

MAJ: Yes. Perfect example is CAS on compounds. Proportionality analysis and we could hit the compound applying proportionality based on the GFC is not allowed to use CAS in self defense, granted he can go to higher and seek that approval. Example number two, emerging targets of opportunity.

LT [REDACTED] Is this consistent with US self defense ROE? You have a unit and there is a force demonstrating hostile intent and it is an imminent threat under US self defense rule the CDR tells them to withdraw, is that consistent with US self defense ROE?

MAJ: The commander tells them to withdraw?

LT [REDACTED] The Commanders intent is that instead of using force that they are to withdraw or to use lesser means than lethal force.

MAJ: Yes the higher commander can...

LT [REDACTED] Is that eliminating your inherent right to self defense?

MAJ: No.

LT [REDACTED] We are trying to figure out what may have or may not have been considered at the subordinate level. Or was it a confusion of the tactical directive, was it a misapplication of ROE or was it just simply trying to remove an imminent threat? We are getting a little bit of a different angle on it. We are trying to understand what folks understand between the tactical directive and the ROE.

MAJ: Some people do not think that this limits your inherent right to self defense. I do think that it limits that right, but a commander can do that and it talks about that in the SROE and how to request that permission to limit that. In this particular situation with the information on the ground at the time, PID of weapons by KIRK, SIGINT with ICOM chatter saying we are coming to get the Americans, and from what I have heard that people in the village were saying that people were coming to get them. That paints to me hostile intent whether they are 12K or 1200 meters away with the facts known at the time that was going to change that. I don't know what the GFC was thinking at the time, but where he struck and discussions with COL [REDACTED] was that it was a good location to limit collateral damage, there were two more villages enroute to that location which would have done...

COL [REDACTED] I think there is a lot of logic to that thought process and it wasn't about what the GFC was thinking at this particular question cycle, this was about what the TOCs were thinking and their decision not to insert command or control on this situation in their view of it.

MAJ: As the tactical directive is written now, and I understand what is going on with the drafting of the CIVCAS directive.

COL [REDACTED] That got shot down.

MAJ: Roger, last I knew it was still in draft.

LTC [REDACTED] The tactical directive as it is now; there is no requirement to withdraw outside, purely the letter of the law, out to withdraw from an area like that or a prohibition of using CAS. If there needs to be a change to that then think it needs to be made clearer.

COL [REDACTED] Do you have anything else for us?

MAJ: With regards to reporting, it is not that we don't want to report it is just give us something to report.

COL [REDACTED] Since you brought that back up, get the chip off your shoulder, stop assuming that people are shitting on you because you guys are concerned that people are going to say CJSOTF screwed this up again. Any time anyone has CIVCAS the first question in a different language was what went wrong or what got screwed up or whatever. It is not a fight on CJSOTF, you are in 100 activities a week and you have one or two CIVCAS, I get it that is too many but the fact is in the aggregate it is a lot more positive as to what you are doing in the operational environment we just have to reduce the small number that we all have.

MAJ: And we have to get better on our reporting.

COL [REDACTED] That is part of it. The quicker the notification, the quicker our four-stars can get out in front of this with the Afghan leadership so that we are the ones driving the reporting vs. them coming up to us because their coalition is being deceptive about reporting. We just want to give the heads up that we did something and it may be an issue, even if we come back and say that it wasn't or it was and here is the rest of the story. We just want to be ahead of the Taliban and local reporting so that we are driving the IO fight and not responding to it.

Warned and excused.

STATEMENT OF MAJ (3), (b)(6) TAKEN AT _____ DATED _____

STATEMENT (Continued)

Original statement was taken on 2 March 2010. The statement begins on page 2 and ends on page 16.

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)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 16 OF 16 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 into civilian casualty incident in vicinity of Shaid - e - Has, Uruzgan District on 21 Feb 2010

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)	(b)(3), (b)(6)	26 FEB 2010
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) 2010/02/26	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS ENSN	
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 2-12

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 12 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.

