)(6) South supported on this objective. So SOTF south coordination comes up for my approval, I can't remember the first date. I get the CONOP brief, I approve it and it goes to CFSOC-A which approves then to IJC. If I recall this was a level 2. Oh a level, I get so many of these. Level 1 is my approval; this is a detachment that operated the same battle space. So we clearly understand the threat and what the enemy was doing in the area. There was no issue in terms of the CONOPS and my level; force intermission. When it was time for wheels up, they launched and executed. The day of, early Sunday morning I got a call from the JOC. I was told we had TIC. I have a Wave desktop communicated on my desk and in my hooch. I came into the JOC, was told we have PID and had element movement towards 1.4(c) I asked have we dropped, was told we have not. I wanted to make sure if we had PID moving towards our guys, if we do, it is in an area we minimize collateral damage. Based on what I had heard and been briefed by JOC Chief.

MG: Who briefed you?

(S), (b)(6) MAJ (b)(3), (b)(6) I went back to the office called the CJSOTF commander. I told him we have PID on this target. Up to that point, minimize collateral damage that was the conversation with LTC (b)(3), (b)(6) broke away. The next time church service was CONOP brief the mission was still ongoing. I was asked did they make the strike I said yes they made the strike.

MG: Who told you they made the strike?

(S), (b)(6) cannot recall, I just asked was told, but cannot recall who replied.

(S), (b)(6) What does PID mean to you?

(S), (b)(6) Positive identification of hostile threat or intent.

(S), (b)(6) What is hostile intent to you?

(S), (b)(6) could be brandishing a weapon in my direction or making a certain posture movement with his forces or element.

(S), (b)(6) What is imminent threat to you?

COL I see certain individuals putting up mortars ready to fire.

COL What is TIC?

COL Troops in contact.

~~(S)~~ (b)(3), (b)(6) What do you mean by that?

COL I'm in contact with enemy forces.

COL Physical or bullets?

COL It may not mean bullets, because that starts the battle drill, and at this level JOC gets hot be ready to answer, and enable that element. We don't want there to be fire and we haven't started TIC and are behind the power curve resulting in wounded.

~~(S)~~ (b)(3), (b)(6) That's the ISAF description, but the US description only requires bullet to bullet. Throughout this investigation the responses have been different. I just ask that you get a consistent understanding across the board for the general term TIC. The battle drill for TIC, do they get you on every TIC?

~~(S)~~ (b)(3), (b)(6) There are wakeup criteria, but throughout the day I monitoring, I inject myself when I need to. LT(C)(3), (b)(6) tracking. When there are TIC the JOC Chief, JOC NCO or LNO will announce TIC. Once that occurs the drills start. Those key leaders and JOC personnel make shit happen.

COL Is the legal advisor called?

(b)(3), (b)(6)

COL : The legal advisor will be called as the JOC reveals what's occurring and what's being revealed. Once the red light comes on, he knows to get there.

~~(S)~~ (b)(3), (b)(6) When the TIC has been declared, imminent threat is declared, if noncombatants are identified, what are the actions of the JOC?

~~(S)~~ (b)(3), (b)(6) The JOC monitoring, based on the tactical direction, they will wait for word from the CJSOTF or ODA coming in for that element. Example would be hold still, insurgents fired on our guys, we have guys wounded, but the insurgents were moving from point A to B. But based on ISR, amongst the insurgents there was women and children so the element on the ground broke contact in that situation.

COL Does the JOC have the authority to reach down and contact the respective SOTF?

COL Absolutely.

~~(S)~~ (b)(3), (b)(6) Is it your expectation that they do that?

COL Absolutely.

COL If you thought that your leadership did not understand that, that they had to come to you first, what would your thought of that be?

(S) (b)(3), (b)(6) That they had to come to me? Then clearly I failed in my training of them of their control in the JOC. That's on me. Because SOTF is fighting the fight. If they notice something is fucked up, I expect them to come up on voice and then immediately notify me or SGM.

(S) (b)(3), (b)(6) What would your actions be if you were notified imminent threat was declared but not immediate and they are gearing up to strike, but you are told the potential presence of women and children, what would your actions be?

(S) (b)(3), (b)(6) Imminent threat with women and children present, I would inject and prohibit fire, if they haven't been engaged. We have to protect the civilians in that scenario right there.

(S) (b)(3), (b)(6) When you were called the first time in the morning what did MAJ (b)(3), (b)(6) brief you?

(S) (b)(3), (b)(6) I cannot recall when he woke me I saw the 1.4(g) , and the 1.4(c) and the reference to the reinforcements.

(S) (b)(3), (b)(6) What was the briefing you got in the JOC from your leadership?

(S) (b)(3), (b)(6) It wasn't a briefing I asked did we drop, no, why not. They were like we got PID but the element is 10 kilos away but approaching our location. So I went to call the CJSOTF commander.

COL Did anyone tell you that women and children had been identified in that target set?

(S) (b)(3), (b)(6) No.

COL Your battle guys didn't brief you of the potential identification of women, children and adolescent present?

(S) (b)(3), (b)(6) No because if that were the case, they would have informed me of that immediately and I wouldn't have come in, by the time I left my hooch I'm still tracking PID, moving to reinforce against our guys.

(S) (b)(3), (b)(6) When you called (b)(3), (b)(6) what did you tell him?

(S) (b)(3), (b)(6) I said we got PID but this element is moving to reinforce. I don't want to wait until they are on top of our guys or the village where now we risk the potential of CIVCAS and reinforcement in containment of our guys.

COL What did he respond with?

COL He said let him go get his SA up on what was going on. He wasn't in the OPSCEN at that time.

(S) (b)(3), (b)(6) Did he call you back after he got SA up?

COL I cannot remember if he called me back or not.

COL Has he shared with your six with what his assessment was in the decision that you made?

~~(S)~~, ~~(b)~~ It wasn't an immediate call back; it was after some point when I got back after the CONOP brief. He did call back and he sent email traffic as he started to develop SA.

COL Do you remember his course of action of what he wanted to do?

(b)(3), (b)(6)

COL No because at this point it was still a poor strike. I think my crew was still stamping out the situation. I'm certain he was still assessing the situation. I had thought we hadn't made the strike until after the CONOP brief.

~~(S)~~, ~~(b)~~ Do you remember AVI as a code coming back up; instead of doing a kinetic strike did you consider an AVI?

~~(S)~~, ~~(b)~~ When you say vehicle interdiction, the only way I would do that is by air. I can't remember that no.

COL What other discussions did you have with LT ~~(S)~~, ~~(b)~~ what instructions did you provide?

(b)(3), (b)(6)

COL I told him I want to make sure we minimize collateral damage, we must establish PID, let's not wait until those forces get on top of our guys to take it out. What I saw on the screen was vehicles, empty roads as the element moved, no villages or compounds in direct vicinity. I thought as if I were pulling the trigger; a pattern like maneuver, this JPEL moving along on this road, no significant collateral damage. The conditions were right based on what I understood for an effective target at that time.

COL Throughout the rest of the morning?

(b)(3), (b)(6)

COL LT ~~(S)~~, ~~(b)~~ was all over it, he immediately got engaged. Reporting is the one area we have to tighten up. There was another case before where reporting was an issue.

COL Did you call back to the TOC or were they calling you?

COL It was both.

(b)(3), (b)(6)

COL Can you characterize those discussions?

COL Post strike, we had to be the BDA, and we have to confirm the CIVCAS. At that point there was no CIVCAS. LT ~~(S)~~, ~~(b)~~ was at the site engaging with RC keeping them abreast of what was going on.

COL When did you first feel there was a possible of civilians on the site?

(b)(3), (b)(6)

COL After the strike, the first time I saw anything regarding civilians. I read the screen and someone said it appeared to be civilians moving on the objective area. That was the first time of any notion of civilians on the strike area.

COL At that point were you concern there may be CIVCAS?

(b)(3), (b)(6)

COL Not from the strike no, those civilians I wanted to see a map to see where the closet village present. There was a village approximately 700 meters away. They had come from somewhere. As far

STATEMENT COL (b)(3), (b)(6) DATED 02 MARCH 10

as the CIVCAS, it wasn't until the first impression report was brought to my desk that I became aware of CIVCAS. I said no, we are not sending that up. It was my call. We had boots on the ground and my guys were not reporting CIVCAS. It is our ground guys' responsibility because they had boots on the ground to send up the first impression report and they did not report CIVCAS.

COL At 1845 local, I know you are Zulu, Gen McChrystal ran a VTC, were you a part of that?

COL No.

COL Were you aware that was going on about this incident?

COL On that day?

COL GEN McChrystal personally ran it; he brought all the chains of command in.

COL That was the same next day.

~~(S)~~, ~~(b)(3)~~, ~~(b)(6)~~ that was the same day, I was present for that.

COL The only VTC that I attended was on the next day, the 22d one.

COL So you were unaware of that?

COL Correct.

COL Did you get any calls from CFSOC-A, when you received that initial first impression report.

COL The one we got from RC, not our element.

COL Yeah we are tracking that to be about midday. I don't know when you got it but that is when we are tracking it.

COL I cannot recall the time I got it.

(b)(3), (b)(6)

COL Do you remember how many times total after you got that first report did CFSOC-A call down enquiring about CIVCAS?

~~(S)~~, ~~(b)(3)~~, ~~(b)(6)~~ did not call GEN Reeder with that first report. I wanted my guys to confirm the status. It wasn't until I got the no-shit we have CIVCAS that I called GEN Reeder. By the time I think the JOC had already got a read on it.

MG: These are your own paper, doesn't your order that you put out say you have possible or alleged CIVCAS? What is your direction to your people on CIVCAS?

~~(S)~~, ~~(b)(3)~~, ~~(b)(6)~~ as far as the guidance? I'm sure it's on the same page as the tactical directive.

MG: I'm asking what do put out on reporting for CIVCAS and CCIRs?

~~(S)~~, ~~(b)(3)~~, ~~(b)(6)~~ got to be alleged.

MG: It's got to be alleged?

(S)(b), (b)(6) My CCIR, yes alleged, roger.

MG: Confirmed or alleged CIVCAS. You have a first impression report that your people give you?

(S)(b), (b)(6) My people sir? Which one are you talking about? This one is not mine.

MG: I understand that, I am asking you to read it.

(S)(b), (b)(6) Yes sir.

MG: On the second page, what to gather from that?

(S)(b), (b)(6) There may be CIVCAS. That's not from element boots on the ground in terms of CIVCAS. In terms of delaying to reporting to GEN Reeder, I did not have that fidelity. I had boots on the ground my element did not report CIVCAS; I am not releasing that report. If I am wrong with that, then I am wrong.

MG: Three people said you receive that report, is that correct?

(S)(b), (b)(6) They attempted to hand me that report and I refused it. Again I asked is that coming from our guys. They said no. Where did it come from? From a TF down south? I refused to take that report because it was not from my element. So did I read that report, no, I refused that report because it is not from my element.

MG: So you didn't want to try to find out what was going on, you didn't follow-up with a phone call?

(S)(b), (b)(6) I did not read it sir. I said let's get fidelity we possibly have CIVCAS. I directed my guys to get with SOTF South to find out if we had CIVCAS. But I did not read that report because it did not come from my people.

(S)(b), (b)(6) Let me ask you a question (S)(b), (b)(6) There was nine days post strike. You had had boots on the ground with 24. Do you know why their initial report did not include civilians?

(S)(b), (b)(6) Went back and forth with LT (S)(b), (b)(6) about that. I recall him talking to CP (S)(b), (b)(6) the fucking just missed it. He was trying to assist with casualties and ensure it was ANP that dealt with the bodies from the cultural standpoint. Because when he indicated with LT (S)(b), (b)(6) those other folks got on the MEDEVAC, from my standpoint that was the flaw, when you don't know what got on the bird.

(S)(b), (b)(6) There are four or five times when we missed the reporting. There was one at nine when the pilots identified women on the objective. There was one when the ODA commander was on the ground, to that two. This is midday when you were given this report, this is the third one. As we are looking at this the stop clock could have started with you. Your instructions said alleged. Is there a reason why you discounted the alleged? We know it's not from your guys.



STATEMENT COL (b)(3), (b)(6) DATED 02 MARCH 10

~~(b)(3), (b)(6)~~ That's it from my guys. I got boots on the ground, my TF commander, ground force commander physically on the strike sight. If he's not telling me there are no CIVCAS, that's what compelled me to make the decision. And I accept full responsibility for that, but that is my call.

~~(b)(3), (b)(6)~~ I don't understand, your guidance you provide in writing stated confirmed or alleged. Why didn't you follow your own on guidance of alleged. Alleged only from your team?

~~(b)(3), (b)(6)~~ That's exactly it. My guys did not allege CIVCAS. Based on my understanding of what my guys were reporting I did not have alleged CIVAS. Right, wrong, or indifferent I didn't have it from my guys.

COL When did you get potential and confirmation of CIVCAS from your team?

(b)(3), (b)(6)

COL Potential, was when I was first notified, and I instructed they go back and confirm, but I am not sending a report. I'm not sure of the time on that, it was dark outside.

COL Once you got that confirmed did you call GEN Reeder?

COL I did, once we got the no-shit we have CIVCAS, I made the call.

(b)(3), (b)(6)

COL What was the timeline between your JOC knowing CIVCAS and you knowing CIVCAS?

COL I may be off, but I think I was on the JOC floor when MAJ(b)(3), (b)(6) received a called from CJSOTF south. I am almost certain I was there.

MG: Do you recognize this document?

~~(b)(3), (b)(6)~~ Yes sir.

MG: What time does it say?

~~(b)(3), (b)(6)~~ This email 3:45 PM.

MG: Do you know when you saw that document?

~~(b)(3), (b)(6)~~ Doc is good with the updates, maybe 3:50, 4 maybe.

MG: So mid afternoon?

~~(b)(3), (b)(6)~~ He sent at 3:45, I probably saw it at 3:50 or 4:00, no later than 4:30. I know the guy left the building.

MG: Clearly he has the CIVCAS out, no it's not from boots on the ground it is from a doctor, important how did you receive this report?

~~(b)(3), (b)(6)~~ This report came after we got word on the JOC; I'm not certain I can go back and look at my tracker.

MG: Did you forward something like this to GEN Reeder?

(S)(b), (b)(6) Father that or I called him or sent an email. I would need to pull my tracker to the confirm that.

MG: If you would.

(S)(b), (b)(6) will go back and pull my tracker.

MG: But probably roughly 4 or 5 o'clock you called him within the hour.

(S)(b), (b)(6) if you want specific time, I will need to pull my tracker. I was pushing emails to GEN Reeder referencing the CIVCAS and notifications.

(S)(b), (b)(6) did you give guidance to subordinate units to not send out first impression reports from other units?

(S)(b), (b)(6) never came up, from a standpoint. First impression reports involving CIVCAS is going to come from my guys. I'm not double tapping into someone else's first impression report.

(S)(b), (b)(6) Had LTC (S)(b), (b)(6) wanted to submit a first impressions report based on that report would you have allowed him?

COL if I would have seen that, no, I don't want to see it; I want him to confirm with SOTF south.

(S)(b), (b)(6) Did you have that confirmation with LTC (S)(b), (b)(6)

COL No this is what I directed the JOC Chief at that time. I'm not sure if it was MAJ (S)(b), (b)(6) and if MAJ (S)(b), (b)(6) was present as well. Later on MAJ (S)(b), (b)(6) was talking with SOTF South and confirmed CIVCAS when I was standing on the JOC floor.

LTC Sir, did you have any knowledge of a HVI or JPEL traveling in that convoy?

COL No.

LTC What action did you believe the convoy was going to take?

(S)(b), (b)(6) They were coming to flank our element on the ground.

LTC When you saw them, were they moving toward your force?

COL The reporting brief I got said they were headed towards our guys on the ground.

LTC Since the incident have you looked at where the force was the direction of travel when it was struck?

COL Yes I looked at it, it had changed because they were picking up and dropping off PAX.  
(b)(3), (b)(6)

COL Did you ever understand the force had been egressing because it had an HVI with it and it was leaving the battle field?

(S)(b), (b)(6) got that after the strike had been made.

LTC You cannot recall who informed you of that?

~~(S)~~ (b)(3), (b)(6) cannot.

LTC You said we had PID. What information did you have that gave you confirmation that you had PID?

~~(S)~~ (b)(3), (b)(6) get the same feedback that the Predator controller reports. I think also from the CCA. Initially when I said PID, it was on the JOC floor. PID as in from the Predator that was over the target. They had cover on them for a while.

~~(S)~~ (b)(3), (b)(6) just to be clear, so it was the Predator operator's declaration of PID that allowed you to make the independent assessment of PID?

~~(S)~~ (b)(3), (b)(6) The JTAC on the ground did not have his Rover. That information to him comes from two places. The PID element comes from Florida; the control comes all the way from Nellis, the CAOC within the CMD of our J2. The person making that interpretation is saying yes I see weapons [interrupted]

LTC Do you have 1.4(c) in there?

(b)(3), (b)(6)

COL That statement is embedded with that person making the call. The pilots also stated we have weapons on that call.

LTC Did you ever get a number of weapons PID?

(b)(3), (b)(6)

COL No. Not how many. Just got PID we saw weapons, and the JOC stated we got PID on weapons. From the tapes I saw, it was difficult to determine.

LTC The weapon alone is not what established PID?

(b)(3), (b)(6)

COL That time of morning, traveling towards our objective, the 1.4(g), 1.4(a) that's PID, yes that's PID.

LTC : It's all those things together?

(b)(3), (b)(6)

COL : Yes, it's a pattern of life. From my standpoint CPT (b)(3), (b)(6) tactical patience and tactical aggressiveness, no better example. When the AC130 wanted to engage he held them off.

COL Why strike them where he did?

COL : Again, minimize collateral damage.

~~(S)~~ (b)(3), (b)(6) What's your analysis?

COL : We I don't...have you talked to CPT (b)(3), (b)(6)

COL No. Have you talked to CPT (b)(3), (b)(6) since?

(b)(3), (b)(6) talked to him today, he called to let me know he arrived, but have you talked to him what did he say?

COL Yes, he gave us the briefing, we gave him this assessment then he stopped talking.

COL From my standpoint, shit, dynamic targeting at that location [interrupted]

(b)(3), (b)(6) What was what you understood the JOCs assessment to be?

COL Bad guys moving towards our guys.

LTC Knowing what you knew throughout the day, in addition to that, assume they are only able to identify three weapons, and two identified adolescent? Would that have changed your assessment?

(b)(3), (b)(6) were on the ground, if I saw two kids, would I have struck, maybe not. I would have allowed it to develop further. At some point however I need to make a decision as the convoy grew closer.

LTC During the chat, two children were identified. Then they went back and clarified adolescents. (b)(3), (b)(6)

COL Kids and adolescent are two different things. When you say adolescent I group them in with MAMs. That is my assessment.