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

Navy

Platoon Commander for Navy EOD

Platoon 621

Place of Duty is FOB Cobra, for almost 2 weeks

2 Afghanistan tours, 6mths tours

(Sworn in and Privacy act read and gave consent to record this interview)

(MG)

MG: Your mission up here now is to do what as an EOD?

ENSN: I'm the Platoon Commander I'm supposed to be at the SOTF level however I had a wounded on January 29th so right now I'm the team leader for the Platoon at Cobra.

MG: Your mission is to do what?

ENSN: I provide EOD support to SOTF elements in regards to IED, UXO, and *PM2* assault.

MG: On the incident we were talking about on the 21st, you went in with the helicopter and searched?

ENSN: Yes sir.

MG: Where were you at after you inserted, were you close to CPT (b)(3), (b)(6)

ENSN: I was actually with the main element providing support to the main element as we were... so I was a couple meters to the right/Westside of the objective. Actually close to...

MG: They had to do some clearing of some buildings and I understand they found some IEDs, were you familiar with that?

ENSN: Yes sir.

MG: Did you get involved in the clearance?

ENSN: I did not my team member did sir.

MG: What was that?

ENSN: On initial approach it was believed to be a peace ordinance right in front of the doorway, with the Hostile IED threat to the South. We took immediate action in daylight; we actually saw that it was the piping they used for irrigation.

MG: Was it an IED?

ENSN: No sir.

MG: So it wasn't an IED it was just an irrigation pipe?

ENSN: Yes sir.

MG: Can you tell me when you got inserted in, approximately?

ENSN: I believe it was 0330.

MG: Were you familiar with what was going on? Were they tracking vehicles for some while or were you close by or just know anything about it?

ENSN: We were passed over radios just updates. There was (b)(1)1.4c and ISSR platforms were reporting movements to the north and south. They said that they were using vehicles and moving tactically through trying to envelop the surroundings by using vehicles to move.

{COL (b)(3), (b)(6)}

COL (b)(3), (b)(6): Did you monitor any reports of weapons during this radio traffic?

ENSN: All the handover on the radio traffic is what the CPT was relaying to the rest of us to keep us informed. He did say that they had PID of weapons. Also they heard of (b)(1)1.4c that they were going to attack us.

COL (b)(3), (b)(6): Do you remember any numbers of weapons?

ENSN: No sir.

COL (b)(3), (b)(6): How about reports of women and children?

ENSN: No sir.

COL (b)(3), (b)(6): You said you were about 200meters away from the main effort?

ENSN: Around there sir.

COL (b)(3), (b)(6): Can you show me on this map?

{Referring to the map}

ENSN: If this is where the BAZAAR would be then I was on the Westside closer to OP2. If I had my GOG with me I could show you (Inaudible) building 18-9.

COL (b)(3), (b)(6): So you were basically to the south then?

ENSN: Yes sir.

COL (b)(3), (b)(6): 2 hours into this mission in your mind what was your assessment of the enemy situation? As your getting these radio reports that the CPT is sending out to all the subordinate leaders to paint a picture, what picture did you have?

ENSN: I had an engagement just like this sir and I thought it was going to be the exact same engagement that I had with different ODA team that happened on January 29th. I thought that like previously they were trying to surround us under darkness and during our last OP on January 29th at first light ay 0655 we took fire. I believe that the same thing was happening just off of what he was relaying on ICOM chatter and what happened a couple weeks prior.

COL (b)(3), (b)(6): So in your mind you were being either enveloped or surrounded?

ENSN: I thought they were trying to surround us.

COL (b)(3), (b)(6): Let's kind of fast forward in time, did you take part in the sensitive site exploitation of the 3 vehicles that were engaged by the aircraft?

ENSN: Yes sir.

COL (b)(3), (b)(6): Tell me what you found when you got on the ground?

(MG)

MG: Tell us what time you got on the ground first roughly?

ENSN: I would be guessing... I know it was a while after the strike maybe 1200 or 1300 sorry.

MG: That's okay

ENSN: Once we made our way out the site the HELOs dropped us off a little ways away. Looking at the bodies and some of the fragmentation the site was tampered because it did not match the blast pattern were it obviously made impact. That was my immediate recognition.

MG: The site had been tampered with, what do you mean by that?

ENSN: The bodies, the way the bodies were and some of the fragmentation did not match the blast pattern. I take that back... at first we worked on the wounded and once the MEDIC came and started looking at the wounded then I started looking for the blast pattern. I found some fragmentations from the 2.57 rocket on the 2nd vehicle. The 2nd vehicle hit a little short so the vehicle had turned and had a lot of fragmentation in the back. All the doors were shut and the bodies were laying in a way the blast pattern couldn't have placed them. They were in a line on the left hand side of the vehicle and they were even covered. After I saw that I asked (b)(6) our Interpreter to ask them if the bodies have been moved and they said yes that the bodies have been moved. When I did a 360 on the site looking for other blast sites I actually found another impact of a 2.75 rocket farther to the right. Some of the blast fragmentation looked like it had been handled the windshield looked like someone had picked it up on one side with their hand, but the blast patterns just didn't match the bodies didn't match.

MG: When you talked to (b)(6) and asked if the bodies have been moved did he ask them who moved the bodies?

ENSN: No sir. That was my fault I should have had him ask that question.

(MG)

MG: Did you ask the team if something had been removed from the site?

ENSN: Not to my knowledge sir.

MG: How long have you been doing this type of job? Obviously you're an ENSN.

ENSN: 11yrs sir.

MG: In EOD?

ENSN: Prior enlisted actually 15yrs in.

MG: I don't know if it helps but my last deployment here was a CEXC Deployment as well as a CEXC investigator.

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

Did you take any photos of the site of the SSE?

ENSN: Yes sir. I handed them over to CPT (b)(3), (b)(6) I labeled it code SSE folder, he has it with him.

(MG)

MG: We need to get a copy of those, today.

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

COL (b)(3), (b)(6) How many dead bodies were at the SSE?

ENSN: 15 maybe 16, I found apart so I don't know if they were actual pieces there. The exact breakdown, I believe there was 10 -11 in the first car, in the 2nd car there were 3, and in the 3rd car I think there were only 2.

COL (b)(3), (b)(6) Were there women and children among the dead?

ENSN: No sir.

(MG)

MG: You feel real confident in that?

ENSN: Yes I do.

MG: How long were you on the site?

ENSN: Time escapes me, I will guess 2hrs.

MG: Do you know who called the MEDVAC?

ENSN: I don't remember if it was the JTAC or the (Inaudible)

MG: Were you there when the MEDVAC arrived? Do you know how many they MEDVAC out of there?

ENSN: I believe it was 12 and that's after the fact, we were all trying to get people out there. I know they were loading the birds as quick and as fast as possible.

MG: What was the attitude on the scene by the women, children, and men that were injured there?

ENSN: They wanted water. Women were around car number 2 off to the right hand side. They were just around one body. I believe the body they were closest and the 2nd one within a meter of them are of their relation. To my knowledge it was only one woman that was hurt at car 3, something had happened to her face I don't know.

There was a little kid that I carried that hurt his foot, I'm not sure I think he had a break. He wasn't severely wounded; the other 3 women were fine.

MG: So no women and children were killed?

ENSN: No sir.

MG: How many women and children on the site?

ENSN: I believe 4 women and I'm not sure maybe 2 or 3 children.

MG: CPT (b)(3), (b)(6) was on the site?

ENSN: Yes sir.

MG: What was he doing?

ENSN: He was in distress over the wounded children of course. It upset him very much, and he was working to make sure the 18D had support and the MEDVAC was coming in. That actually took up all their energy.