(b)(3), (b)(6) So adolescent does not change your assessment at all because you consider them to be MAMs, is that correct?

(b)(3), (b)(6) Time of day, weapons identified moving towards my guys no that would not have changed my assessment. When you say kids however, that changes things. I would continue to allow things to develop.

LTC How young can MAMs be?

(b)(3), (b)(6)

COL With this insurgency, teenagers, 13, 14. There is a guy, leading the insurgency out there in, and I hate to use this as an example, but he is a midget, a midget. So if you saw this guy on ISR what would you assume by seeing that?

LTC Adolescents clearly still a target, children however you'd continue to allow that to develop?

COL Don't separate that from the activity.

(b)(3), (b)(6)

LTC Roger sir. I am just trying to [interrupted]

COL You didn't say that, you are trying to group these together. It's the activity and everything else that I am looking at.

(b)(3), (b)(6) Roger sir. Everything else remains the same, however if the adolescents were children would that have changed things?

(b)(3), (b)(6) Absolutely, that would have changed things.

MG: Did your JOC chief inform you at all that possible children may be present?

(S)(B), (b)(6) No sir.

MG: And later it changed to adolescent. Did your JOC share with you that information?

(S)(B), (b)(6) No sir, because that would change the dynamics of my conversation with LTC (S)(3), (b)(6) I had no knowledge of women and children.

MG: Right after the strike, women and children are reported. Did your people inform you of that at all?

(S)(3), (b)(6) No sir. That would have changed the dynamics of my discussions with LTC (S)(3), (b)(6)

MG: Once we went kinetic who would be responsible of following this in the JOC, operations center?

(S)(B), (b)(6) This is over mIRC chat, the JOC Chief would be following and reporting this.

MG: These reports are coming through the day from different sources. We are getting FIR from others. With this going on, before, during and after the operation, who's organizing it for you in order to paint a picture?

(S)(B), (b)(6) My guys are doing this. Before the strike its red lined right there. However was I informed of children, no I was not.

(S)(B), (b)(6) Who are the folks that should be forwarding up to insure the JOC director is getting that information?

(S)(B), (b)(6) Am going to have to find out. Who from the 1.4(c) window pulls 1.4(g) and is that concurrent with what we are tracking?

(S)(B), (b)(6) You will find out that, that's live. We had a 0900 window, a noon window, a 1430 window. We didn't stop our stopwatch until well into the evening. We had already lost the IO. We could have still won this thing around 1600, 1700. We were at the end of the whip well into the evening.

(S)(B), (b)(6) We were definitely behind the whip. When we lost it was in the time it took us to get troops on the ground following the strike. Those people that came out there came from somewhere. If there were weapons they weren't there anymore.

(S)(B), (b)(6) We didn't get GEN McChrystal into the strategic fight until well into the game. Can you explain why the 1.4(c) took so long to strike the target, when boots landed to start the (S)(1)1.3a

(S)(B), (b)(6) I would have to look what was the spike in the insurgent activity after the strike occurred and the responsiveness of getting an air platform to pick them up and take them to the site.

LTC Was the (S)(1)1.4 ever involved with this?

(b)(3), (b)(6)

COL Absolutely.

LTC He was on the floor that morning?

(b)(3), (b)(6)

COL Not when I was initially arrived, but after the fact he was there bouncing back and forth. MAJ (b)(3), (b)(6) is pretty aggressive at getting out front when these types of incidents occur. He's been with me for two years, he gets it. When you go back to the first impression report, despite my guidance, my guy is on the ground if he's not telling me that we have CIVCAS, there is no allegation.

LTC Was MAJ (b)(3), (b)(6) there prior to the strike?

(b)(3), (b)(6)

COL No, there was no indication of CIVCAS at this point. The first time I saw MAJ (b)(3), (b)(6) was at the CONOP brief. That would have been between 8 and 9. Sometime after that 10z, I think MAJ (b)(3), (b)(6) was with that group reporting CIVCAS.

COL Storyboards, did you guys send up the storyboard to CFSOC-A?

COL I'm certain, yes.

COL Did it go through you?

(b)(3), (b)(6)

COL I usually see them all. That one [interrupted]

COL Let me get specific, did your guys come to you with an initial storyboard with the potential CIVCAS or civilians on the objective as part of the initial storyboard?

COL I think, the storyboard I saw was the one that went up with the FIR, or soon after.

(b)(3), (b)(6)

COL Were you aware of anyone giving guidance to remove references of women and children from the storyboard before sending up?

COL No, if we are doing a storyboard and women and children should be on it, they will be on it.

LTC Have you seen that storyboard sir?

COL Yes.

(b)(3), (b)(6)

LTC Did you review that before it went up?

COL Yes I did before it went up.

LTC There is an allegation that your subordinates was told to remove references to women and children on the objective. SOTF.4(a) wanted to put in reference to the presence of women and children on the objective and they were told no.

COL By whom?

(b)(3), (b)(6)

LTC The allegation is that it came from your JOC, the questions is, are you aware of that, and was that your direction to not mention it?

(S) (b)(6) Now pausing, I would push to GEN Reeder before I actually give the approval for storyboards to be populated to the remainder CSOTF. Guidance of taking out women and children, if that was done it would have been from a standpoint of, at what point were we, in no-shit the confirmation that we have CIVCAS or was it still based on this initial thing that came out. Which I doubt that it was, so it had to be for the actual FIR that we sent up and there shouldn't have been any guidance to taking out women and children.

LTC I think this one is prior to the FIR.

(S) (b)(3), (b)(6)

COL See that's my point, if that was before the FIR, and the JOC gave that guidance then maybe they took it from my earlier point, no until I get fidelity from SOTF South that we have CIVCAS. Those guys are acting on my guidance from that initial FIR. If we have an FIR that says no shit, there is actual CIVCAS or allegation or potential of CIVCAS, we are not hiding it from our storyboard from GEN Reeder. In that incident, until I get a confirmed, boots on the ground from my guys that we have CIVCAS.

MG: That's confirmed, that is what you are talking to. That goes against the intent of your own guidance on confirmed or alleged. The idea of alleged or in GEN McChrystal's suspect, is to get there faster. We have opportunity to get ahead of the IO and right on there, first impression, or storyboard, UNCONFIRMED. At least the commanders know, hey there is a problem out there. Minutes after the objective was hit, the Kiowa gun tapes saw women and children on the objective.

(S) (b)(6) may need to go back and tweak my guidance. But again, not a guy in a platform, the detachment commander on the ground, boots on the ground and he has yet to report that we have civilians involved in this strike.

Confirmed that's what you dealing with?

(S) (b)(6) Confirmed or potential, he reported neither. Confirmed in terms of no joke or potential someone drug off a female injured by this strike. My detachment commander on the ground stated neither. You're looking at allegations no matter what element reported it. I want to hear from my guy, that's why we put boots on the ground.

(S) (b)(6) Would you agree that it is important for senior leaders to know that allegations are out there even if they are false?

(S) (b)(6) There still has to be caution to that. The bad guy forces allegations is wrong. Senior leaders need to know, from a CSOTF point if we say there is an allegation, i want some fidelity before sending that up.

(S) (b)(6) Roger sir.

MG: Why do you think in the commander's directive, whenever an ISAF unit is suspected to have caused CIVCAS or civilian property damage the regional commander must ensure an on scene assessment of the situation is done as soon as possible but not more than 24 hours? This must be done

with the BDA but is suspected. What do you think we are trying to get to, a faster solution or a slower confirmed solution?

(S), (b)(6) mediate. With some immediacy, that this intent to arm what he has there. Back to the question in delay of getting boots on the ground. The only ISAF force on the ground was 24. They were still prosecuting that target, now because of that strike they had to coordinate air to pick up that element led by CP (b)(3), (b)(6) to go put boots on the ground for the assessment. And the assessment as well as report up what they actually uncovered. From a tactical directive on that piece, we definitely missed the mark.

MG: Did LTC (b)(3), (b)(6) ever talk to you about how he wanted launch an AVI to check this target out more? Due to wanting to follow up on the PID, the distance away, and getting eyes on the target? Did he discuss that with you?

COL No.

(b)(3), (b)(6)

COL This is just a comment. Your guidance on alleged or confirm, is don't pull it out. And here's why, here is two reports. If we want to get M4 in the fight we have to inform him. He can help with the IO fight better than anyone else.

(S), (b)(6) not pulling that out. I may caveat what I have. This one is on me that was my call.

MG. In the spirit of trying to make things better for the future, what would you recommend; do you have any recommendations on what you see?

(S), (b)(6) CCIR. So guys just got to understand that. The tools, the forms are there to do that. GEN Rodriguez's point of everyone being in the fight, we are in the fight. The information has to be concise, and on one accord. We had difficulties before the first impression report.

MG: This concludes this session. You cannot discuss it with anyone until it concluded.

(S), (b)(6) I would like a closeout discussion with you.

MG: I can do that after I brief GEN McChrystal but we can talk for a moment right now. We will shut the recorder down at this time.

**ADDITIONAL QUESTIONED RESUMED ON 18 MAR 2010**

(Sworn in and read Privacy Act Agreement by LTC (b)(3), (b)(6), and agreed)

(S), (b)(6) I just want to start, we are going to try to walk this through chronologically. So we will start at the very beginning with the CONOP approval. You approved Level 1 CONOPS, correct sir? Please answer aloud.

(S), (b)(6) Yes.



LTC Do you recall approving this particular CONOP sir.

COL : Absolutely.

(b)(3), (b)(6)

LTC In general what do you look for when you are approving CONOPs?

COL : This was CONOP (b)(1)1.4a . I'm pretty sure I approved this one. There have been separate ones that I have not approved, my DCO actually approves, but I give the SA before we actually execute them. What was the second part of the question?

LTC In general what do you look for when you are approving CONOPs?

(b)(3), (b)(6)

COL We actually look for several things. Number 1, we get a task organization in terms of the tasking purpose of the mission they are actually doing, look to see within the CONOP, what we have done from a standpoint of mitigating risks to the forces. What was the mission?

LTC In this particular CONOP was there anything that caught your attention?

(b)(3), (b)(6)

COL There is specific guidance that have given out with respect to any CONOP and the one with this one. I recall the same area we have 13 based on the threat environment we wanted to make sure that that detachment had again reviewed the OPS SOP on the previously ops in that area just based on the enemy's TTPs and that we had accounted for that as we prepared to execute this one. This see, yes a matter of fact I am pretty certain that I approved this CONOP, because that was the whole point of that one. There is some other stuff, from a standpoint of, if it is out there, not compartmented, but applications of certain other capabilities that they get guidance from our guys to make sure they at least consider through a certain CONOPs. Mitigation of risk to the force and the mission, fire support plan, in terms of what they got organically or externally that is within range to support them, platforms insertion platforms, if we are doing a He-lo assault, and take a look at the obviously Karzi's (unintelligible), timeframe that we are executing based on the tactical directives and then in terms of a response from the battle space owner with respect to battle handoff of that particular OPS. Based on the operational guidance. So task organization to make sure we really have the capability with that element or that operation. And the first thing is, just try to make sure, see where we are in the vetting and coordination process. What I want to know okay has it already, if not approved the invited battle space owner or RC command. It has been socialized with his staff and they are tracking, it's just a matter of based on their cycle and when they actually do their approval process, and we are waiting on the final SA.

(b)(3), (b)(6) you mentioned the enemy TTPs that have been learned in OEF 13. Is there anything in particular that you recall?

(b)(3), (b)(6) That's just an area where they will, once you get on the ground, try to close in on you and affect what you are doing. Same thing and around Kagaki to the south, in Hellman. That was the main thing; we had done an OPS in that area before. So it was just, hey take a look at the OPSsum, what lessons learned from that OPSsum down in OEF 13, make sure we address that I the FIR, what (b)(3), (b)(6) and his guys were going to do this time out.

LTC How often are you woken up for operational reasons?

COL How often am I woken up?

LTC Yes sir.

COL They got my criteria, it hasn't been much.

(b)(3), (b)(6)

LTC It hasn't been much?

COL To have been woken up, no I haven't been woken up, if I can recall maybe once.

LTC So it was unusual on the 21st when you were woken up about this particular operation?

COL You say unusual, as a CJSOTF it is not unusual to be woken up at any time when they got the reason to wake me up. So when you asked me how many times this time, no, that was the first time. The second time was CJSOTF commander, fourth time as a Tactical Task Force commander period. It is not unusual to get woken up, I expect my guys to wake me up when they have the reason to do so, and they do so when they need to. And for this one, (b)(1)1.4a, MAJ (b)(3), (b)(6) called me woke me up, kind of painted a picture for me from the standpoint where we were in the CONOP. I cannot remember specifically what he told me, I just said roger, okay, got it. Got up at that point and started monitoring on my wave desktop communicator tracking it. By that time I finally went over to the JOC, I think I came in and said have we dropped, because of what I had understood PID, everything to be based on what MAJ (b)(3), (b)(6) had indicated.

(b)(3), (b)(6) may have misunderstood the last time. I was under the impression that you were woken up got some information went back to sleep and came back later. Is all one time, you got woken up and you came into the JOC?

(b)(3), (b)(6) that was the time between the time I got the call, sat there and monitored and actually moved over to get dressed, moved over to the JOC.

(b)(3), (b)(6) as best as you can remember what was it MAJ (b)(3), (b)(6) told you when he called to wake you up?

(b)(3), (b)(6) something to the effect of hey, with the 24 developing situation on objective (b)(1)1.4a also tracking reinforcements moving towards objective Khod to that affect. When I came in to the JOC that's what I was getting an update on, and when I got that update that's when I called LTC (b)(3), (b)(6) make sure from a standpoint of these reinforcements moving toward an objective. Minimize collateral damage. So we are going to strike and we got PID no joke PID and we have confirmed their location, in terms of, relative to minimizing. Okay one, are we suppose to allow them to get to that village, where now you have really escalate the collateral damage.

(b)(3), (b)(6) there is a time between the time that he wakes you up, that you are monitoring from your room?

(b)(3), (b)(6) When I got the CONOP whether I am out at the JOC, or in my office in the JOC building, when I am over at my hooch, I am monitoring always until I fall asleep. I fell asleep, he woke me up, I monitored. I cannot remember what the time was. From the time period between when he called I set there and monitored, got dressed, came over to the JOC. This would have been a Sunday morning, first event after PT of course, would be the CUB, which starts at 0600, and we go from there back office for 30 minutes. Then the church services, when I showed up there it was about 1 ½ to 2 hours before the actual CUB started that morning, if I remembered right.

LTC The CUB starts at 0600?

COL On Sundays , right.

LTC 0600 Zulu sir.

COL Yes, everything Zulu from the CJSOTF, at least in Bagram.

LTC When you said that you were monitoring from your hooch, what are you monitoring?

(b)(3), (b)(6)

COL The situation, everything that is coming across on what the team is reporting.

LTC On what system are you monitoring?

COL Wave desktop on my computer.

COL Do you have the (b)(1)1.4 stuff, in there (b)(3), (b)(6) or is that only on the JOC floor?

COL I think I have the ability to get that put up on there if I wanted to. I think that capability is there.

COL But its Wave top that you can hear?

COL Oh yeah I can hear it all. I can also if I need to, come up on the mic and speak.

(b)(3), (b)(6)

LTC Last time you said, you asked have we dropped, what do you mean by dropped?

COL I terms of understanding that we got CCA, tracking as well as the Pred, tracking activity. So then based on what I understood scenario being, in terms of what (b)(3), (b)(6) indicated to me. I just walked in and said have we dropped. I mean as far as I could engage that element based on reinforcing my element on objective Khod. And then after they repainted the picture in terms of currently where we were at in the fight, let me go and close the loops with my SOTF commander. Make sure that again, hey we everything is in order at a standpoint of minimizing collateral damage.

(b)(3), (b)(6) other than PID and movement towards objective Khod, did you have any other information about the vehicles?

(b)(3), (b)(6) want to say (b)(3), (b)(6) mentioned 1.4(c) but certainly when I got the JOC face to face they kind of painted the picture (b)(3), (b)(6) was painting. Also updating me from pattern of life standpoint to hey,

STATEMENT COL (b)(3), (b)(6) DATED 02 MARCH 10

during the period of darkness AC130 wanted to drop (b)(3), (b)(6) waved them off, said no let this develop, so it was that piece and 1.4(c) then the SIGINT piece. 1.4(g)  
1.4(c) from (b)(3), (b)(6) But what Pred had reported as far as PID.

LTC Do you remember what they told you about PID?  
(b)(3), (b)(6)

COL Weapons, I asked when I came in. Okay PID, still we have confirmed that they got weapons and again convoy moving, identified men so that's the reason I had went back to (b)(3), (b)(6) The convoy had stopped as they were tracking it. I think the convoy actually made two or three stops.

LTC (b)(3), (b)(6) What were you told about weapons?

COL (b)(3), (b)(6) They had weapons.

LTC (b)(3), (b)(6) Was there any mention sir, of how many weapons, types of weapons, or just weapons in general?

COL (b)(3), (b)(6) Can't recall. I don't specifically remember a specific number of weapons, just hey they got weapons. Okay I will just continue to track the situation. I am going to call LTC (b)(3), (b)(6) make sure we are seeing this the same way from my standpoint of if we are going to strike it will not be once they close on objective Khod, it will be off on the road away from any village populated area, minimize collateral damage.

LTC (b)(3), (b)(6) Was there any mention of heavier weapons, mortars, RPGs anything along those lines sir?

COL (b)(3), (b)(6) Rephrase your question, when you said okay going back to the CONOP, fire support plan I asked that question with my guys do you have your organic orders if you don't we've coordinated because they've got guns back at Tensely. The question would be, if I remember we could have arranged that area I want to say yes it would have been covered. If not they we would have taken, you got the CONOP?

LTC (b)(3), (b)(6) Sorry I didn't phrase it correctly. Was there any mention from MAJ (b)(3), (b)(6) or anyone in the JOC of identification of mortars, RPGs or anything like that?

COL (b)(3), (b)(6) It was just weapons?

LTC (b)(3), (b)(6) Who briefed you on the target sir, who briefed you on the vehicles?

COL MAJ (b)(3), (b)(6) the JOC Chief.

LTC Just him?

(b)(3), (b)(6)  
COL Until when I started asking questions of the night JOC NCO.

LTC What did you ask the night JOC NCOIC?

(S) (b)(3), (b)(6) They no-joke have we confirmed weapons as far as the PID piece. And yes, Pred and actually in terms of what they saw, if I remember right looking at the feed from Bagram.

(S) (b)(3), (b)(6) Where there any discussion of the actions of the individuals in the vehicles were taking, any mention of praying and moving tactically anything like that that you can recall sir.