MG: How many MEDVAC hellfire's came in?

ENSN: Two sir.

MG: Did you get a chance to exploit the site, how far did you go out when you were looking to see what was going on?

ENSN: I went maybe 300 meters out sir. The 1st vehicle took a direct hit and the direct hit to the front took out a lot of stuff out at a straight angle. I went up all the way up to the ravine looking to see if stuff got caught in the side of the ravine wall. Sometimes there are FRAGs that fly as far out as far as 300-400 meters out made in an oblong pattern that FRAG goes out that far.

{COL (b)(3), (b)(6)}

COL (b)(3), (b)(6) In indication of weapons piece's and parts?

ENSN: The only thing I could find was fragmentation from the rockets that were fired from the aircraft.

COL (b)(3), (b)(6): Any type of drag marks or anything like that?

ENSN: There were foot prints and foot trails around there. As far as fresh they were I couldn't tell but there were foot prints everywhere pretty much. I didn't bet all the guys in there so some of the foot prints could have been from our guys that were providing security, but I couldn't tell.

(MG)

MG: When did they do permission planning?

ENSN: The night before

MG: Do they usually talk about ROE?

ENSN: Yes

MG: What do they say? What do they get briefed on before going on mission?

ENSN: Immediate threat means that were taking affective fire. PID, just don't shot at some random person, and the deference between ineffective and effective fire. Also if you think the enemy is maneuvering or can cause harm like a weapon in the enemy's hand, and he's maneuvering to get a better shot.

MG: If he's maneuvering to get a better shot, what does that mean?

ENSN: He's going to cause harm on us

MG: Is that Imminent Danger?

ENSN: Yes sir

MG: What about civilian casualties do they talk about that?

ENSN: Not really

MG: Preventing or anything?

ENSN: Will do everything to save lives, the Afghans lead the way. You never want to fire at Civilians unless you have positive PID they go over that routinely. Letting the Afghans work up front and even when we encounter Afghan locals my team lets the Afghans handle them.

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

MAJ (b)(3), (b)(6) You're being held as the person that has the most experience and the best knowledge, and the best ability to give a site assessment. Would you say that is accurate?

ENSN: I believe so

MAJ (b)(3), (b)(6) So everything your saying with regards to what you saw we're hanging on very heavily. So with that preference in mind I'm going to ask you a serious of questions so you can understand the gravity of the answers you're providing.

ENSN: Yes sir

MAJ (b)(3), (b)(6) Did you see any kind of tampering or scrubbing on the screen by anyone else? When I say scrubbing I'm using it in the lose term like the site has been cleaned up by someone and bodies have been moved deliberately so there's not an indication of us causing damage, weapons removed, blast damaged changed, anything like that, some type of scrubbing of the scene?

ENSN: Yes sir

MAJ (b)(3), (b)(6) What was that specifically?

ENSN: The bodies have been moved, the bodies did not follow the blast pattern. The bodies were lined up and had been covered.

MAJ (b)(3), (b)(6) Why is that important?

ENSN: Because somebody else was on the scene prior to us, what that tells me is that the scene was contaminated before we arrived there. As far as weapons being removed I cannot give you an honest answer, I did look for pieces and parts but I did not find any but there was fragmentation from the vehicles and the bodies that would show that the site was contaminated.

MAJ (b)(3), (b)(6) With regards to the front window, you said one of the windows had been moved or the front windshield had been moved, is that for ingress and egress or was that just someone tampering with the scene?

ENSN: NO sir. The front window was actually blown 50 meters to the front of the HILUX and it looked like somebody had lifted up a corner of it. The entire windshield was enacted except for a corner of it. The pattern of the grass where it laid looked like it had been shifted.

MAJ (b)(3), (b)(6): Any type of drag marks?

ENSN: I did not see any that stuck out

MAJ (b)(3), (b)(6): Blood trails?