(S) (b)(3), (b)(6) answered that I wouldn't do so accurately because I have since read the (b)(1)1.4a Remember what I saw, thinking about what I saw that morning, and what I got from the guys. I think I would be blurring those lines if I answered that for you, because I would probably say, yes because they talked about them leaning over the hood of the vehicle as if looking at a map, but now my memory is sort of blurry because of what I have read in terms of what was reported or was that actually when I walked in the JOC what they were reporting as far as what we saw, or what they saw on the Pred feed.

(S) (b)(3), (b)(6) The best you can recall, how long was it between the time MAJ (b)(3), (b)(6) called to wake you and you went to the JOC?

(S) (b)(3), (b)(6) told you before, I don't recall that. I just know I got the call, got up monitored, at some point put on my clothes and moved over to the JOC. I can't give you that.

LTC Do you have an estimate how long you were in the JOC before you asked have we dropped yet?  
(b)(3), (b)(6)

COL Long enough to get the picture form a standpoint I need to go call LT (S) (b)(3), (b)(6) So you figured maybe 10, 15 minutes after we stood there and kind of discussed the update as far as where are we. Again (b)(1)1.4a in terms of what the GFC was reporting. Team still prosecuting objective Khod. And the Pred feed of vehicles moving to reinforce. Conveying to me again of (b)(3), (b)(6) intent to let the situation develop. Let me go make this call, letting it develop, these guys are getting closer to the objective, based on what the pictures that has been painted. I can't remember the exact distance from that, but I know I asked that question. It didn't matter, everything correlated to what GFC was tracking on that objective, with the ICOM chatter, and what Pred was seeing, reinforcements was coming your way so.

(S) (b)(3), (b)(6) Did you look at the map and map out an avenue of approach that you expected the vehicles to take?

(S) (b)(3), (b)(6) Not a map, but in the JOC when we showed the Pred feed the guys are constantly building products to paint that picture. So as we look at it, objective (b)(1)1.4a and where the vehicles were on the imagery, as far as the map, yeah, I can't recall accurately what that distance was.

(S) (b)(3), (b)(6) Did you notice a particular avenue of approach that you thought they would take or was it just a general impression?

(S) (b)(3), (b)(6) Heading towards, general direction of objective Khod at the point in time when I came into the JOC.

(S) (b)(3), (b)(6) What direction were the vehicles heading when you came into the JOC?

(b)(3), (b)(6) am looking up at the screen and I'm assuming objective Khod is here, vehicles are moving towards objective (b)(1)1.4a. Based on the ICOM where we have template objective (b)(1)1.4a and where the vehicles were, moving towards objective (b)(1)1.4a

LTC One second sir.

COI Sure.

(b)(3), (b)(6)

LTC I'm going to show you a map. Do you recognize that sir?

COI I see a lot of products out there, every TIC. The only thing different from this one, is that it doesn't really match our standard format that I see. I don't recall this specific; I have seen a number of products from the TIC. This one is kind of hard, from the format it's self. Where did it come from the SOTF?

(b)(3), (b)(6) Yes sir.

COL That's not a CJSOTF product.

LTC Do you recognize on this map where objective Khod would be?

(b)(3), (b)(6)

COL Here's Khod, that's where the vehicles were, that's where the strike occurred.

COL What I am looking at on the screen as far as the Pred feed, it could be up here showing a vehicle moving down the road towards for me objective Khod.

(b)(3), (b)(6) If the vehicles were moving south on along here, is that towards objective Khod or were you seeing something that showed they were moving back towards the objective?

(b)(3), (b)(6) It's a Pred feed of a vehicle on the road moving in a direction and then based on the update in terms of the JOC Chief moving towards the objective, there is no way for me, Pred feed, vehicle moving on the road to make that discernment, whether we are talking south or north, I got a quick look at the feed are you following?

(b)(3), (b)(6) COL (b)(3), (b)(6) do you have any sort of map reference with the graphics up there that posted as you are watching this or is it strictly just the Pred feed?

(b)(3), (b)(6) What my point is, is I don't recall looking at the map, at that point it was a quick hey, in terms of PID, vehicles moving toward the objective, looking up that seeing the vehicles move towards the objective. Based on what was reported I needed to make the call to LTC (b)(3), (b)(6)

(b)(3), (b)(6) Because when you are looking at the Pred feed, it's that narrow view from a soda straw. You tell what direction it's moving other than the direction that is on map, it is on the actual Pred feed itself that said southwest.

(b)(3), (b)(6) You said I cannot?

COL You can only see...

~~(b)(3), (b)(6)~~ You are right exactly.

COL But on the Pred feed it indicates the direction of movement of the icon of the thing that you are following in the bottom left hand corner.

COL Okay well I missed that.

(b)(3), (b)(6)

COL The question is if that is the only soda string thing that you got. Remember a lot of these questions are to figure out where we got some training base issues that just aren't connecting, so we can add into the training base and fix it for the future. So when you are looking at the Pred feed in your JOC and you got this soda straw view of the target that you are tracking how do you put it into context. What mechanism do you have in your CJSOTF headquarters that puts it into an SA or SU picture; you know situational understanding in the bigger context, what's that mechanism?

~~(b)(3), (b)(6)~~ Again, that's happening concurrently as this thing is developing. The JOC battle captain, NCOIC, COP manager they are building products. If I don't take the time you know to really kind of go from, one, one, one, I say will one they are different, two that they are in there for their SA and understanding, that is on me. At this point in time, hey got the Pred feed, looking, I am here on the floor.

~~(b)(3), (b)(6)~~ If you just go back to the question he asked you on (b)(3), (b)(6) can you remember what (b)(3), (b)(6) briefed you on. We are looking for context this situation, world piece, not just the myopic target that the ODA guys are fighting, but each level of HQ there is a different level of responsibility. So can you remember what (b)(3), (b)(6) briefed you on in terms of context as well as the target?

~~(b)(3), (b)(6)~~ As indicated, he talked about pattern of life in terms of the gunship not striking, or wanting to strike, I can't remember if he gave hours, before (b)(3), (b)(6) waved off let the situation develop. And he briefed me on okay vehicles, because I asked the question do you have PID, yep. Vehicles moving towards the objective, men with weapons, what number was like 50 that's what I recall 30 to 50, 50 being on the high side, still moving towards the objective (b)(3), (b)(6) tracking as far as the JCOM chatter reinforcements moving.

~~(b)(3), (b)(6)~~ A lot of folks looking at the target as ya'll should be but you don't remember in context the scheme of maneuver of the enemy the approach that it is taking, that doesn't jump out?

~~(b)(3), (b)(6)~~ For me personally, just the update that he gave me, coming in and looking at the feed, vehicles are moving towards the objective, shit I kind of did a correlate between that and the map, I didn't do that.

~~(b)(3), (b)(6)~~ Now here's why we are asking, if you go back over here, objective Khod vehicles first identified and then throughout the morning as you could see, initially moving in that direction. But then they are tracked all the way over here there's the objective. And then they continue off to the

southwest so we were a little surprised when you mentioned vehicles moving towards objective Khod. This is why we are asking the question. If that helps paint the picture.

(S)(b)(3), (b)(6) Guess when you asked the question you are looking at the map, in terms of where you got them tracked and then where the objective is. I got you.

COL (b)(3), (b)(6) Again that wasn't painted for you, moving away like that?

(S)(b)(3), (b)(6) No. And I will take a hit on that. I should have, you know hey, let's open this thing up let me see the target and the objective where the vehicle is going and so forth. But I didn't, just base on the information I had saying to track, they are going to reinforce the objective.

(S)(b)(3), (b)(6) So when you spoke with LTC (b)(3), (b)(6) on the phone, did you discuss whether or not vehicles were heading towards the target.

(S)(b)(3), (b)(6) Yes, again from the standpoint of hey man, if we are going to strike it, and we're tracking these guys and we got PID and they are moving towards reinforcing Khod, based on where they are right now and we got PID, okay if we are going to interdict it, it needs to be before it gets into that village.

(S)(b)(3), (b)(6) Did LTC (b)(3), (b)(6) agree that the vehicles were moving towards the objective (b)(1)1.4 or did he not know?

(S)(b)(3), (b)(6) Again, and I think I woke him up, when I called I woke him up. I know he came in and said I need to go get updated on it, and I said go do that and then give me a call back.

LTC Did he call you back sir, prior to the strike?

(b)(3), (b)(6)

COL No. Because otherwise I wouldn't have asked the question after the CONOP brief, did we strike or interdict.

(S)(b)(3), (b)(6) Let me just go back on one thing. When you come in to get an assessment from the JOC, when you come in the OPSCENT, when you come in, is there a drill that they do to lay out for you so the war fighting functions line up and walk you through it. What is the procedure you use or the JOC executes to provide you the SA before you make a decision or provide guidance?

(S)(b)(3), (b)(6) As soon as I show up in there they got the CONOP. That's the first thing they go over with me in terms of okay, here's the CONOP. Again if we got a situation, here's a CONOP in terms of task organization of what's on the ground, then paints the picture from the standpoint of enemy activity what the team is facing at this point, what are we doing from a standpoint of being ready to anticipate requirements and work in coordination with the SOTF to push to the operation personnel. Then it is really, from a standpoint of again if we dropped ordinance all that's laid out because again concurrently as the TIC is occurring the JOC Chief, he after he kind of gives me, he goes over the task organization, the CONOP, then reference me to the tools up on the board there. If we got Pred, also the OPS manager builds a slide, or kind of like the imagery of the location and the same thing on the falcon view.

(S)(b)(3), (b)(6) Did they do that this morning when you came in?



COL (b)(3), (b)(6) both, they got that drilled down. When I came in I may have disrupted a platoon effort in doing that from the standpoint of what I was tracking over in the hooch and then walking into the JOC and asking have we dropped. He gave me the update in terms of where we are again. I am looking at the feed, vehicle moving towards the objective, okay let me go call LT (b)(3), (b)(6) There is a drill those guys go through, but that morning did we go through that entire drill, not the entire drill no.

(b)(3), (b)(6) I am specially asking this one because your J2X guy had 20/20 clarity that there was civilians and adolescents in the mIRC and was aware of it. And he assumed that the JOC director knew it.

(b)(3), (b)(6) This is my J2X guy in the JOC right?

(b)(3), (b)(6) as part of that drill, if it had been executed does the J2X guy does he brief does he provide something, or does he provide input that someone else briefs to give you the SA you need?

(b)(3), (b)(6) It's always through the JOC Chief, I shouldn't say always. If I get something from that standpoint the JOC chief is going to brief it. I don't go to the J2X guy he gives me a brief separately. He is feeding that to give the JOC chief that SA so the JOC chief when I come in, anyone from the command group he is giving us that update. After the fact, I know that didn't occur here with the J2X and CRC.

(b)(3), (b)(6) the people that you spoke with that morning prior to the strike were the JOC chief and the NCOIC? Is there anyone else you spoke with that gave you information about the target?

(b)(3), (b)(6) spoke with LT (b)(3), (b)(6) and it wasn't like LT (b)(3), (b)(6) gave me information because he needed to get brought up to speed as far as he last bit of information prior to him going down as far as him tracking it out.

LTC But you didn't get an update from anyone in J2?

COL No.

LTC Anyone from fires?

COL No. JOC chief.

(b)(3), (b)(6)

LTC The ISR manager, correct sir?

COL No.

LTC Was there any information conveyed with women and children contacted with the target?

COL there were not, meeting there in the JOC, women and children no. Because again if there were women and children that causes an immediate injection to the decision making, and we are tracking that from the standpoint of understanding the tactical directive and so forth that changes the whole dynamic of that scenario. If that would have been mentioned the women and children that changes everything period.

COL Who's war tracking that, I know you are.

(b)(3), (b)(6)

COL CJSOTF SOTF, AOB commander. That CONOP, for that scenario, if there is any mention of women and children that changes everything period. Got it, now that authority is then pulled up, certainly at my level, I will inject myself as I have always done with respect to situation development. If I have to inject myself even if I have to come up over 1.4(c) I would do that. But in that case there was no mention of women and children. We got PID, we got a legitimate target here. 1.4(c) they are moving to reinforce. We are going to strike it, and we have to strike it before it gets up into that village.

(b)(3), (b)(6) Were any questions asked whether or not there were women and children, the composition of the PAX in the vehicles?

COL I specifically asked were there women and children, at that point now.

(b)(3), (b)(6)

LTC I think you said you didn't know the exact distance, did you have an estimate of the distance between the vehicles and the objective Khod, when you entered the TOC?

(b)(3), (b)(6) The phone call from (b)(3), (b)(6) I am almost sure he mentioned they are trafficking reinforcements, some KOA. I would say he mentioned 10 or 12 or something like that. I came in the JOC, I didn't ask what was the specific distance, just were they still moving towards the PID, yep they've got weapons, and again they were closing in on the SOTF commander.

(b)(3), (b)(6) Were you aware of the trajectory that the target had taken the route they had taken at this point?

(b)(3), (b)(6) See vehicles moving in a direction, based on the update of the JOC chief towards Khod. That was it for me, then I went to make the call.

(b)(3), (b)(6) So you don't know when they had first acquired those vehicles. At that point it didn't matter, we had a pattern of life.

COL It doesn't matter unless you have a tactical directive that makes it matter.

COL Tactical directive from what standpoint?

(b)(3), (b)(6)

COL The tactical directive that talks about immediate versus imminent.

COL Immediate versus imminent threat. Again in terms of where that vehicle is moving towards the objective, reinforcements understanding the insurgency in that area, and you GFC, think of the number he is talking about. We have 50 guys moving in. I am not going to second guess the GFC in terms as he's developing the situation and his call with respect to, the picture is being built. What's immediate or imminent to them. Just like any situation. If I got a GFC come across TIC whether there are bullets flying, hostile intent, hostile act, it's a GFC call.

(S) (b)(3), (b)(6) You are not going to second guess, but you are going to insert yourself just as you said. So if you'd known about the civilians the potential of women and children. If you had known at the time that it was 13 kilometers away, would that have made you pause?

(S) (b)(3), (b)(6) 13 kilometers away and based on what (b)(3), (b)(6) had and was painting, no it wouldn't had made me pause. I would have pulled the trigger on a dynamic target of 100k's away from CJSOTF. So pattern of life, PID, everything in terms of collateral damage estimate, low, yes I am pulling the trigger that would not have caused me a problem (b)(3), (b)(6) as an experienced detachment commander, I have every bit of trust and confidence in him on the ground in terms of painting the picture and developing the situation. And if he is making the call, go back whatever the hours were, when he could have released the gunships to strike. No, back up and let this develop. No I wouldn't have paused on that one.

(S) (b)(3), (b)(6) the tactical directive that you said you guys ruthlessly trained on last time, when it talks about immediate versus imminent, it makes a distinct separation it doesn't direct us to but tells us to considerate it.

(S) (b)(3), (b)(6) Right.

(S) (b)(3), (b)(6) And so 13 kilometers away straight line, about 19 to 20 movement, and then if you look at the mIRC chat before if the ops were in the fight, and you see in the (b)(1)1.4a that they are waiting for the formation to move closer to (b)(3), (b)(6) position, that is the GFC desire.

COL Who's making those comments?  
(b)(3), (b)(6)

COL The GFC, the JTAC representing the GFC. It's in the (b)(1)1.4a All of that stuff that was in there that wouldn't have made you pause, it was at the farthest point away in fact it was moving from one location to the other.

(S) (b)(3), (b)(6) The fact that he is even, again from the point of hey not striking this thing. Again I know AC130 wanted to take it out, no let this situation develop. Now at the point of hey this real in terms of this threat given the call for clearance of, you know, the rotary wing aircraft to take the strike. The GFC felt the situation, I've got the tactical directive. We've got the tactical directive.

(S) (b)(3), (b)(6) This would have been presented to you. What I am about to do now, I am going to draw out for COL (b)(3), (b)(6) the ground scheme of the maneuver. If this had been painted to you.

MG: Well lets, what was painted? I think it is very important, what went on to get to that decision?

COL When you provided the guidance to LT (b)(3), (b)(6) strike or to imply strike, or to review the strike.  
(b)(3), (b)(6)

COL The guidance was if you are going to strike you need to do it from the standpoint of hey if you are going to strike you need to do it from the standpoint that there is minimal collateral damage.

(S) (b)(3), (b)(6) But when I walked away from last time, and maybe I misunderstood, I thought you told us that you believed that LT (b)(3), (b)(6) knew that he needed to get after this thing.

STATEMENT COL (b)(3), (b)(6) DATED 02 MARCH 10

COL (b)(3), (b)(6) No you didn't hear me say that, you heard me tell LT (b)(3), (b)(6) because number one I woke him up apparently, you need to go and get situation update and that number one, but hey based on PID and everything we got now, if we are going to strike or interdict that vehicle you need to do so we can make sure we are mitigating collateral damage.

COL What were you painted using this map, what did you understand before you called LT (b)(3), (b)(6)

COL Vehicles moving towards objective Khod to reinforce.

(b)(3), (b)(6)

COL No distance none of that stuff?

COL Again he may have given me the distance in the JOC. I do recall, also he gave me some distance when he made the phone call. That time elapse me coming to the JOC, vehicles still moving to the objective, obviously they have gotten closer, in my head they have gotten closer. I was set and I moved to give (b)(3), (b)(6) call.

COL (b)(3), (b)(6) am not talking about the veracity of the target now. If you would have been painted the following (b)(3), (b)(6) here, the threat vehicles that had been identified were about 5 kilometers away. Over a time they started west away from the objective sight, would you then had paused if the threat was moving away?

COL (b)(3), (b)(6) Absolutely.

MG: Absolutely what?

COL (b)(3), (b)(6) would have paused.

COL (b)(3), (b)(6) Let me just read a couple of things that came across. You didn't get to see this neither did CP (b)(3), (b)(6) on the ground, but I just want you to see the picture that some of the other ISR platforms were seeing. At 0712 the Predator screener reports these vehicles look like they are evading the area. About that time they would have been somewhere over here.

COL We're talking time now.

(b)(3), (b)(6)

COL So hold on, so 0700 so that's about.

COL (b)(3), (b)(6) It's an hour and a half before the strike.

COL (b)(3), (b)(6) So 0300z.

COL (b)(3), (b)(6) At 0713 a minute later 1.4(c) replies might be flanking as well too soon to really tell right now. At 0715 Pred screener then reports assess too far west from blue forces to be flanking. And I just share that with you (b)(3), (b)(6) let you know, some of those people who were in fact watching this they already come to the conclusion that they were evading the area.

COL (b)(3), (b)(6) That feed, that SA is from here.

COL (b)(3), (b)(6) This is in the mIRC log between the Pred screener and the Pred pilot.

COL (b)(3), (b)(6) Let me make this clear your J2X guys had this, the SOTF HQ had this, when (b)(3), (b)(6) was brought in the morning this picture was painted for him which caused him not to strike but try to do an AVI instead.

COL (b)(3), (b)(6) But he didn't get the word down to his GFC in time. So that is the reason we are kind of asking these questions. We see this, some discussions that are going on, not necessarily to your, but at the same time, we are trying to figure out why didn't this kind of analysis get to you?

COL (b)(3), (b)(6) Don't know. Clearly my J2X was sitting there, just like the whole thing about women and children being identified at some time during movement, should have been told to the JOC Chief, he call and immediately tell me and drill down to the SOTF. Hey we are tracking women and children did you get that report, that's the way that I would expect that to go. Again at that point, no shit, the SOTF commander, myself being told that, that changes the dynamic. Any type of strike won't be that GFC call at that point.

COL (b)(3), (b)(6) When you got on the phone (b)(3), (b)(6) was under the impression that your desire was to remove it. He said you didn't order him to, he said he felt the guidance was to go ahead and take it out. But to review it and get back to you. That was clear. The question for you is, and that is why I came back to the battle drill, what is the procedure when you come in to get the update, and I am still foggy, when you come into the JOC before you make a strike decision or guidance or just hey what is going on with this piece, what is the responsibility of the JOC director? You lay out, if I understood it, that he is going to represent to you the 360 picture in this case it didn't happen. Trying to figure out, what is the mechanism that broke down?

COL (b)(3), (b)(6) Think it was me, when I came understanding on the wave top, again, 1.4(g) I am watching that, he is giving me the update, we got PID they got weapons, they are still moving towards reinforcement, again remember that distance he gave me when he called me into the time I got into the JOC that is obviously close, okay let me go make the call. I injected myself that really precluded (b)(3), (b)(6) from going through that process.

COL (b)(3), (b)(6) Does (b)(3), (b)(6) on his computer screen, does he have the 1.4(g) window when the Pred is up, is that up is that a requirement that it is up in one of his windows?

COL (b)(3), (b)(6) No not the JOC Chief. If I am at his desk talking to him or hovering, will I generally see up is either Outlook, because they are either pushing information.

COL Is the battle captain, is he responsible then to have that up?

COL (b)(3), (b)(6) There has got to be continuity between them so, with the 1.4(g) so I will say yes.

COL The J2X guy, obviously he has got it up. What do you believe his responsibilities are, what do you think his own internal battle drill that he is suppose to do when he sees that in his (b)(1)1.4a ?

(S) (b)(6) He's there to enable. Make sure we are enabled from the standpoint of ISR platforms, the Intel piece, and again clearly here with the 1.4(g). If he saw that, it's my expectation that he is advising the JOC Chief.

(S) (b)(6) Does he, to your understanding, do he go to the battle captain with that who puts it together or does he go directly to the JOC director?

(S) (b)(6) To be honest with you I don't know. I give you that detail, as far as who we actually give it to. Again I am not basically briefed individually, I get it from the JOC Chief. If I have specific questions then I will go talk to the fires guy, or whoever.

(S) (b)(6) You know in your JOC you got that 16 screen, whatever that one is up in the right hand column. That the chat gets pushed into, is that the J2XO responsibility to push that chat up into the window so the floor can see.

COL Yes I would say that the J2X should push that into the box for everyone to see.

(b)(3), (b)(6)

COL if he pushed that into the window does he done his responsibility in your mind to get that information to the JOC floor, to the JOC.

(S) (b)(6) Again first of all I expect that guy, something like that, to notify the JOC Chief. JOC Chief made the called respect to okay, entire floor SA understanding I want you to put that in this window or that window to make sure we all got it, so as well as anyone coming in from the command group, not just me but whoever. Kind of giving that SA and it up there posted. I mean when you come in generally you are looking at that screen to see what is what.

(S) (b)(6) Just so you know both the day and the night guy, believe once they push it up they are good. The second part is they both believed that your JOC director has the mIRC chat screen 24/7 on his computer, so they think they thought that handoff had occurred and that's how they have been doing it. So they punch it in and push it up on the screen and they assume the boss has got a hold on it.

(S) (b)(6) I have a feeling that the J2 actually pushed that into the box or the window there for the JOC Chief and everybody else to see.

(S) (b)(6) If he pushed it into that window has he done his responsibility in your mind to get that information to the JOC?

(S) (b)(6) First of all I expect that guy with something like that to notify the JOC Chief. The JOC Chief will make the call to the entire floor for SA and understanding. I want you to put that into that window and this one as well so we all got as well as anyone who comes in as well as the Commander and SGM so that we can give them that SA and it is up there posted. When you come in you are looking at the screen to determine what is what. Other than what you get from the JOC Chief.

(S) (b)(6) Just so you know your two guys believe they are good once they push it up and they both believe that your JOC Chief has the 1.4(c) window up on his computer 24/7.

COL The JOC Chief?

(b)(3), (b)(6)

COL Yes, so they thought the hand off had occurred and that is how they had been doing it. SO they punch it in and put it on the screen and they assume the boss has it.

(b)(3), (b)(6) Our J2X guy was thinking that the JOC Chief was reviewing that just as he is doing, that SA was with him.

COL Right.

(b)(3), (b)(6)

COL the two best guys that I got in group I put them in that capacity as the JOC Chief, they got to be my leaders, got to be my guys that fully understand the game. So when you say that, I know that can't be correct because otherwise (b)(3), (b)(6) would have briefed me women and children. There is no doubt in my mind that he would have told me that.

(b)(3), (b)(6) Am just giving you the facts as we have got them and your folks interviewed them. So when (b)(3), (b)(6) told us that he had no visibility of civilians or potential for them and your J2X day and night both said it is in the mIRC and it goes up on the window and they both assume that the JOC Director had it, it is right, but what they did with it is not right. Unless you think both the day and the night guy.

COL You lost me there.

(b)(3), (b)(6) You said that cannot be right.

COL I say that it cannot be right from a stand point of if they were pushing it to (b)(3), (b)(6) then he would have it so he could.

(b)(3), (b)(6) Our J2X guys believe that it is going to his computer screen because they believed that on his computer screen that whenever the predator is flying that the 1.4(g) is coming into his computer too.

COL That was the two J2X guys?

COL They both confirmed both.

(b)(3), (b)(6) What was (b)(3), (b)(6) response?

COL He said that is not the procedure.

COL Well we clearly got something that we have to fix. If the J2X guy is saying that based on him going on into that computer and physically knowing what the JOC Chief has up in terms of his windows, ok I got it. That is a big deal there.

(b)(3), (b)(6) The last time we came away with was that at this point you desire was for a kinetic engagement of that target, and we asked what was your briefing in the JOC? You response was "it wasn't a briefing I asked did we drop, no, why not?" That to us suggested that you were looking for them to kinetically engage the target at that point. Did we misunderstand?

(b)(3), (b)(6) When I came into the TOC I did say "did we drop" and the answer was not and I asked for the update because I wanted to know why we hadn't dropped so give me an update. That is when I got the update from MAJ (b)(3), (b)(6) and I think MSG \_\_\_\_\_ came in too with respect to the PID. They still had PID they still had weapons, okay I got it. As well as reaffirming that they had been tracking this for a period of time. During the period of darkness the 1.4(c) wanted to drop but (b)(3), (b)(6) waived them off, okay I got it. The GFC wants to develop the situation, okay I got it. Let me go check in with (b)(3), (b)(6) and see where we are. From the time I was woke up to getting into the JOC and asking if we had dropped was a little bit of time. When they told me no; that is when I decided to call (b)(3), (b)(6) and see what the story was. So when I called (b)(3), (b)(6) did not say hit it, I said if we are going to interdict these vehicles that it needs to be in an area with the least collateral damage. In terms of where I am tracking right now heading towards the objective. I don't know if I said it specifically you will not hit it \_\_\_\_\_, what I did say was because what we don't want is for that reinforcement element to get into that village on top of us already thinking they were trying to strike, because I cannot tell you exactly what that situation was.

LTC Was the village referring to (b)(1)1.4a to actual objective area?

(b)(3), (b)(6) Yes was the objective area that they were still clearing.

LTC Did you have an estimate in your mind on how long it would have taken the vehicles to reach objective KHOD?

COL No I didn't.

(b)(3), (b)(6)

COL So when you said village you thought it was here (referring to the map). That the vehicles were close to here.

COL To KHOD. They were \_\_\_\_\_.

(b)(3), (b)(6)

LTC Did you look at any alternate place as to where the vehicles were observed and objective (b)(1)1.4a where you could successfully engage the target?

COL No.

(b)(3), (b)(6) When did you find out that the strike had occurred?

COL IT was after the CONOP brief I had asked if we interdicted and someone told me yes but I cannot remember who. The meeting was breaking up at that point.

LTC When you were told did you believe it was a good strike?

COL Yeah absolutely.

(b)(3), (b)(6)

LTC When was the first time that you recall being informed of civilians on the strike site?

COL When they brought me the report from (b)(1)1.4a saying that women and children were involved.



(b)(3), (b)(6) That was later. I will read what you said last time... I looked at the screen and it said that it looked like civilians moving on the strike area. That was the first notion of civilians on the strike area. We are not talking about injured civilians; we are talking about any civilians.

COL : The predator that is right and it was between the strike and when we got 1.4(c)  
(b)(3), (b)(6)

LTC Then someone asked if you were concerned that there might be CIVCAS and you said not from the strike no, but that you wanted to see a map to see where the closest village was. There was a village about 700M away, they had to come from somewhere. Do you recall that?

(b)(3), (b)(6) Yes exactly. When I was told that the strike had been made and hey now there are civilians on the site. That provoked me to ask the question of where civilians came from. I think someone told me that there was a village about a K away or something like that.

LTC Who did you talk about where the civilians came from, was it the JOC Director?  
(b)(3), (b)(6)

COL I can't remember. I think we were in the JOC and that would change some of the timeline. I think that we had seen the predator feed and seen people moving around on the objective and that is when I went back to my office. So it was either the 3 MAJ (b)(3), (b)(6) or the JOC Chief at the time MAJ (b)(3), (b)(6) As a matter of fact I think (b)(3), (b)(6) may have been standing right there, he is my (b)(1)1.4a

LTC What information did you have to make a determination that the civilians came from the village?  
(b)(3), (b)(6)

COL : As quickly as the strike happened and there are people on the target, there has to be something close by. It was a; hey strike was made and now we have civilians on the objective. That tells me that there were civilians around there somewhere and we gotta find out where these people are coming from.

LTC Did you look at any of the predator 1.4(g) t to determine where the civilians had come from?  
(b)(3), (b)(6)

COL No.

MG (b)(3), (b)(6) do you have the chronology?

COL (b)(3), (b)(6) do.

MG: This is what was going on in your JOC and SOTF after the strike and I think the timing in this is very important.

CQ (b)(3), (b)(6) The first missile hit the lead vehicle at 0848L and about 20 minutes after that the screener reports "at least three females and one possible child near second vehicle. Five minutes later predator screener reports one adult female observed holding child. Again this is all in the vicinity of the vehicles. Ten minutes later screener reports " Be advised we have three women and two children trying to surrender to the west of the engagement zone at this time." This is on the radio that was transcribed out and then 1.4(c) replies roger.

CQ (b)(3), (b)(6) What time again?

COL (b)(3), (b)(6) All of this was in the 20-30 minutes following the first missile strike.

COL (b)(3), (b)(6) local time being?

COL (b)(3), (b)(6) local time being 0911-0926.

COL The strike was about 0848.

COL (b)(3), (b)(6) Okay, what was your question again?

LTC we are trying to figure out what information that you had to make the determination that these individuals had come from the village as opposed to coming from the vehicles.

COL (b)(3), (b)(6) Knowing in my head no report of women and children, PID of a legitimate target based on what we knew at the time, and interdicting. Now based on that, I know you have seen the feed of people combing the objective and it was an; oh shit where did these people come from. That is why I wanted to know what was in the area in relationship to the strike site. That is the information that I had, just a hey we interdicted legitimate target and now I got people combing the strike area. What I wanted to know was where they came from or where the closest village was. Because of the relationship that we have and releasing the information, obviously there is some consequence management from the standpoint of KLE and why the vehicles were interdicted.

COL (b)(3), (b)(6) Who is the "we" who is together at this point discussing those civilians being reported in or around the objective area? Do you remember?

COL (b)(3), (b)(6) It's kind of hard because all of your time is local. It is kind of weird, but I think it was at the JOC or just leaving out of the JOC and it would have been myself, the 3, and I want to say that MAJ (b)(3), (b)(6) may have been there or he came down. It was like hey man they are calling it...

COL (b)(3), (b)(6) MAJ (b)(3), (b)(6) the lawyer?

COL (b)(3), (b)(6) The lawyer. I want to say that he was there; I want to say that he was there but he may have come down to the office with that first report because there was four of them there. I told them I was going to try and get (b)(3), (b)(6) on the phone to tell me that there were civilians out there.

LTC Your JOC has constant view of the predator feed correct?

COL (b)(3), (b)(6) Right.

LTC Then your JOC would have been able to say that they saw them come from someplace or would have been able to track where the civilians came from right?

COL (b)(3), (b)(6) Based on the feed they are gathering they would have clearly seen people moving towards the objective.

COL (b)(3), (b)(6) Someone from the JOC suggested that they came from somewhere else or from off the screen?

(S) (b)(3), (b)(6) think as I was leaving the JOC and I was looking at the screen and I asked where they came from.

LTC Who did you ask or say that to?

(b)(3), (b)(6)

COL I cannot remember, but I wanted to know where they came from. It is pretty quick to get civilians with me not tracking anything with respect to where the vehicles were and moving towards the objective itself.

(S) (b)(3), (b)(6) Did anybody in that small group suggest that the civilians potentially came out of the vehicles?

(S) (b)(3), (b)(6) No, there was no \_\_\_\_\_ it was a legitimate target with no women and children involved and that why we hit it from my stand point and I wanted to know where they came from. There was buildings pretty close to where we just made the strike, there had to be, because they made it on top of that objective pretty quick. That is when I asked where the nearest village was. I have been on these things before, it doesn't take the locals long to, and I am not talking about CIVCAS, I am just talking about interdicting an insurgent, and the locals are getting onto the objective very quickly. That is why you have to get BDA immediately because if there were weapons dadadadaaaa they are gone now that is just the way it is here in Afghanistan.

LTC At anytime did anyone tell you that they saw someone carrying away weapons?

(b)(3), (b)(6)

COL No. Did anyone tell me they saw locals carrying weapons? No. This was an immediate sort of here is the feed and I am seeing people there and I got movement. That would come out of the JOC.

(S) (b)(3), (b)(6) I am going to show you an email that we got. The top one is just BG Reeder's response and the second one down appears to be from you to BG Reeder. Could you read that?

(S) (b)(3), (b)(6) For your SA below. Storyboard being built in accordance with guidance as it is provided. 1.4(c)

(S) (b)(3), (b)(6) CPT conducted BOG BDA. However clearing time of the original objective 12K to the west... I think I gave a wrong direction... AAF weapons were already removed by the locals of note we maintained a non blinking eye from pre-strike to post-strike (unintelligible). What I indicated about AAF weapons removed, that it what you are honing in on? The way I typed this and what is in my head just don't match this. People being on that objective, if there were weapons then they are gone.

LTC Is that an assumption on your part?

(b)(3), (b)(6)

COL If there were weapons, and yea that is an assumption, if there were weapons and with the amount of time elapsed from the time of the strike and our guys getting there to do the 1.4(c), then yes my assumption is that the weapons are gone.

LTC Could you please put your initials at the bottom of this page for identification.

(b)(3), (b)(6)

COL Anywhere?

LTC Yes.

(b)(3), (b)(6) Just initials?

LTC Yes. From your standpoint was the predator on that strike site the entire time without interruption, from the time of the strike until BOG?

(b)(3), (b)(6) We had predator coverage from when we first picked this up all the way through post-strike BOG.

(b)(3), (b)(6) I am looking at the information that you are giving and what the mechanisms that are in your headquarters and how it is getting to you. Here is what we understand; (b)(3), (b)(6) said that he didn't have any visibility on civilians potentially on the convoy target; (b)(3), (b)(6) says that the minute he takes the CON that he immediately had that SA and he thought that he got it from (b)(3), (b)(6) but I am not worrying about that because that is not the issue. When you are briefed on civilians on the objective no one is giving you input that explains that it could have come from the target because there was always a potential for civilians in there. I am trying to figure out what I started earlier this morning; the information flows to you whether it be inside the JOC operations or the JOC Director who is the man for you who is your representative. That is clearly an opportunity for him to color in the gap so you are not left out. The question that you said last time and you repeated it today, absolutely is a normal question that would have been asked and there is no response from (b)(3), (b)(6) to you that says boss there was a potential there always was, we assumed you knew that they could have emanated from that. Again the information flow didn't make it to the commander to make an informed decision, it is completely broke and I don't know why.

COL Say again.

COL it is completely broke and I don't know why.

(b)(3), (b)(6)

COL What is completely broke?

COL The information that was provided to you on this particular decision cycle. I recognize that you inserted yourself so you may have truck headed it off, the information from the TOC, but certainly when they come to you with the report later on in the morning 1200 or whenever it was, and you ask them where they could have come from, and no one, and two of those three people had SA that there was potential for civilians in the target itself. As we try to fix this in the future why did they not...

COL I am trying to figure out if these guys had this info at that time.

COL They had it.

(b)(3), (b)(6)

COL They confirmed at that point they knew?

COL What they knew was the potential, they did not know if they were in the target, they had the potential because they both acknowledge that they were briefed that there was the potential for children or adolescents in the convoy. They both knew that.

COL Both JOC Chiefs?

COL No, (b)(3), (b)(6)

~~(S)~~, (b)(3), (b)(6) is my 3 and (b)(3), (b)(6) is my JOC Chief.

COL Right. When they come to you with the FIR or this meeting you had....

COL It wasn't a meeting I was just in my office and they came in with this hey FIR from someone not in the SOTF.

~~(S)~~, (b)(6) you said when you were trying to figure out if they came from the local village or not, why they didn't share with you why they could have come from the convoy.

~~(S)~~, (b)(6) Did they have knowledge based on what we know now in terms of what was across the mIRC that women and children were there? If they knew that then there is no reason why they shouldn't have had that discussion with me that hey they could have come from here. So they found that out post you know what I mean after that. At which all you got to say is that they didn't know that.

COL They knew it before the strike.

COL They knew it before?

~~(S)~~, (b)(6) Yeah. They knew of the potential.

COL The potential. So what are you suggesting?

COL I am asking you what are your thoughts why is that breaking down? It broke down between the J2XO and the JOC Director and it breaks down here to you.

~~(S)~~, (b)(6) have no answer as to why the J2X guy didn't make sure that the JOC Chief understood before we interdicted that vehicle that there are women and children there based on what was coming across mIRC. That escapes me.