ENSN: There was on to the east of where the rocket had impacted. There were some blood markings, I don't know if it was from someone who was injured or cut but there were some blood markings.

MAJ (b)(3), (b)(6): At the end of that blood trail?

ENSN: It wasn't a trail so much as a blood spot and then a couple of drops farther in, then that was it.

MAJ (b)(3), (b)(6): Did anyone tell you that they were on the scene before you got there?

ENSN: No sir.

MAJ (b)(3), (b)(6): Do you have any information of who was there before you as you sit here today?

ENSN: No sir

MAJ (b)(3), (b)(6): You also said the ANA or ANP, and your guys beat you to the area?

ENSN: The security on the flanks, they did not beat us to the center they were are flanks and whenever I was doing my circle there was foot prints on the foot trails and even where they were footprints, they were using the foot trails. There were multiple foot trails and they all had marks on them.

(Inaudible plane over head)

ENSN: They moved some of the debris to get the bodies or make a work space

MAJ (b)(3), (b)(6): Before you had a chance to look at the scene, did they move any evidence?

ENSN: The 18D went directly to the wounded and they moved the debris out of the way to work on the wounded.

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

SPC (b)(3), (b)(6): I actually have a question, this is in regards to the bodies being lined up do you think the women were capable of moving them?

ENSN: No

{MAJ (b)(3), (b)(6)}

MAJ (b)(3), (b)(6): Why is that?

ENSN: The males were heavy and the ladies were rather upset and only around these two main bodies. They didn't even move while we were there, they stayed close to those two bodies.

MAJ (b)(3), (b)(6): Were there any other men on the scene?

ENSN: Just the wounded

MAJ (b)(3), (b)(6): Were the wounded able to move the bodies?

ENSN: No

MAJ (b)(3), (b)(6): Why is that?

ENSN: Most of them were not capable of walking. To be honest I can't think of one of the wounded that actually walked to the birds themselves.

{MG}

MG: Were there any Afghans or community leaders around the site when you got there?

ENSN: No sir.

MG: Did they get there after you were there?

ENSN: Yes there were a couple vehicles that came up

MG: Were you around the interpreters when they were talking, or did you hear anything from the community leaders translated?

ENSN: No sir

MG: Who ended up conducting the post strike damage BDA assessment?

ENSN: We did sir

MG: Do you have a report on that, or who filed the report?

ENSN: I assume CPT (b)(3), (b)(6) did sir.

MG: What recommendations concerning improvements if any to coalition force tactics technique and procedures would help avoid this kind of incident in the future?

ENSN: I don't think it was tactics support I'm just the blast impact and the EOD guy. I don't think I can tell you anything to help on the tactics side.

MG: What if anything will improve our operation from your perspective, do you have any concerns that you would want to share with us with what we can do to improve operations and not hurt anymore civilian casualties?

ENSN: No, not that I could think of. Maybe the aircraft platform can coincide with the GF so we could have a better picture, but we pretty much knew what was going on, on the ground. I think the Commanders I've worked for this deployment have been both great.

MG: Are you familiar with General McChrystal's Tactical Directive?

ENSN: Not intimately sir.

MG: So you haven't read it yet?

ENSN: No sir.

MG: Well you need to read it then, okay.

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

MAJ (b)(3), (b)(6) You mentioned that on the January 29th mission that the same pattern had developed, did you pass on that experience or say that to any while you were involved in this operation on the 21st?

ENSN: I said it to the SGT standing next to me and we were farther out on the flank, I didn't pass it up or anything like that.

STATEMENT OF (b)(3), (b)(6) TAKEN AT _____ DATED 2010/02/26

STATEMENT (Continued)

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 12. 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

ORGANIZATION OR ADDRESS

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 Investigate Civilian Casualty event 21 Feb 10 in the vicinity of Shadid-e-Haz

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
Printed Name/Rank

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

28 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. 8397 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
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5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CPT/AD
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8. ORGANIZATION OR ADDRESS
Special Operations Task Force 1-2

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

Original statement was taken on 28 February 2010. The statement begins on page 2 and ends on page 18.
The rest of this page was intentionally left blank.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 19 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.