~~(S)~~, (b)(6) We asked the same question of (b)(3), (b)(6) as well and we got back to well the assumption was that you knew. It is clear that no one ever informed you.

COL (b)(3), (b)(6) no one informed (b)(3), (b)(6)

~~(S)~~, (b)(6), no one informed you.

COL No that would have changed the whole dynamic of things. So yeah. While we had a discussion I don't think, but you tell me they did know, I don't know why they didn't bring it up that there was a possibility that there or a potential of women or children in this convoy.

MG: Okay let's take a 15 minute break.

(Break)

{Reminded still under oath}

LTC (b)(3), (b)(6) I want to move to when you were first told about an FIR from another unit. When did you first learn of an FIR from TF Pegasus or did you know that it was from 1.4(a) ?

COL When they brought it in to me.

LTC Do you recall about what time that was?

COL No I cannot recall an exact time.

LTC (b)(3), (b)(6) Do you recall if it was before lunch or after lunch?

COL It would have been after lunch. Lunch is usually 0730Z so yes after lunch.

LTC Do you recall if it was before or after the ODA arrived to do 1.4(c) on the strike site?

COL It had to be after because, again that was my whole point of kicking it back because my guy was on the ground.

LTC Who brought the report to you?

(b)(3), (b)(6)

COL I want to say that MAJ (b)(3), (b)(6) came in with LTC (b)(3), (b)(6) and I think MAJ (b)(3), (b)(6) may have been there.

LTC Did they actually have a copy of the report or did they just tell you there was a report out there?  
(b)(3), (b)(6)

COL I think they had a copy of the report. He made a motion for me to take a look at the report and I said nope and asked who the report was from because I was not tracking anything from (b)(3), (b)(6) through SOTF SOUTH (b)(3), (b)(6) that we have CIVCAS. That is when I was told that it was the support element from Pegasus. I said no it is not our party so.

(b)(3), (b)(6) Did it contradict what you already knew about the BDA that had already been done on the ground or were you waiting on a BDA to be done?

(b)(3), (b)(6) I think it contradicted. I cannot remember whether it was an email or voice from (b)(3), (b)(6) once we talked and I confirmed BOG and BDA was ongoing or done and then this report coming up. You have my email so it was either a phone call or email from (b)(3), (b)(6) That was my knowledge of what (b)(3), (b)(6) guys were doing with the SSE and his report coming up as far as the evacuation of civilians and the CAS at that point.

LTC What were you told that (b)(3), (b)(6) had reported as far as BDA?

COL No civilian casualty.

(b)(3), (b)(6)

LTC Do you remember if a certain number of enemy killed was?

COL EKIA was either 15 or 17 or something like that.

LTC Enemy wounded in action?

COL I think there were some wounded maybe 2 or 4.

(b)(3), (b)(6)

LTC Was there any mention of uninjured women and children?

COL Uninjured women I saw in at least one email. This was actually from (b)(3), (b)(6) that the EKIA and EWIA and that there was some women and children unharmed.

LTC Was there any mention of a woman and a child injured but not requiring MEDEVAC?

COL To me?

(b)(3), (b)(6)

LTC Were you aware of any report like that?

COL After the fact I think I saw (b)(1)1.4(a) that mentioned treatment of the patients; maybe it was one of DOC (b)(3), (b)(6) updates once we confirmed that there were some people that were treated by the Dutch over at TK. Maybe I saw something like that, but in terms of being reported directly to me, I do not recall.

LTC At some point you found out that this FIR was in fact valid correct?

(b)(3), (b)(6)

COL When that report first came in I told them to go back and dial up SOTF 1.4(a) and let's figure this out on what 1.4(a) is saying. Then it was after that fact that we got confirmation that there were women and children injured in terms of the strike that we made. At what time it was I cannot recall. It was certainly after lunch but I think it could have been anywhere from 0900Z to 1000Z I just cannot remember. So do you understand what I am saying?

LTC No.

(b)(3), (b)(6)

COL They came in with the FIR saying this element is reporting CIVCAS. I have BOG I said nope that is not our guys reporting from BOG go find out from SOTF 1.4(a) what is going on here. Then at some point after that I went to the JOC and then I was told that there were CIVCAS and that got us really energized to the things that we had to start looking into for this.

LTC What was it that told you that we had CIVCAS?

(b)(3), (b)(6)

COL I think it was SOTF confirming because (b)(3), (b)(6) was on the phone with the BTL CPT from SOTF 1.4(a) from a stand point of our guys either who accompanied the patients to TK or the AOB Commander confirming to SOTF 1.4(a) that the MEDEVAC birds that came into TK that some patients went to the Dutch and the others that we treated at TK. So I got the confirmation from SOTF SOUTH that yep these are related.

(b)(3), (b)(6) LTC Was that based on a report by the SOTF 1.4(a) Surgeon getting that information or how did that information get to SOTF ?

~~(b)(3), (b)(6)~~ Specifically I cannot remember. It is either going to be primarily from the AOB Commander at TK sending his guys over to confirm based on the MEDEVAC coming back there on the injured. So I am thinking it would have to be the AOB Commander.

LTC At approximately what time do you believe that was?

COL I do not recall.

(b)(3), (b)(6)

LTC Was it after dinner?

COL It couldn't have been after dinner because dinner is at like, well when you say after dinner do you mean after I eat dinner or after they start serving because that makes a big difference. If you are talking about what time I eat dinner then I would say probably not it was before...

COL What time do you eat dinner?

(b)(3), (b)(6)

COL Anytime between 1500Z and 1530Z and sometimes later at night.

~~(b)(3), (b)(6)~~ So 1930L-2000L.

~~(b)(3), (b)(6)~~ it would have been way before that.

~~(b)(3), (b)(6)~~ Do you recall a conversation with BG Reeder; he was going into a VTC with General McChrystal and was asking you for an update?

~~(b)(3), (b)(6)~~ do not recall, but he probably without a doubt had a meeting or something going on because I was trying to push him what I was getting from ~~(b)(3), (b)(6)~~ think email wise we had some issues with CFSOCC-A receiving email traffic from our side. I know there was a back log and them telling me still not received, still not received. Yes he could have indicated that he needed an update before a meeting.

~~(b)(3), (b)(6)~~ According BG Reeder's testimony he got a call at 1700 from COMISAF asking if he could do a VTC at 1730L.

~~(b)(3), (b)(6)~~ That is local.

LTC Yes.

~~(b)(3), (b)(6)~~ 1230Z.

LTC According to his testimony he says "I believe he sent him an email around 1530L and I called him just before I went to see COMISAF at around 1720L. I told him that I couldn't do the VTC from my office so I was on my way to COMISAF's office and asked for the latest update. There was no mention of women or children at 1720L and I briefed that at 1740L."

~~(b)(3), (b)(6)~~ That sounds about right. Around 1000Z-1200Z that sounds about right with the update that I would have given him about no women or children. I think that matches with the report that I got from ~~(b)(3), (b)(6)~~ over the phone or I distinctly remember an email because that triggered our 15 EKIA and 4 or 5



EWIA and then the number of women and children unharmed. So I think it was an email response from (b)(3), (b)(6) as an update. So BG Reeder going into a meeting with General McChrystal based on that timeline you just gave is about right, definitely right, and there was no report of CIVCAS at that point.

(b)(3), (b)(6) I am just trying to track I thought you told me that sometime between 0900Z and 1100Z that you learned that you did have CIVCAS.

(b)(3), (b)(6) I gave you a window so let's say that it is 1045Z that I go the report and if BG Reeder is saying that before he... I am almost certain that when we had the conversation about him going to a meeting... an update to provide him before he went wherever. That coincides. The times that I am giving you yeah I am probably "F" "U" not accurate but in terms of the events he would have gotten an update from me that at that point would have said no CIVCAS, and not until I had my guys go back to SOTF 1.4(a) and say here is what this other element is reporting, dig into this because we need confirmation time now. That is when we took action and that is when the SOTF 1.4(a) I confirmed that we have CIVCAS. So now the guidance from that standpoint was to get the information and let's start an FIR, or at least a SW first and then an FIR.

(b)(3), (b)(6) Our understanding is that SOTF 1.4(a) I determined that they had CIVCAS when they got an EMAIL from their Surgeon at 2015L.

(b)(3), (b)(6) That is good as long as they got confirmation and that is all I wanted to know is that they could confirm that we had CIVCAS.

(b)(3), (b)(6) I am just trying to figure out if that 2015 report is what was pushed up to your command and that is about... You said that you definitely knew before dinner and the times just are not adding up.

(b)(3), (b)(6) I am sorry but I cannot give you the timeline then and certainly not today. In terms of the events, waiving off this first report, giving the direction that they go back and confirm, and when SOTF SOUTH came up on the net with a "hey yep we do have CIVCAS", let me back up because I recall Reeder calling about going into a meeting before we had the actual confirmation of CIVCAS and that is where I basically told him no CIVCAS. Then an electronic or voice came up of actual CIVCAS, based on the SOTF SOUTH confirming. How they confirmed that it was from the AOB or DOC to give this confirmation.

(b)(3), (b)(6) Not to beat a dead horse, but just to make it clear. If BG Reeder's timeline is correct and he was talking to you about 1720L and the conversation was that there was no CIVCAS and you were informed sometime thereafter.

(b)(3), (b)(6) What is the point here? Let me make sure that you are straight. I cannot just sit here and play with timelines on that particular question. I mean an event like that, Reeder gets called and he gets pushed information and he continues to get pushed information as I get it from (b)(3), (b)(6) the JOC Chief, the battle seat, or whatever. He gets pushed the information. The biggest issue here besides we have some flaws in our reporting, and in this recent incident we still need to improve. From an electronic standpoint he got delayed receipt of a lot of our traffic sent and the same thing with a lot of his staff. I do not know why that is but it was happening. My guys were pushing multiple INT reports, and his J3

(b)(3), (b)(6) and CHOPS and they were getting those updates as we were pushing them. So I am sorry I just cannot give you those actions in terms of a time line, but make no mistakes he was getting pushed the information. I know BG Reeder will tell you that he was getting the information, maybe not as fast as he wanted it, because there were definitely some issues there. Again Pegasus element was talking about CIVCAS and I don't know with respect to reporting.

COL (b)(3), (b)(6) Could you excuse us for just one minute?

(After Break)

MG: COL (b)(3), (b)(6) what we're trying to understand is because the different testimonies some people have much more clear ideas of what happened when. Your inability right now as we're trying to pin point when, is causing some concern so we can get to the truth there because different testimonies said different things. So that's why we're trying to get through this line of questioning. So LTC (b)(3), (b)(6) will try and walk it through and so we can get the feedback on what happened when.

LTC (b)(3), (b)(6) understand correctly, sometime after lunch MAJ (b)(3), (b)(6), COL (b)(3), (b)(6) and possibly MAJ (b)(3), (b)(6) bought you the copy of the FIR report, correct sir?

COL (b)(3), (b)(6) yes

MG: Let's get close after lunch okay; lunch is broad, is that about 1400 to 1430 or 1300 in the afternoon. I'm going to talk all local for this because I'm not going to translate this, what was happening on the ground there because we got testimony that people did come in around that time. So we just need to understand where this is going. Who knew what, when?

LTC (b)(3), (b)(6) sir, do you recall approximately what time they bought you the report?

COL (b)(3), (b)(6) Yeah... I'm trying to remember when I had lunch, if I had lunch that day...730z... I would say 0900-1100z... so that would be what, 1300-1500...1600L. I mean I ain't... from my perspective, you... what did the other guys indicate so I... between the 3 and 4 or whoever you interviewed should be able to give you that window.

LTC There's a couple different reports sir and one of the things were trying to get at exactly... (b)(3), (b)(6)

COL I mean because bottom line let's get to what it is your looking for. No one's trying to hide anything here, so any day in the CJ-SOTF shit happens. Any given day, so that's a build of that activity. So when you start talking about these products and you start talking about reports, to give you that accuracy of the terms of this specific event, don't expect for me to be able to give that to you because I can't.

LTC That's the only reason why I'm trying to ask you different events. (b)(3), (b)(6)

COL In terms of what you reinstated or what you're trying to get at with that question, you take off however you talked to or relative to that question and paint that picture of that time line you look for, or that estimate. Let's just go from there. What specifically you want to know about what I received, didn't receive, directed, or did not direct, just ask me and I will give you that.

LTC So what actions did you take in order to confirm or deny the validity of the FIR that you were...  
(b)(3), (b)(6)

COL The actions that I took first again, they brought it to my attention the report we got from  
1.4(a) I pushed back; nope I don't want to see that. I told them to go get with SOTF-4 (a) dig into this and  
find out no joke did we have CIVCAS because I've got (b)(3), (b)(6) on the ground who has yet to report CIVCAS.

LTC Who is suppose to go back to SOTF-4 (a) specifically sir?

COL That would be the JOC Chief and the 3, both lines.  
(b)(3), (b)(6)

LTC Was there any attempt to go to 1.4(a) to find out what the origin of the FIR was?

COL If the 3 and the JOC Chief were going to SOTF-4 (a) SOTF-4 (a) will be going to 1.4(a) just like they  
would with RC-4 (a) in terms of hey, no shit here's what we got from this element. Our guy on the ground  
not reporting this, let's discern the truth here. Let's get the accuracy of this and push up.

(b)(3), (b)(6) Sir was there any effort by you to contact COL (b)(3), (b)(6) the TF 1.4(a) Commander to find out  
what the validity of this was?

(b)(3), (b)(6) No (b)(3), (b)(6) is a busy man he doesn't need me calling him about something... from my GFC at the  
end of the day (Inaudible) I know some stuff happens but to not have accountability who's going over  
that crap. For me it's a major take away from this whole thing as well... I can't ever lose control of that.  
I'm sorry, I interrupted you.

(b)(3), (b)(6) that's fine sir... I don't want to interrupt you... Other then telling the JOC Chief MJA (b)(3), (b)(6)  
and the J3 COL (b)(3), (b)(6) to go back to SOTF-4 (a) did you tell anyone else or those two to track down the  
source of the document?

COL No

(b)(3), (b)(6) Was MAJ (b)(3), (b)(6) or LTC (b)(3), (b)(6) supposed to report back to you at some point?

COL That's not an affirm and forget. Yes, they come back to me and let me know... which they did.

LTC When did they come back to you sir?  
(b)(3), (b)(6)

COL Time line again... it would've been... because when they came to me I went straight to the JOC. I  
think, either it was (b)(3), (b)(6) or maybe it was (b)(3), (b)(6) that came to me, (b)(3), (b)(6) was on the phone I  
think during a call talking to SOTF-S getting confirmation that we had the CIVCAS. Again time wise before  
dinner, before I got to dinner so that would have been before 1530z or 1800, 1920L.

(b)(3), (b)(6) Sometime shortly before you went to dinner at 1530z or around there is when you determined  
that there was a CIVCAS event, correct sir?

(b)(3), (b)(6) As soon as my guys confirmed with SOTF we had CIVCAS, I can't give you a time but that  
happened, that is a fact that we got confirmation based on the directive I gave them concerning that FIR  
that we had got a copy of from 1.4(a) I got confirmation that we had CIVCAS and then I went and

confirmed it and let General Reeder know, I can't remember if it was voice or email, and then everything went to 2<sup>nd</sup> gear at that point. We tried to get ahead and work that mitigation because we lost the initiative on that one.

(S), (b)(6) you know sir, when you let General Reeder know was it before or after General Reeder's VTC with M4?

(S), (b)(6) recall that first time he mentioned the VTC or meeting he had to go to at that point of time we had no confirmation of CIVCAS.

MG: Was there dialog sometime before that because thru the day because of this report that you turned away and because of other things that were coming through that day, was there discussion with General Reeder of suspected or alleged CIVCAS because of these reports that were going on?

(S), (b)(6) obviously our discussion took place at some point, now again in terms of whether that was before I got the confirmation... in terms of when you say alleged, I would say no. There wasn't any alleged until... not alleged I mean confirmation until I got that follow up from my guys from SOTF.4(a)

MG: That's not my question before you got the confirmation...

(S), (b)(6) was there discussion with General Reeder about alleged CIVCAS?

MG: Alleged as you got this report that you discarded, any dialog that there might be women and children?

(S), (b)(6) sir. I did not call him and say, hey I got this report from (b)(1)1.4a as I can recall and pushed that back...no.

MG: Okay, so that dialog never happened there?

(S), (b)(6) hold on a second sir... (Thinking back to that day)... trying to recall if I spoke with General Reeder about this report from (b)(1)1.4a .. Now that I think about it I think I did call him and tell him. But you would know, of course you talked to General Reeder, did he confirm that we had a conversation about this report that I got from (b)(1)1.4a.

MG: I'm asking you, I'm trying to understand...

(S), (b)(6) sir, again I can't recall every detail I will say that me telling General Reeder that I got a report from another Unit...boots on the ground, when I got my guy on the ground... I'll just leave it; I can't confirm that I had that conversation with General Reeder, I just can't confirm.

MG: Before you got the confirmation it was bought up that with the report you discarded that you had potential CIVCAS and all that was going on in the afternoon hours...let's just say in the afternoon, it's before confirmation later that day. What kind of discussions took place with (b)(3), (b)(6) your staff, anybody that there is possible CIVCAS, because of the objective and what we saw on the site with the 1.4(g) ? All of that was going on between the noon time local thru the afternoon there was discussion about that in your JOC, with SOTF that there's possible... I won't even say probably but possible or alleged... it was buzzing around in the CJ-SOTF and the SOTF talks and it was brought to you with a report that you

STATEMENT COL (b)(3), (b)(6) DATED 02 MARCH 10

turned away. What actions were taken to try to not just say boots on the ground, but what actions were taken to try and discern what was going on around there?

(b)(3), (b)(6) As I already said (b)(3), (b)(6) on the ground with no report of CIVCAS, the guys walk in and say here's something 1.4(a) sent because they now EXFILLED the first chalk of patients that went to the Dutch, that's when 1.4(a) submitted their report. So at that point and time I said go dig into this... my staff to SOTF (b)(1) in terms of confirming that we've got CIVCAS. I don't think anything before that.

MG: Okay

(b)(3), (b)(6) Do you recall that e-mail? (Handing over a print out of an e-mail)

(b)(3), (b)(6) Yes this is the one I was speaking of with the women and children being on harmed, this piece up here?

LTC Yes sir, what I'm getting at is... could you read that first and explain to us what you meant?  
(b)(3), (b)(6)

COL (Reading) Copy, and standing by...would like more information concerning injured women and children (b)(3), (b)(6) and the boys are all over it. (Done reading) What did I mean by that, this piece right here?

LTC First of all sir, do you recall what time frame that was sent in, approximately?

COL 318pm

(b)(3), (b)(6) Do you believe that to be local or ZULU?

COL That's local, my computer reflects local time not Zulu, so that's about 1030-1045z.

LTC Which matches up somewhat because 1000z is the time of the report which is 1430L to COL  
(b)(3), (b)(6) Could you explain what you meant by that?

(b)(3), (b)(6) Well I received this from (b)(3), (b)(6) and this again from the stand point of the discussion we had about women and children to civilians combing the objective before we got boots on the ground to strike. Then he's got women and children all okay, I didn't understand that so I wanted them to give me a little bit more about what he meant by women and children... the injured women and children that was not clear to me.

(b)(3), (b)(6) Okay sir is there any mention in that report that COL (b)(3), (b)(6) sent you of injured women and children?

COL Injured no. No, this right here is just women and children okay.  
(b)(3), (b)(6)

LTC Okay so sir what is the reference to injured women and children? You say you want more information on injured women and children.

(b)(3), (b)(6) In my mind I'm saying one thing and what I'm typing is totally different so... this is in relation to this (pointing at report on the email)... Where this report talks about EKIA, EWIA, and then I've got 3

women and children okay. Give me more on this concerning women and children that's what I meant. I failed at terms of saying what I mean and meaning what I say on the respect of what I typed up in this email. That's what that is in relation to, that report of where he's got women and children... you got to give me a little more fidelity than that. I think that again you got to turn to the stand point of following up again... hey no report of CIVCAS up until the point we've got the actual confirmation of SOTF. I'm pretty sure you've got the timeline on that in terms of your evidence.

LTC Sir if you could just initial that...

(b)(3), (b)(6)

COL Again sir if I may, we can sit here and look at the stand point of my guys in the JOC and MAJ (b)(3), (b)(6) or MAJ (b)(3), (b)(6) .. Those guys bring to me... they come when they need to at anytime. There's no doubt in my mind they do that and they've been doing that since we assumed the CJ-SOTF authority. They come to me when they need to come to me.

COL Let me ask if I can...

(b)(3), (b)(6) sure.

COL Just to clarify, and the purpose of this is that report aligns with potential other opportunities that we could've sent up the star cluster of potential women and started a line of resources, that's the background. What did you mean when you used the acronym of injured women and children? What did you mean by injured at that point, then?

(b)(3), (b)(6) again that comment is in relation to the SITREP report that he has mentioned because again I'm not tracking any women and children other than civilians going through that objective before we got boots on the ground. So seeing this in his report again... 3 women and children all okay, that's when I was talking about hey what do I have here concerning the...I said injured but I meant women and children on the objective, that's what I wanted to know more about. If you take a look at that with the time they came in again, with that first report and when we had confirmation.

(b)(3), (b)(6) specifically then, so did or did that not reference the potential of any women and children that were on the objective but not MEDEVACed?

COL Say that again?

(b)(3), (b)(6)

COL Did that comment... injured women and children more information, did or did not one way or the other that referenced the injured women and children that were on the objective, treated on the objective but not MEDEVACed?

COL Again

COL I'm sure it's me.

(b)(3), (b)(6) might be me.

COL Did this comment...

COL Did this comment right...

~~(S)~~, ~~(b)(6)~~ Was it in reference to injured women and children that were on the objective but did not require MEDEVAC?

~~(S)~~, ~~(b)(6)~~ I think that was my point because I didn't know... again I'm not tracking on anything that in terms of the strike itself as far as any women and children on the objective. When I see this in terms of the BDA, 15 killed, 7 wounded and 3 women and children... MEDEVACing males at this time, all okay. First time I heard of women and children on the objective, what are they talking about? That's what I'm trying to find out.

~~(S)~~, ~~(b)(6)~~ Next to... and I'm going to nail down for me at least. You still then are not aware of the injured women and children; you just used that term to reference the previous report.

COL This report right here... exactly.

~~(S)~~, ~~(b)(6)~~ the first part of that are you... at this point you're still not aware?

COL I'm not aware of any injured women and children in the result of our strike... I'm not, and again when I see this....I'm just okay... (hand gestures)

~~(S)~~, ~~(b)(6)~~ One of the reasons why we're trying to be so sure on this is because CP ~~(S)~~, ~~(b)(6)~~ reported that in addition to the 3 women and 3 children uninjured, he also reported one women, and one child injured.

~~(S)~~, ~~(b)(6)~~ (b)(3), (b)(6)

~~(S)~~, ~~(b)(6)~~ On the ground that did not need MEDEVAC and ~~(S)~~, ~~(b)(6)~~ had confirmed the fact that he had in fact heard that report and were just trying to figure out where...

COL Did he send that up to us?

LTC We don't know

(b)(3), (b)(6)

COL We don't know

COL I never got that; I'll just tell you right now I didn't know anything about what you just told me about ~~(S)~~, ~~(b)(6)~~ Now let me ask you if I may, did ~~(S)~~, ~~(b)(6)~~ let the JOC Chief's know that?

COL We don't know

~~(S)~~, ~~(b)(6)~~ We don't believe so.

COL So that piece there from SOTF to CJ-SOTF... because obviously ~~(S)~~, ~~(b)(6)~~ haven't acknowledged that kind of SA was there... but to the CJ-SOTF it was not there.

LTC That's what we were trying to figure out sir...

(b)(3), (b)(6)

COL I did not know that

CO (b)(3), (b)(6) here's one of the things in the reporting that bothers us... At approximately 1300 CPT (b)(3), (b)(6) calls the SOTF... called CO (b)(3), (b)(6) on the phone via radiom

CO (b)(3), (b)(6) called CO (b)(3), (b)(6)

CO (b)(3), (b)(6) and informed him of the BDAs, 15KIA, 3 women uninjured, 3 children uninjured, 1 woman injured and 1 child injured and that was from CPT (b)(3), (b)(6) testimony and that was validated/ verified later on I think with CO (b)(3), (b)(6) that was 1300, but then at 1328 SOTF:4(a) OPS NCO reports 1.4(c) BDA 15 EKIA, 3 women uninjured, 3 children uninjured period...and that's in the 1.4(g) . We're just trying to figure out this one woman injured and this one child injured; where in the hell did it go?

CO (b)(3), (b)(6) answer your question I can't answer it, because I was not aware of it. Clearly there is some things that we need to address in terms of reporting again, especially pushing up accurate SITREPs, casualty status and so forth. I can't answer that, but we clearly fucked up...excuse me, sorry!!!

(5 min Break)

LTC Sir just to remind you you're still under oath.

(b)(3), (b)(6)

COL Okay

LT (b)(3), (b)(6) your estimation is... if you have a civilian with minor injuries, injuries that don't require a MEDEVAC. Would that get reported up as a CIVCAS? Or is that something that might get left at a lower level?

COL Civilian with minor injuries caused by something in the relation of our activity?

LTC Yes sir.

CO (b)(3), (b)(6) That's CIVCAS

LTC regardless of how minor?

COL regardless if it's all minor.

MG: I have a copy of here... (Handing a copy to CO (b)(3), (b)(6).. Of 14 January Training Guidance if you want to take a minute and review that.

CO (b)(3), (b)(6) Yes sir.

MG: As I reviewed the guidance I didn't see anything in there ... I might have missed it or something... on training or working on the ISAF Commander/ USFOR-A Commander Tactical directive. Is there a reason you left that off or...?

CO (b)(3), (b)(6) wasn't left off. We do a conference here in theater, Commanders come forward and they get specific guidance for the PMT for the next rotation. They did another conference when we get back to Bragg, which was done in November, specific guidance for PMT. We mention... which is in other words trying to keep a training guidance from beyond a 20page document by condensing it. When you go back



to your Directive mission which is OEF-A and it's specific guidance you can call it a template because you now know what right looks like. The only change to that is the respect to any changes in the Tactical Directives which at this time was the night time raid, which was in dry form. Also the... which occurred soon as we were leaving out the Driving Directive. So that's in there and that's where our focus is, it's at the conference here that we do and when we get back kind of refine that at the Commanders conference in the November time frame.

MG: So we don't feel there is a need to put training on the Tactical Directive...or you have it under PMT is that how I understand that.

(S)(b), (b)(6) doesn't specifically mention the Tactical Directives, no.

MG: Could you explain to me about this document? You used for Supplemental Guidance.

(S)(b), (b)(6) What specifically do you want an explanation on?

MG: What's that used for?

(S)(b), (b)(6) This guidance, so as I make my assessments in terms of where we are especially if it spikes up whatever, I will put out this Supplemental Guidance to argument the Operational Guidance and anything else that I might of already pushed out. May not be necessarily called Supplemental Guidance but guidance just based on the CIV incident we did with COM ISAF.

(S)(b), (b)(6) Can you just read the title of that so we can have it for the record and know what you're talking about?

(S)(b), (b)(6) Commander CJ-SOTF-A Supplemental Guidance

LTC Thank you sir. On each one if you can just read the title so when we go back we can reference.  
(b)(3), (b)(6)

COL First document is the "3<sup>rd</sup> SF Group Command Training Guidance FY 2010". (Signs off on both)  
Again when you back to the training guide you're probably not making a connection here on respects to the way we do and the respect that we bring guys forward into theatre, and then they get face to face hand of the continuity and lessons learned. They learn any new terms or Tactical Directives to take that back and integrate that into their TTP and to their PMTs. There's a back brief of each SOTF to me to enter their training plan, which gets confirmation that you are now either on track or add this or take this away. To develop (Inaudible)

MG: I have your Operational Guidance Fragmentary, Fragmentary order #2 dated 30 January 2010, 1200Z. we talked a little about this before but I just want to go through some of these things so I understand the meaning of it, how we employ them, and how we use them. It talks about... in Paragraph P(2)1.4(c) will be conducted by the GFC within two hours after the conclusion of the engagement whenever CAS indirect fires are utilized. My intent is for the GFC to do the assessment on the ground. If SSE cannot be conducted with boots on the ground, due to Tactical Situation or Terrain, full motion video may be requested. So on the day of the Operation, full motion video was obtained on that correct?

(S)(b), (b)(6) Yes sir we had that, we retained that but it took some effort to keep it on station.

MG: One of the things I think we've seen here that it took more than 2hrs. That was a concern getting the Tactical Commander because of the distance and how he was tied up into the objective Khod. What would we do different now that we've seen what's going on in relation to this guidance?

CO (b)(3), (b)(6) That guidance has been taking into account... it was written in the stand point... you're out on a CONOP for specific task and purpose which he was in that. In this case we had this interdiction of a whole threat situation change on these vehicles. So dedicated resources to be able to pick up that element to go in affect boots on the ground and 1.4(c) we don't have dedicated air to do that. It took some time to coordinate that. By the way we tasked organized to finish this piece, or concurrently with this piece for the 1.4(g) for 4 hours, that is what it took.

MG: Alright. The GFC will submit an 1.4(c) assessment and specifically identify if women and children are wounded or killed within 2 hours after the conclusion of the engagement. If CIVCAS are suspected then a FIR will be generated. Now that we've gone through the time line, how do you see that as far as CIVCAS? If these are suspected than a FIR is generated. When do you cross the threshold of suspected in your guidance or suspected at all? How could you define that for me so I can understand?

CO (b)(3), (b)(6) I'm not sure I understand your question sir.

MG: Looking at your guidance here... If CIVCAS is suspected then FIR will be generated, if there suspected?

CO (b)(3), (b)(6) If there suspected? So again let's use this situation. If CP (b)(3), (b)(6) he's on the objective Khod and he's done some things in terms of affecting that target. No women, no children, and no CIVCAS, he interdicts this other target approaching his area, he gets boots on the ground. If at that point that he detected there were women and children involved in the strike, then that report, the initial SW that he comes up on the net with, that is followed by the SOTF with the FIR.

MG: If CIVCAS are suspected and the situation permits the GFC will take steps in order to immediately mitigate negative perceptions from the local populous and media. These steps include conducting a HH drop, conducting a Shura key leader engagement to discuss the cause of the engagement, coordinating for solatia as directed by the Commander of CJ-SOTF-A. Can you kind of tell me what happened after we knew it was a CIVCAS and what actions we have taken?

CO (b)(3), (b)(6) Once we knew it was CIVCAS or that General Reeder's level pad is low we started immediately from the standard point of cause and risk management (b)(3), (b)(6) immediately, in terms of working with the SOTF lead CO (b)(3), (b)(6) and coordinates with RC-S CO (b)(3), (b)(6) that here is where we are. Here's kind of a continuous plan we need to do for the immediate care of those patients and those casualties. That got sent up to me, yeah confirmed. Now what we need to do at CJ-SOTF level is to work with SOTF-4 (and RC-1.4(a) affect that, and then General Reeder with the respect to his relationships with not only contacting the... (b)(6) that is from the stand point of when can we get that account of person on the ground and get some atmospherics in terms of the fall out of this. So, it's that piece and getting the local Officials District Preventer on the ground and talk to them starting working that piece. Then leveraging USA ID or ACAP which is what we did with the subsequent operation, we build hope to go into that village and kind of provide that immediate impact with USA and the ACAP coming in for what would BAA. I'm just saying long term, at least about 6-7mths down the road of stability.

MG: have we made Solatia payments to all the injured?

(S) (b)(3), (b)(6) Solatia payments were made to the majority of them. I think there were as we found out... we went up to... I'm trying to think of the name of the village, Dikushy(Dykundi?). There was another village with two of the patients that was unannounced to us at 11kilo to the north that were not at the Shura MEDCAP that we set up there at the location. We fragged the mission, we got those patients on some Helicopters and we flew them back to their home, 11 clicks away and took care of. What I can't confirm is if we paid them because we didn't know that...I can get that answer to you, but I think we did.

MG: I would ask you to follow up on that, which is something very important here that we need to follow up on. All the Solatia payments and all the actions that we're doing to take care of the injured

(S) (b)(3), (b)(6) The RC Commander he gets a constant, I don't want to say that word constant... there are frequent weekly updates on the patients and that continued care that we worked through USA ID ACAP the Solatia payments.

MG: So the Solatia payments will be both to the injured...the 12 that were injured and the 15-26 that were killed their families. Do you know how that is being done?

(S) (b)(3), (b)(6) I'm guessing, there are different authorities that allow you to do different things. When you're talking SIRP Funds or other forms for Solatia or...

MG: Okay, I just asked you to follow up on that... okay.

(S) (b)(3), (b)(6) Our question was?

MG: Whether all the injured and dead, usually if there's an injury it's given directly to them and then the deceased their family members we pay Solatia payments. So I just want to make sure we're tracking them.

(S) (b)(3), (b)(6) can, that's got to be pretty accurate because that is going to go to POWA from General McChrystal.

(S) (b)(3), (b)(6) Okay. I'm almost sure it's mission complete but I will confirm.

MG: CCIR Tactical Reporting, Tactical reporting of CCR must be reported as soon as possible. It goes on to say, this is especially true in the report of CIVCAS whether there actual or alleged. Your CCR is required for any confirm or alleged CIVCAS.

When we heard after... when we were watching the Predator tapes afterward and throughout the late morning through early afternoon there were reports of CIVCAS both verbally and your JOC your staff recognized that there were women and children when they gave you a report that you did not want to see... did anytime after that strike occurred to say maybe we should report it because there is a possibility of CIVCAS cause the nature of the strikes or women on the objective, did any of that ever take place that thought process that went on.

(S) (b)(3), (b)(6) like I told you, I got boots on the ground. No report of CIVCAS, and that's on me I made the call that no that report is not going forward... I told them to follow up with the SOTF and we got confirmation.

MG: Okay, let's take it off of CIVCAS okay...In your guidance here... the following are CCR and the requirements are immediate reporting, anything that can cause significant immediate attention or could cause embarrassment to the Command. Say there is not a CIVCAS but women and children were involved based on what went on through the night with the reporting through the 1.4(c), 1.4(a), what happened on the ground with the Predator and the tapes, with the reports coming through the day and the afternoon. Would that be like WOW... did anyone look at this and say hey there's women and children involved and there at the scene. Did anyone connect that and say we better send a REDSTAR CLUSTER up because there is a potential here?

(S)(b)(3), (b)(6) Again, early on if I go back to when I was in the JOC. That J2 guy, based on what was coming across (b)(1)1.4 women and children... If that would have been communicated that would have changed the whole dynamic and the outcome of this envelopment, but that didn't happen.

MG: I got that... but even without that, what we saw after post strike. Did that enter into anybody's brain....did someone say there's women and children there, we got that from the gun tapes, we got that from the Predator and that's unfolding within 20-25 minutes of it happening. There were different reports coming through the day, did anyone pull that together and say we better report something up this has great media attention potential.

(S)(b)(3), (b)(6) Potential from... and when I say potential I'm looking at the window of strike to boots on the ground. If you're asking me from the standpoint of potential CIVCAS than, No... Not until after we got boots on the ground and we got that on the report from Pegasus.

MG: Read this office and then initial that. (Handing over the Directive)

(S)(b)(3), (b)(6) Just read the title out loud and initial for the record.

(S)(b)(3), (b)(6) Oh... I thought you wanted me to read the whole thing.  
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MG: the last thing that I have to close it out is... I need you to walk me through this because I have a hard time understanding those e-mails and your comments and what not so take a minute read that.  
(MG hands over the emails)

(S)(b)(3), (b)(6) Okay

MG: If you could... just your whole response. This happened mid-afternoon and your statement and what you mean by that. Your words are very clear but you talked it about it earlier and I'm having a hard time squaring that right.

(S)(b)(3), (b)(6) Again that's referencing the indication here of his report of 3 women and 3 children all okay. My asking the question, give me a little bit more on terms of the women and children because I was not tracking women and children.

MG: Read it again please, what your response was?

(S) (b)(3), (b)(6) My response; Copy, standing by... would like more concerning injured WAQ (b)(3), (b)(6) and the boys are all over it.

MG: Okay, so your intent to that was?

(S) (b)(3), (b)(6) My intent was, 1<sup>st</sup> time I see reference to women and children... give me a little bit more on the women and children in terms of COL (b)(3), (b)(6) because we had talked... I can't remember how many times before this point in respect to the operation.

(S) (b)(3), (b)(6) During those voice conversations did he ever mention injured, minor injured women and children in the objective area?

(S) (b)(3), (b)(6) No, and again like you said... I said injured but the words here (referring to the emails) says all okay. I wasn't typing what I was reading, I just screwed that up. But that is what that is in relation to.

MG (b)(3), (b)(6) and the boys are all over it... what do you mean about that?

(S) (b)(3), (b)(6) From the stand point of getting the boots on the ground... even despite the fact that they were prosecuting objective (b)(1)1.4a They did the coordination back through the AOB to get the Aircraft committed to them so we can put together a TRANS organized package to do the boots on the ground right then and there. That is what I'm talking about. Getting the boots on the ground allows us to now start working back in terms of what we found, because earlier we saw people combing the area.