CPT (b)(3), (b)(6), FIRES OFFICER SOTF 12

MG McHALE: Introduction and explanation of investigation

Sworn and explained the Privacy Act and the recording; No objections

MG McHALE: How long have you been in the Army?

CPT: Almost 9 years.

MG: Graduated from college in?

CPT: 2001.

MG: Your branch is?

CPT: Field Artillery.

MG: How long have you been in the assignment you are in right now?

CPT: About a year.

MG: How many tours have you done?

CPT: This is my third.

MG: Where were your other tours?

CPT: Iraq and Afghanistan.

MG: And you performed the duties of a Field Artilleryman?

CPT: Yes.

MG: How long have you been with the Special Forces Unit?

CPT: Just over a year.

MG: Have you ever been with a Special Forces Unit before?

CPT: No.

MG: How long have you been in country on this tour?

CPT: Since January.

MG: Tell us your duty and role in this operation.

CPT: I am the night FIRES officer. I try to coordinate for assets for the guys on the ground if they need it.

MG: Who are all of the assets you deal with?

CPT: ISR, AC-130 Gun Ships, Fixed Wing CAS, Rotary Wing, CCA, and if necessary Indirect Fire Support.

CO (b)(3), (b)(6) Would you define your duty hours?

CPT: I work plans during the day, and if there is a level 1 or level 2 operation I will stay and work the night FIRES position as well.

CO (b)(3), (b)(6) What hours did you work on 21 February?

CPT: 2000 to about 0900.

CO (b)(3), (b)(6) You departed station or handed off at 0900 on the day of this mission?

CPT: I came in at 2000 the night before the mission. They INFILLd at 0300 and I was coordinating things prior to the operation. So I was there from before the INFILL through the firing of the Hell Fire Missiles.

CO (b)(3), (b)(6) Tell us from your perspective what happened during this mission.

CPT: It started out as a level 1 CONOP with search and seizure so we had to do it during the day because we didn't have the intelligence to get a level 2 rating. The birds that we fly only between the hours of EENT and BMNT, so we had to do an INFILL at night prior to BMNT and the team had to sit there and wait for first light to begin the movement southbound to the objective to conduct the operations. While they are on the ground we had AC-130 and ISR over head, and they had their police scanners with their interpreters and also had their partner force. While sitting there they begin picking up (b)(1)1.4c stating "they are here, get out all the MUJAHADEEN let us get together and defend this place. As far as what the ISR and AC-130 are seeing is a lot of movement. I think this is the most movement I have seen on an objective since I have been here, and the ISR was saying that it was a lot of movement as well. Knowing that it is the village of KHOD in western Uruzgan, it is probably a decently bad place. When you mix the movement with the (b)(1)1.4c and what the Direct Support Officer was monitoring and reporting this was interesting.

CO (b)(3), (b)(6) What are you physically listening to during this, like which nets are you monitoring and what is being said?

CPT: We only monitor (b)(1)1.4c, other than that all of us are on mIRC chat. The majority of our coordination's are done over the phone or on mIRC chat.

CO (b)(3), (b)(6) So you are seeing all the mIRC chat that goes between (b)(1)1.4a, the predator screener, and the forces on the ground?

CPT: The predator is in a main chat room and you can talk back and forth to them in that room, but the messages that are being sent to the ground is all voice.

CO (b)(3), (b)(6) Do you are not able to monitor what (b)(1)1.4a is saying to the JTAC?

CPT: Correct, we cannot hear that, because it is (b)(1)1.4c

CO (b)(3), (b)(6) What were your actions when the AC-130 departed the area?