(S) (b)(3), (b)(6) The sooner we can give (b)(3), (b)(6) the entire context, because if you have a better impression of what we know now you would have an appreciation for the line of questioning that we've been doing because of our assessment already based on the interviews.

COL Right

(S) (b)(3), (b)(6) Who knew what when should have executed a series of Battle drills from no kidding 0315 on

COL 0315?

COL Local

(S) (b)(3), (b)(6) 0315 Local?

COL so when you get this thing and do the anatomy of it, it is going to be a training aid for you and your successor when you get the whole thing. Obviously we spent weeks on this thing dissecting it...

COL You're telling me 0315L  
(b)(3), (b)(6)

COL Yeah, right after the insertion... A series of activities did occur. That's my comment as soon as we can get in the context.

(Close interview)

STATEMENT OF (b)(3), (b)(6) TAKEN AT \_\_\_\_\_ DATED 2010/03/01

STATEMENT (Continued)

INITIAL STATEMENT WAS TAKEN 1 MAR 2010.

ADDITIONAL QUESTIONING OF COL (b)(3), (b)(6) OCCURED ON 18 MAR 2010 AND IS INCLUDED.

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 55. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
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ORGANIZATION OR ADDRESS  
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INITIALS OF PERSON MAKING STATEMENT

PAGE 55 OF 55 PAGES

STATEMENT OF MG NICK CARTER

COL (b)(3), (b)(6) : Describe to us the challenges with the SOTF- 1.4(a) relationship, things that do work but not optimally, and things we need to fix, so you can get in sync with operations?

MG Carter: Because of the nature of (b)(3) (b)(6) regulation which is best described as a "hand Caller". It is a process purely on litigation which means I can get them to do what I want them to do. I've been here for 4mths and I feel that these positions/ decisions need to be reviewed. I spent my 1<sup>st</sup> mth here attempting to get some of the Isolated Fire bases adjusted. I have encountered nothing with the inertia of those adjustments with a couple of exceptions. It's also found out that it is easy for them to give me an additional ODA then to lose something that's been going on for over 6 yrs. I've found no value whatsoever in FB 1.4(c) and FB 1.4(c) . I've fought long and hard over a 12mth period on how I would redeploy those assets to achieve a better effect of my battle space. At no time has that been possible to happen.

My personnel opinion is that the forces have a great value to this Battle Field. The Forces need to be firmly nestled in a scheme of money in this battle space. I would like to see them be a lot more opened-minded in the decisions of this battle space. I don't understand why I don't have so called appointment with Headquarters. I don't understand why the BN Commander can't be the man and the button that I press. I found that I go through an unnecessary \*Double It\* to get to the man that is the authority for what happens in my battle space. I recognize that he's the Commander and probably busy but why can't he be my point of contact. Difficult to understand there's a so called appointment. On this particular incident we had a problem of priority to become favorable to me and my star. I believe you talked to General Hodges about this, but I don't think it's acceptable. The nature of the TIC should've been made very clear to us on the Battle Space owner of that moment, \*and the magnitude to be replaced\*. We should've been involved in the actions that took place in terms of a perspective of a consensus on the Battle Space.

It's unacceptable that someone can shit on my doorstep and sit back and watch me mop the shit up. It's extraordinary that the Commander who claims to be this force did not contact me on what took place. An engagement that he chose to put his Special Forces out in my Battle Area for 48hrs without consulting me. If I would have discovered this alternative Chain of Command I would have expected my flanks to be protected by this organization, when fundamentally they weren't. That is symptomatic of the Command control relationship population centric; it is unacceptable that I take responsibility for everybody operating my Battle Space that I don't have the Command Authority to tell them how to run it, and I've tried to get my intent translated down to company and ODA level. I've offered in a very courteous fashion an opportunity for these people to come to my Headquarters, even individually to understand my intent on how they fit in this battlefield and that offer was denied. On the basis I would be trying to Command Control something 5 levels down, that to my mind doesn't add up.

Second, I personally think it is not right and proper for anyone operating in my battle space to not be Command and Controlled by me, or to at least be in the position to tell them what to do. Recognizing that the mission, if strategically needed will be handled by General McChrystal or General Rodriguez, but on day to day basis that's not the case, I need to be the authority on what they deploy and what they do, not someone that is miles away. Does that answer the question? ... (LOL)

COL (b)(3), (b)(6) What is the reporting strategy? Why don't you think your getting that authority/ authorization? The context to that is we went out and an order for CFSOCC -A that says to coordinate and synchronizes operations. But yet when we talk to your guys you got a report of 0541, your next

STATEMENT OF MG NICK CARTER

formal report was at 1301 after the CAS guys came back to Headquarters. What is the obstacle, your assessment on why that lateral processing does not occur?

MG Carter: There's a compound and command is 600meters from here; I don't think there's a Joint OP connection between what lives in a compound, the BN Cdr and his TOC, the SOTF and my TOC. It's in the mind on what should happen, is it that if there not operating in my JOC they at least should have someone sitting in my JOC on a 24hrs basis, who absolutely knows what's going on. So that we have the same situational awareness as they do sitting where they sit.

COL (b)(3), (b)(6) Were there any mechanisms in place now that comes to dynamic target, where they release subordinate unto anything or any target that has higher level of requirement collateral damage?

MG Carter: With the formal Chain of Command goes up to Bagram and then up to the JIC.

COL (b)(3), (b)(6) Do you have a full detail on some but not all of SOFT operations that occur on your operational Battle space?

MG Carter: No I don't. I think the description is I'm allowed to ensure deconfliction takes place. So that probably applies that if I say no that's going to conflict with something else you don't do it, I probably have the job. But formally if there's any de-confliction from my understanding of my control that whatever happens is on the bases of collation and de-confliction, not necessarily the purpose.

COL(b)(3), (b)(6)Is there any recognition for, that you being the Battle Space Commander that can control the operations to the point where they insure that they measure to your intent?

MG Carter: On a weekly basis I have a meeting with the BN Cdr and we discuss his dispositions and the purpose of what the ODAs are doing. On a weekly basis I ask questions about FOB 1.4(c) and FOB 1.4(c) FOB 1.4(c) various FOBS in Zabul, and the list goes on. On a weekly basis nothing ever changes. It hasn't changed in four months. Now it's not fair that I have a couple of extra radios/ADOs (inaudible).

COL(b)(3), (b)(6)Do you get any value out of your SOFT Core group?

MG Carter: He briefs me on a daily bases at 0751 on how operations have been conducted in the course of the last 24hours, He goes through a de-confliction process with my director of General Operations General Hodges. In terms of looking forward and trying to use them in a way that I want to use them, I don't have a great deal of opportunity to obtain any sources out of them.

COL (b)(3), (b)(6) You're targeting process the affects the INTEL that directly comes out of those operations. That doesn't go back to yall's targeting process...it's an external...

MG Carter: No that's worked on outside, it's worked on directly by (Diagram???)

COL (b)(3), (b)(6) That's what I meant by synchronization of facts or trying to create the opportunity of effort and a targeting process for getting there.

MG Carter: I would love that talk.



STATEMENT OF MG NICK CARTER

COL (b)(3), (b)(6) When were first aware on the 21<sup>st</sup> that there were civilian casualties?

MG Carter: At about between 1530- 1600

COL (b)(3), (b)(6) How did you find out?

MG Carter: General Hodges told me

COL (b)(3), (b)(6) Its interesting Sir. Have you watched any of the tapes? The KIOWA warriors as they egress at about 0805 they report to both Predator Pilot and 1.4(c) that they see brightly colored clothing and suspect women. Then the (b)(1) team who is CP (b)(3), (b)(6) they actually arrive at the site at about 1254. Then we did a little digging into their initial BDA report on why they didn't include the fact that they were MEDEVACing a woman and some children.

MG Carter: General Hodges will probably shed light on this, it's probably just the way the Triage is done based on what casualties went to the US facilities and what casualties went to the Dutch facilities.

COL (b)(3), (b)(6) That did come into play

MG Carter: I'm talking 3<sup>rd</sup> party I didn't have any facts or support on any of it.

LTC (b)(3), (b)(6) Making MG Hodges is the Deputy Commander of USFOR-A does that help in this process, is that of any assistance?

MG Carter: No I don't think so but...umm...the function that he performs is a dual function. He's my director of operations and he is also the DCOM for USFOR-A south. I don't know if it makes any real difference to me the fact that he does both jobs. My former NAD COM, General Murray he picks up what I describe as Tier 2 activity that if I was allowed to, he would be the man to command these operations on my behalf. He would be my button to press on all activities on out with the directive of battle that which the task force is requiring force to protect the population. Classically the come around is Tier 2 Battle Space and my frame work of the Battle Field.

COL (b)(3), (b)(6) He's a U.S General?

MG Carter: Yes, U.S Marine Corp. It's frustrating me because of the way thing works. We have not been able to command the battle space in our fashion because the principle players that are in our battle space are not formally operating under our authority. What we have to do is nudge them quietly. Now to be fair ISAF SOTF are much more malleable with ISAF SOTF despite not having commander control, command authority over them to get them to do what I want them to do, to be involved my targeting process and to achieve the affects that I want them to achieve.

COL (b)(3), (b)(6) Does the other SOTF Forces in your operational volume allow you to participate in your targeting process.

MG Carter: They do yes, but I don't have complete control over ISAF processes. We coordinate very crisply with TF-4(a) (Inaudible).

STATEMENT OF MG NICK CARTER

COL (b)(3), (b)(6) Would you characterize the coordination of TF-S more coordinated then the other SOTF?

MG Carter: I think they perform a different function because they tend to be doing JPEL, and if you like leadership type targeting; it's a different type of ball game. The problem with the SOTF is that it's running a different sort of battle, and it's less precise in its outcome and its effects. It's a little bit more wishy washy in the terms of the way it operates. Whereas task TF-4(a) orchestrates a specific clinical function that is dealing with a clinical will thought out targeting process with the JPEL.

MGMcHale: The mission that was going down on the 21<sup>st</sup>, how do you see that as going down and what happened to support your campaign plan?

MG Carter: I think if you really want to know you should listen to the interview that I was obliged to go to the International Media on the Monday after it happened. To get a sense of what it's like I'll put it on for you and you can see what it's like to be a battle space owner.

(VTC with interviewer)

MG Carter: So you asked the question that's what it's like.

(Everyone laughs)

MG Carter: It sets us back, it's a tragic shocker and you don't know anything about it. The irony is that flying over Afghans themselves you're starting to feel very more philosophical about it. You seen that when you walked around the hospital. I mean in this issue the Afghans are like, "Thank you for coming. These things happen in time of war." Then you go "Like Christ really, that's the way you see it?" I think the extraordinarily of it is that it's a strategic problem and the Afghans on the ground feel a lot more philosophical about it. I thought it was truly remarkable when (b)(6) and I went to go tell (b)(6) in Marga that there were 10 casualties and 20+ in Hasaharat, he said "if it only takes 10 civilian deaths to unshackle tons 10 of thousands then that is a price we have to pay." Truly remarkable I ran with feelings on this. The reality is there will be others that will take that view, and then there will be others that will be more your blood the better for the next 15 years. So often when you look at the JPEL target you look at the motivational attitude you find that very few had their brother or their father or son killed by us and that's why they join the Taliban.

MG McHale: When I was up in 1.4(c) today I talked to the Chief of Police up at Daykundi and he pretty much said the same thing that the people understand that it was a mistake. "We like the Americans" that is what they saying pointing at our uniforms, they appreciate what's going on. They say its "Gods will", there was 3 or 4 lower ranking that were brand new, we meet an ANP police man that was 20something and been on the job 4mths, he had a wife and young daughter; he was happy that they were out of the coalition. We visited the Hospital for about an hour and half at the one here and we were talking to the son and the mother. The mother that is over there has her face all split...

MG Carter: Have they done the surgery yet?

STATEMENT OF MG NICK CARTER

MG McHale: They have and it doesn't look good but I think it was a lot better than it was. She was sitting up and talking. The entire dialog from up north, the two hospitals up there as well as when I was at FOB (b)(1)1.4a all the Afghans...it's all pretty much the same.

MG Carter: I think there's some important message piece coming out of this, in terms of action after events. It was positively wrong but the son of the mother you're talking about didn't know his mother was alive. When he was in a hospital 8 meters away yet nobody tried to interview these guys, to find out who their relatives were what their names were, where they come from. He was sitting there worrying about his mother all for 24hrs when she was actually being cared for or operated on, that's unacceptable. What also happened which we all confer is that the people are closely monitoring there after care, to make sure they're not just dumped out in the economy to get on with it. We need to follow this thing up properly and it was unacceptable that none of the SF people went up to that village in Daykundi or wherever it was on the edge of Daykundi slash Uruzgan. Put a satellite telephone, put the village in touch with their families that is something we should do, we should be that responsive to these things. They must make sure she is fully helped; we need to treat these people as if they're our own people, and you don't just leave them. I think we are covering that now, I think there were some regular reports coming out and the system is working. It shouldn't take the involvement of yours and my level it should be an active SOP that's how we treat the people we hurt and damage.

MG McHale: I know you gave some guidance to the command at the SOTF1.4a on payments of Solatia payments. That's something we have to follow up on.

MG Carter: If you go to visit an Afghan hospital you need to know the drill to take an accolade with about \$100.00 US dollars in it, which is \$500.00 Afghan. That wasn't done by any of the SF in this, it was suppose to be alright in this culture sensitivity terms. We need each one to stand on this and it's regarded to being insensitive which they will get that type of presence when you enter that type of hospital particularly if you were involved in the acts that put them in the Hospital.

COL (b)(3), (b)(6) (inaudible)

MG Carter: Not so much Solatia, that's just a little gift. So I think there's some good positive stuff that we can do, and lessons learned from this which I think will be important. We should just try to treat them like we treat our own.

(MG McHale closes out)

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STATEMENT OF MG NICK CARTER

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regards to: Investigation of 21 Feb 10 ciucas incident.

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)	<i>consent obtained via telephonic interview recorded on 25 Feb 10</i>	<u>25 Feb 10</u>
Printed Name/Rank	Signature	Date

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2010/02/25	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS LT	

8. ORGANIZATION OR ADDRESS

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INITIAL STATEMENT WAS TAKEN 25 FEB 2010.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>13</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF LT (b)(3), (b)(6) DATED 25 FEB 10

MG: LT (b)(3), (b)(6) Gen McHale how are you doing tonight?

LT: I'm well sir, thank you for asking.

MG: Good. I've been appointed by GEN McChrystal, the ISAF Commander, to do an investigation, under the Article 15-6 on the incident on the 21<sup>st</sup> September, 21<sup>st</sup> February this month. Are you familiar with that incident, that civilian casualty incident?

LT: I am Sir.

MG: Okay, and what I want to do now, I got a lawyer in here. I want to tell you before you say anything. You are not suspected of any wrong doing. This investigation is an informal investigation to gather information. And so if would suspect you of wrong doing I would read you your rights, but I don't suspect that. So with that I would turn it over to LTC (b)(3), (b)(6)

(b)(3), (b)(6) you are on speaker phone, there's a number of people in the room. We will go around and identify who all of the people are in just a second. But I also want you to know that you are being recorded. Do we have your consent to record the conversation?

LT: Yes sir.

(b)(3), (b)(6) we are going to ask you for some personal identification. Personal identifying information like your name, SSN number, what not. You have the right under the Privacy Act of 1974, to not provide that information. Do we have your consent to collect that information?

LT: Yes sir.

MG: Alright we go around the room.

LT: Introductions: I'm COL (b)(3), (b)(6) I'm one of the investigators for MG McHale; Col (b)(3), (b)(6) on the investigating team. LTC (b)(3), (b)(6) on the investigating team. MAJ (b)(3), (b)(6) USFOR-A Legal Advisor assistant to MG McHale; COL (b)(3), (b)(6) Army COL, LTC (b)(3), (b)(6) SOF advisor to MG McHale, SPC (b)(3), (b)(6) US Army Legal Specialist.

MG: Okay, alright LT could you tell us your whole full name and your position please.

LT: Yes sir. My full name is (b)(3), (b)(6) And my position is the Missions Operations Commander and Flight Commander here at the (b)(3), (b)(6) 1.4(c)

MG: Okay. (b)(3), (b)(6) how long have you worked there in that position?

LT: I've been here since April 2007, sum of three years Sir.

MG: Three years, working in that position?

LT: Yes Sir.

STATEMENT OF LT (b)(3), (b)(6) DATED 25 FEB 10

MG: Okay and how many years do you have in the Air Force now?

LT: Three and a half sir, not quite captain yet.

MG: Okay good, we're crossing our fingers for you. What I'd like to do is ask you then a little bit of back ground that night. What was going on, if you could tell us the set up? You got three years; obviously you got a plan of how you monitor these missions and have guidance over your screeners and your team. If you could walk us through of what went on the 21<sup>st</sup> leading us up to this incident. Over.

LT: Roger sir, how detail do you want me to get into some no kidding, when we first started fitting down the crew to, all the way through the incident?

MG: Broad for us, yet first just setting up, but then we'll get into the incident. More detail.

LT: Okay, roger sir. Essentially, we just had our normal crew. For the 1.4(c) mission since its CJSOTF and it's a little bit busier than our normal national soft sorties that we work. I usually try to stack some of the better FMV analysts and one of our strong screeners on there. When 1.4(a) took off we knew it was going to support an operation. So just made sure everybody was in the right rooms and we have what is called wave radio, radio via IP. And CJSOTF operatives set one or two channels up there. And we can hear that most of the time, so we just have that for monitoring purposes. Made sure everybody was good to go on their feed. And since this was just a normal crew, when it first got on target, when they started to do change over with the AC130 overhead, we kind of find out it was getting a little TIC situation, we heard all the 1.4(c) that's when we started beefing up the crew. And at first I just grabbed another FMV just to help them out, because when we first scanning around we got on the first vehicle. I think there was like 5 to 8 adults out there, so you know when you first get a little bit activity it's a little overwhelming for one person, so that 1.4(g) are on position up a little bit. And then no kidding we started to follow the trucks, I doubled up every position. One of the keys is that I put Airman (b)(3), (b)(6) as the kind of the observing screener, just because he and I have a very strong working relationship with each other because he is actually out with CJSOTF and he understand all their ops. And essentially had him screen those sorties and then essentially that's how we kind of went into the ops. (b)(3), (b)(6) I think he was out PT-ing he came and went at the end of the short end, I believe he came in and actually set down the whole time, about like the second stop of the vehicle follow or something like that.