CPT: We knew we still had the predator overhead and the plan for the day was not to have dedicated CCA or CAS for the mission. We were just going to wait for a TIC declaration. I had already coordinated with (b)(1)1.4a and told them that we would be on the ground most of the day in western Urozgan which is a pretty bad place, and if possible while they were flying their scout weapons team around if they could check on our guys.

CO (b)(3), (b)(6) Who coordinated for the two F15s?

CPT: That was me.

CO (b)(3), (b)(6) Why did you do that?

CPT: They had declared a TIC based on imminent threat and (b)(1)1.4c. They first requested another Attack Weapons team. I contacted (b)(1)1.4c and they said the only thing they could get off the ground in a timely manner was a Scout Weapons Team. They called us on (b)(1)1.4a to see what they were getting. I told them a Scout Weapons Team was coming and the call sign was (b)(1)1.4a. I also told him that we may be able to get A-10's out there and he said great if you do get them tell them to stay south of the 45 grid line so that way we don't burn the target, and he wanted to give the enemy a chance to come out and get their positions. When I put the request in through the ASOC we got two F15s instead of the A-10s. I did tell them to stay south of the 45 grid line and to get a hold of the JTAC at FB COBRA and that he will control until the actual TIC happens near the village of KHOD and the he would pass them off. When they came on station they flew right over the target area so we told them that we didn't need them right now and to push out.

CO (b)(3), (b)(6) How close do you sit to the JSOTF ISR?

CPT: He is maybe two seats down from me on my left.

CO (b)(3), (b)(6) Does he monitor mIRC chat?

CPT: Yes he does.

CO (b)(3), (b)(6) How much cross talk was there between you and AIC (b)(3), (b)(6) during this time?

CPT: We have constant communication with each other.

CO (b)(3), (b)(6) From the inputs you were getting what was your assessment of the target and situation?

CPT: From the (b)(1)1.4c we believed there to be an IED facilitation area. We had plenty of knowledge that this was a bad area from people being there before.

CO (b)(3), (b)(6) What drew you to the three vehicles?

CPT: The (b)(1)1.4c was saying to gather the forces and bring them to the village of KHOD, and that the MUJAHADEEN was here and we need to get a force to take these guys. The ISR goes north and notices people loading into vehicle at the same time. The first vehicle loaded and drove to the second vehicle that loaded and they both appeared to be MAMs. They then started driving south. They crossed the river and met up with a third vehicle. At this point you have three vehicles with MAMs in them traveling toward the team during the same time that the (b)(1)1.4c is mentioning the MUJAHADEEN and to bring reinforcements.

CO (b)(3), (b)(6) Did you ever here any reports of children or adolescents associated with these three vehicles?

CPT: The ISR Screener or analyst stated in the mIRC chat that there were suspected adolescents, but then they came back and clarified that they believed they were just smaller adults and not adolescents.

CO (b)(3), (b)(6) Define adolescents.

CPT: I would imagine teenagers. I still wouldn't put it past anyone to have 16 or 17 year olds fighting us. Like I said, they came back and said more than likely not adolescents, but rather MAMs.

CO (b)(3), (b)(6) When you say came back, by what means?

CPT: mIRC chat.

CO (b)(3), (b)(6) What was significant about 0839, that we went and got the Battalion Commander?

CPT: I don't know why he was woken up. I was told it was a call from the CJSOTF commander, and that he had been monitoring the situation. After that phone call with COL (b)(3), (b)(6) LTC (b)(3), (b)(6) got on the phone with (b)(1)1.4c and I got on the phone with the TF SOUTH FIRES officer to coordinate an AVI package.

CO (b)(3), (b)(6) Based on what you understand, what made this an attractive AVI target?

CPT: They called up and said that this is their game set. I believe they saw the situation just as we did.

CO (b)(3), (b)(6) Did you monitor or where you aware when the KIOWAs were cleared to engage?