MG: Okay, alright. Go ahead (b)(3), (b)(6)

(b)(3), (b)(6) Hey, LT (b)(3), (b)(6) this is COL (b)(3), (b)(6) first thanks for taking the time to do this. You are going to help us understand what went wrong, as well as what we can do in the future to make our systems better at this end and so thanks for the time you have and will continue to contribute to this. Let, I'm just going to start in the incident, and I think we've got pretty good background on both what you all were doing and who's doing what to whom, and the technical side of this. But we may periodically come back when in case we have a disconnect of knowledge. When did you insert yourself into this mission? Using the 1.4(g) as our guide.

LT: Let me look over the 1.4(c) sir. I know I was in there because I saw them when they started praying, and that was actually pretty early on, I believe it was right when two vehicles met up and started driving together.

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STATEMENT OF LT (b)(3), (b)(6) DATED 25 FEB 10

Right before they met with the third vehicle. I believe that's when I sat down actually started sitting next to one of our multi-SOF analyst just we could, we were talking about what we were seeing.

(S)(b), (b)(6) What was your understanding at this time, of what was going on, the intent of the vehicles, and the overall situation?

LT: When I first set down sir, I knew that we had handoff for the AC130. I think, I believe it was the AC130 that cued us on to the vehicle flashings its lights. And so when we came upon these vehicles, and so with all the 1.4(c) , I mean we just try to look at when you see that many people when your supporting possible TIC situation, one of the best things to do is watch and see if they are doing anything suspicious like if they are going to head south, or if they are loading weapons, or something like that. When we saw the two vehicles come together and 1.4(g) kept talking about massing for attacks or something like that. That's when we started monitor it a little bit. And I think that when, everybody's ears started perking up a little bit. Pardon me?

(S)(b), (b)(6) sorry go ahead.

LT: That's it sir.

(S)(b), (b)(6) When you said (b)(1)1.4a , what were you able to hear at your end of this assessment?

LT: We don't hear anything sir, it's all passing in 1.4(g) So usually what happens, the sortie on the ground will get something, he'll get, and you know cuts of chatter going on, on his scanners. And he'll, usually, they will pass the, via the radio, the 1.4(g) so we can you know there's a capability on the (b)(1)1.4 called the Air Handler so we can spin up those that try to see were these guys are. Also based off of the ground, giving us some SA, and so we are hearing from, we getting some of that, those cuts, translations in 1.4(g) And then also so once the Air Handler below the (b)(1)1.4 started getting some. A couple hours later we started using those also.

(S)(b), (b)(6) when you said the Air Handler that's on the 1.4(g) is how does that get into mIRC, is that 1.4(c) putting you into 1.4(g) or is there someone else responsible to do that?

LT: There's actually an Air Handler exploitation cell and they put it in a room called (b)(1)1.4 tipoff. So we're monitoring that room as well looking for anything coming from our bird and 1.4(c) essentially.

(S)(b), (b)(6) May, in terms of enemy threat to the ground force, what was your all's assessment at this time of these vehicles?

LT: At the beginning, not really a threat because they only noticed two vehicles driving around. I think we really started to perk up when we saw them all pray together. And I believe it was twenty plus men all wash together in the stream and all prayed at the same time. And then the heading [interrupted] pardon me.

(S)(b), (b)(6) keep going sorry I thought you were done.

LT: And then, so along with that it started heading south also, I mean towards the direction, that's when we started perking up and examining what we were looking at.

STATEMENT OF LT(b)(3), (b)(6) DATED 25 FEB 10

(b)(6), (b)(7)(C) What was your assessment of women and children at this time?

LT: At this time, I know we hadn't seen any women and I believe we had seen the two children running around the vehicle. I remember the children, when I first looked at them they were running around the, it looked like a Land Rover type vehicle with a dark body and a white top.

(b)(6), (b)(7)(C) Day did you - was there any weapons assessment at this time?

LT: At this time, I normally know off hand, can I look in 1.4(g) or do you want me to go off memory sir?

(b)(6), (b)(7)(C) use the 1.4(g), use anything that you need.

LT: Okay, Rog, Let's see then. I believe this is where they called out one of the possible weapons.

(b)(6), (b)(7)(C) Day.

LT: Actually it says right here. Man in the bed of the truck had a possible weapon so.

(b)(6), (b)(7)(C) Day. As you're watching these activities the possible weapon, the two children, the stopping for prayers, where were you at right now in your assessment as the senior guy in the room?

LT: A little concerned, but not overly, I mean because there's actually a fairly large group down there, and calling, one single possible weapon in that large of a group especially around the kids. Not that much of a threat, but were putting other pieces together like they had just prayed together and were heading down south so I mean we continued to monitor.

(b)(6), (b)(7)(C) Yeah, okay. When it, when the vehicles continued west, what were your thoughts at this time? After they started moving again from prayer?

LT: Okay, roger, potentially they had driven south and now they started to head west, where they continued.

(b)(6), (b)(7)(C) Right.

LT: I think that was one of the one determining facts where we all kind of puckering up, going okay there's a lot of 1.4(g) going on. And a lot of signs saying that's there is possible attacks coming from all directions. Once it started to turn west we started to watch hey are they going to turn left on one of these side roads. And they kept passing a lot of the side roads that led back down south. And they started heading away. And I think we all kind of breathed a sigh of relief, like maybe hey these guys aren't a threat, you know they stopped and were changing a tire. It's still kind of odd that it was that many adult males together. When there's a team on the ground at the Bazaar. But then again I mean they are like four miles west of the objective at that time. So I think we started to relax thinking maybe it's not that much of a threat.

(b)(6), (b)(7)(C) As it pertains to the identification of the two children, and later in the 1.4(g) they are indicated as adolescents. What is the technical difference for you and what was being communicated in your mind to 1.4c, when it went from children to adolescent?

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LT: One of the big things sir, when you say child, a lot people automatically think hey a little baby or someone that needs a lot help moving around. We used adolescent because obviously if you watch the feed, they are definitely shorter than the adults around them but at the same they are pretty mobile and they are walking around on their own and running around and helping load some stuff at one point I believe. So I mean that's just the big difference they weren't little babies or anything like that. They are actually self sufficient walking around helping load items.

(S), (b)(6) Were they combatant or noncombatants in your mind, when it went from children to adolescent? Or was it children to different size?

LT: Still noncombatants. We're just trying to say that they weren't babies or very little, little children.

(S), (b)(6) When you guys, the identifications of weapons, can you just give communicate possible weapons versus weapons. And when you drop the word possible weapons does that mean confirmation?

LT: Not at all sir. Possible is just a "hey it could be" but we are waiting for further confirmation.

(S), (b)(6) Were there concerns that you didn't have, or you know, when you heard that fifty-fifty chance that it was a weapon or not, what's your assessment when you hear the term possible from your screeners as you supervise this now in your third year?

LT: Fairly conservative, but at the same time I think they're trying to get a across "hey he's carrying something we just can't identify it yet, but still have a concern", like we really don't see anything other than the fact that they are carrying an item.

(S), (b)(6) During this process were you aware or unaware that the ground commander had determined that this was threat force and that he needed to take it out?

LT: I was unaware sir.

(S), (b)(6) Okay. Were you watching the 1.4(g) on the same screen or were you at your own station watching the 1.4(c) as your own screener was communicating to 1.4(c)

LT: I was actually sitting on a fellow analyst's desk and I was kind of side chatting with him watching his screen as the 1.4(c) was being put in. However, most of the time my focus is on the screen, as you know we're all trying to look and identify anything other than the adult males. There actually a lot of activity on there sir. When you start looking at twenty guys walking around you trying to check every single one's hands. I say I split 70% of my time on the screen and 30% on 1.4c chat.

(S), (b)(6) What was your own internal slant report prior to the strike? What did you think you had?

LT: In terms of male female children?

(S), (b)(6) Yes.

LT: I'd say approximately twenty five adult males and two children. At one point we kind of thought we saw maybe a third adolescent. And somebody said well they are a little bit taller than the other ones, and we had

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about three or four opinions on that one I believe we kept going back and forth. So at least twenty-five adults we knew that there was two little adolescents in there.

(Q) (b) (6) want to clarify just one piece here, when you were initially looking at this and it got your attention because of the prayer activity. Was there a point in time when this moving on you were more or less convinced that this was a hostile force or not?

LT: Sir, I was starting to become convinced when they were heading south and right after they prayed. And I think we all, once they started heading west and they kept heading west further and further I think we all kind of leaned back like okay they are not hostile right now, they are heading due west essentially. Essentially, pardon me?

(Q) (b) (6) keep going.

LT: I mean they kept going west kind of suddenly, definitely away from the Bazaar that the team was at.

(Q) (b) (6) When did you become aware that the ground commander was going to engage the three vehicles?

LT: I became aware after the fact. I don't know if I was in our sister ops floor checking on my other crews or if I went to the bathroom but I think at that point sir, we all agreed hey it's not a threat, so we all kind of leaned back a little. And weren't on pins and needles about it, and that's when I was like, okay I've been spending a lot of time on this one pin and we still have four or five missions in now. And I got up for some reason and I came back and that's when Airman (b)(3), (b)(6) grabbed me and said hey, they just went kinetic on those vehicles and we were all kind of surprised.

(Q) (b) (6) Okay can you help me out with the term surprised? Tell me what you were thinking when he told you they went kinetic?

LT: When they went kinetic, initially, I was like, I just have some my aid, the '58 PID weapons, because I mean we were comfortable, having that many dudes down there. And I mean we only had a couple possible weapons, and one that we were pretty sure was, but I mean its Afghanistan, there's going to be weapons down there in any large group of men. And so I figured that the '58 must of PID because I've seen the passing footage, their footage is crystal clear compared to what we are looking at. I figured they must have PID something.

(Q) (b) (6) Yeah. After the strike, how many weapons did you guys identify on the site?

LT: After the strike, I don't have 1.4(g) up right now, I don't remember identifying any.

(Q) (b) (6) Okay. After the strike, how many women and children did you identify on the site?

LT: I remember we initially called out three adult females and one small child in one of the females' arms.

(Q) (b) (6) How long have you been doing this?

LT: Three years sir.

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(S)(b), (b)(6) And I am going to ask you for a professional assessment and I want you to try to separate the fact that women and children were killed, because if you put that in there everyone says that it is bad, I get that. Knowing what you know now, knowing what you saw develop, what is your assessment of this event, was it a good event in terms of logic it made sense, or was it an event that went bad?

LT: Knowing now that, correct me if I am wrong, so that we are on the same page, knowing the '58 did not PID weapons, I think it went pretty poorly and I just saw a report come out from the SOTF standards from the 4-2, and they said the actual ground force commander obviously he had a lot of heavy volume (b)(1)1.4a And I mean one of them, I think said that there is going to be hostile forces coming from the north seven south any officer human report, so I mean if I was him and I heard someone say hey there's forty guys down there have weapons and they are only 4 to 5 nautical miles away from your position and it's still early in the morning. That's a different perspective but now that the 1.4(g) didn't PID weapons, I don't feel like it was a good engagement at all.

(S)(b), (b)(6) Yeah, when do you guys, during what you just described; do you have access to any of that through any means?

LT: Any of what, sir?

(S)(b), (b)(6) The assessment of the ground commander. Do you have the capability to pipe that into your site so you can paint that picture?

LT: We have, one of the rooms that we monitor is the SOTF 1.4(a) internal window essentially that's all the stuff we can hear on the radio too is what the ground force commander's calling into his headquarters at the SOTF. I mean in that sense we can kind of see what his assessment is. I don't know about his HUMINT reports or anything like that.

(S)(b), (b)(6) Who was on that window?

LT: I believe everybody had it up but everybody had their own specific job, so I think we were all trying to just hear what was going on the on radio but I mean at the same time, it was kind of tough because everybody, all SDV[sp] officers trying to call different things out and get confirmation from each other. Our SOP though, sir is that everybody on the 1.4(g) should have that window up.

(S)(b), (b)(6) With respect to whisper, was there any whisper conversations of an operational nature on this event?

LT: On my part, when I got back to my MOC desk, the ops commanders' desk I started whispering what we have is the [unintelligible] controller up there, essentially embedded with the SOTF. And I started whispering to him "hey man, did the 1.4(g) PID weapons, why did they go kinetic"? He told me straight up hey the 1.4(g) PID'd weapons that's our understanding right here and that's the only reason they went kinetic. That's the only whisper I had, but I heard of other whispers with the screeners up front or I guess the flight crews would tell them something that happened on the radio and they didn't put in the chatter or something like that.

MG: Do you know what that was?

LT: I don't know the nature of that sir.

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MG: Okay alright I will turn this over to crew thanks a lot.

LT: You welcome sir.

(b)(3), (b)(6) This is LTC (b)(3), (b)(6) just a couple of questions. To you how old is an adolescent?

LT: Thirteen, about ten to thirteen

(b)(3), (b)(6) to thirteen okay. Do you or anyone in your office have the ability to listen in to the battle handover between Predator and the helicopters?

LT: Negative sir. And that's one of the biggest weaknesses. It's funny because I said that about ten times that night. The biggest wild card is what these guys are telling the dudes on the ground. Because I've seen it happen before.

(b)(3), (b)(6) the dudes you are talking about the Predator operator?

LT: Yes sir, definitely.

LTC R: So 1.4(c) ?

LT: Affirm sir.

(b)(3), (b)(6) Was there anything in the communications between your screeners and 1.4(c) that caused you to have concern about that particular aspect that you just mentioned?

LT: Not that I could see sir.

(b)(3), (b)(6) And as soon as the strike was over and you saw the women and children present, who do you report that information to?

LT: Women and children we immediately call it out in chat, and I confirm with our ITC out there and a whisper and I sent up "a hey, dude you had seen this"? And that's when they roger or affirm or watching the chat. Once they kick in and forward up to CJSOTF headquarters that's when it is out of my hands a little.

(b)(3), (b)(6) you don't have a higher headquarters you report to you just make sure the folks on the ground have the same information?

LT: Affirm sir.

(b)(3), (b)(6) Do you normally monitor CENTCOM 1.4(c) for the CJSOTF missions?

LT: Do I?

LTC R: The question was, do you?

LT: Do I know that?

(b)(3), (b)(6) Does your team monitor that?

LT: Correct yes sir.

(b)(3), (b)(6) What's the purpose for that?

LT: Just to give us better SA on peripheral activity, MEDEVAC anything else coming in. because the big weakness is that we don't hear what's going on between the line of sight COMS that's just one small piece of COMS that helps the overall SA.

(b)(3), (b)(6) Essentially how do you define your role in the 1.4(c) and the predator system?

LT: My role as the MOC?

(b)(3), (b)(6) No your role as the screener, 1.4(g), 1.4(c) the team, what's your role on the team?

LT: My role on the team I'm essentially the mission ops commander so, on paper I just kind of push people where they are needed to be I think thing is that I've done this to have exploited a national SOF to have some experience qualified 1.4(g) and qualified multisource analyst, sometimes I just try to fill the line and lend a hand as to what's going on.

(b)(3), (b)(6) Not how about your team, what do they provide the customer what is the gift that you provide the customer?

LT: Well we provide the customer essentially two things, one is the phase one chat of "hey this is what's going on what we are seeing." And then we also have the ability to create products for you know support the ops 360 for assaulting buildings. You know the normal energy piece of boom force over watch and create info scope type things.

(b)(3), (b)(6) Thank you.

MG: Hey, this is MG McHale, LT(b)(3), (b)(6) Can you talk to me about your training broadly about the terminology you use? We talked about children, adolescents, MAMs. Is there kind of a standard terminology you've been trained on?

LT: In terms of standard?

MG: Yes.

LT: I don't think I'd be a great person to answer that in terms of our training here. I mean it's been three years since I've trained and done this job at a national SOF site, the conventional Air Force site for a couple of months and a then here. I think one of the essential uses and child is obviously something very, very small that has to be cared for. An adolescent is like a preteen. Like a teenager that, when you are looking on 1.4(c) most of the time the teenagers, you can tell that they are a little skinnier but they are the same height of an adult male for the most part.

MG: Okay. How about if you could improve some things on this process, how you do your business, you talked about communications you talked about a lot of things. What would you recommend to us that we could improve the system as far as the way you provide your products, to the customer? In terms of how we

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provide our products, how you do your mission. If you said, you know, your concern, you said something about having more knowledge of information, what would it be, how would you improve this process?

1.4(a), 1.4(c)

MG: Is there something in your training that says that when you see something that doesn't look right or that has gone wrong is there a red star cluster you can raise or come out over the 1.4(g) ? Are you still there?

LT: I am sir.

MG: Yeah come out over the I 1.4(g) and say hold it or stop. Or that you think there's a bad interpretation is there any technique or SOP that you guys use something like that?

LT: Affirm sir. If we feel, if anything is going wrong we'll just straight up say it in chat. And I mean that happened three or four weeks ago when we were supporting another CJSOTF TIC and there's a group of MAMs. We had already gone kinetic on two groups we had actually saw the no kidding firing in the direction of the team on the ground of the half. And we starting scanning around and saw another group of MAMs and we definitely counted out children in there, and the JTAC had been wounded so one of the JTAC was actually taking over in 1.4(g) to do type two. And no shit we called out children, he said clear to hot. And we kept calling out children, children until someone on the flight crew saw that. I mean, that's the initial fix is to just call it out in chat and hopefully keep calling it out until someone sees it.

LT: Alright, well this concludes our session today thank you for your service. I will turn it over to the lawyer to wrap this up. Over. Go ahead.

(b)(3), (b)(6) this is LTC (b)(3), (b)(6) the Deputy SJA. Do you swear or affirm that the information you just given is to the best of your knowledge and belief?

LT: Yes sir I do sir.

(b)(3), (b)(6) You give this information freely without fear of reprisal or expectation of benefit?

LT: Yes sir.

(b)(3), (b)(6) asked you earlier about the Privacy Act, do you mind giving me your Social Security number so I can add it to our form?

LT: Yes sir, it is (b)(6)

(b)(3), (b)(6) Thank you very much.



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MG: That's all we have. Thank you very much LT (b)(3), (b)(6)

LT: Thank you sirs, is that all you have for us.

MG: Yeah, and you cannot talk about this ongoing investigation with anyone until this investigation is complete and that will be a little. Just keep this to yourself okay

LT: Roger that sir, understand.

MG: Out here.

LT: Okay sir, take care sir.

STATEMENT OF (b)(3), (b)(6) TAKEN AT \_\_\_\_\_ DATED 2010/02/25

STATEMENT (Continued)

INITIAL STATEMENT WAS TAKEN 25 FEB 2010.

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1. AND ENDS ON PAGE 13. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regards to: 21 Feb Circus event

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6) CPT (b)(3), (b)(6) 1 MAR 10  
Printed Name/Rank Signature Date

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2010/03/01	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME █ (b)(3), (b)(6)	8. SSN (b)(6)	7. GRADE/STATUS O3	

8. ORGANIZATION OR ADDRESS

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Statement begins on page 1, transcribed statement from pages 2-19

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>19</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.