CPT: I was under the impression that they had already left the station by that time to refuel. I was told after the fact that the JTAC had pushed them out to get an assessment of the vehicles and do a hand off

with the ISR. They came up on the mIRC and said (b)(1)1.4a cleared to engage vehicles and I cannot remember how long but it was only a matter of seconds that the strike happened.

MG: So, by your statements and your body language this surprised you?

CPT: Yes.

MG: Could you walk us through as to why it surprised you?

CPT: I thought they had left to refuel.

MG: Can you tell me the intelligence that was going on in your office as you began to and continued to track the vehicles?

CPT: I am under the impression that the (b)(1)1.4c that we are picking up is coming from the town and not from the vehicles themselves. As the vehicles are heading south they stopped at the river, washed and prayed. (b)(1)1.4c

(b)(1)1.4c They then got back into the vehicles and continued to drive more west than south. It was a little confusing at first then we thought that maybe it was a tactical move and they were planning a specific way to do something. At this point they started moving slower through more restrictive terrain. I believe it would have taken them 35-45 minutes to get back to where the team was and that left us plenty of time to get the AH-64s ready.

MG: Who is the Battle Captain?

CPT: The night BTL CPT is (b)(3), (b)(6) and the day BTL CPT is (b)(3), (b)(6) Of course the BTL NCOs are there as well. I cannot remember exactly what time this was handed over. There was not a full shift change because of the situation at hand.

CO (b)(3), (b)(6) When were you first aware of women and children in the convoy?

CPT: Not until about 15 minutes after the strike. The predator was able to switch to a color view and we saw what appeared to be a woman waiving a scarf of some point. Then the screener came over and said they saw a woman holding a child.

CO (b)(3), (b)(6) What was going on in the command post when we found out about women and children?

CPT: We knew SSE still had to be done. We were under the impression that TF South was already spun up for the AVI that they would conduct the SSE, but they didn't.

CO (b)(3), (b)(6) Why not?

CPT: I think they saw it as, you struck it so you can do the SSE.

CO (b)(3), (b)(6) Eventually ODA (b)(1)1.4a was provided the task and assets to conduct the SSE?

CPT: Yes.

MAJ: Do you know how long after the strike to the time the actual SSE was done?

CPT: I think it was a couple of hours but by that time I had already done my change over and had gone up stairs to do my plans job.

MAJ: Did you ever call for any type of 9 line or CIVCAS?

CPT: No I didn't feel as if that was my job. I knew someone had to do SSE and that they could assess the casualties on the ground. I wouldn't expect that we would send MEDIVAC into an area that doesn't have any type of coalition force in it.

MAJ: Do you ever call for SSE after any type of a strike?

CPT: I do not. The BTL CPT does that.

MAJ: Did he do it?

CPT: He was doing it when I left at around 0900. To clarify as far as MEDIVACS go, the FIRES station will do coalition force casualties and the DOC or BTL CPT will do them for civilian casualties.

MAJ: Who was talking to the GFC during the time of hit?

CPT: To my knowledge nobody was around the time of the hit. The (b)(1)1.4a batteries don't last long and it was a "remain over day" mission so I am sure they had it turned off. If we have pertinent information that we need to push we will tell them to contact us on iridium. I believe the last time there was communications with the GFC was before he sent the KIOWAs for a search of the area.

MAJ: Do you know about where the vehicles were about the time the request for fire came in from the GFC or do you remember who it came from?

CPT: I don't know, because I do not have that connectivity with the platforms themselves.

MAJ: Could you explain why you said tactical maneuvering and whereabouts that was on the map?

CPT: We said tactical maneuvering because they were not traveling straight for the element, but they could have been repositioning to attack later.

MAJ: Where is the point that they changed from tactical maneuvering to just traveling?

CPT: When they started taking that northern most break on map.

MG: Can you walk us through on the map?

{Using the map to explain}

CPT: As they starting travel around about here and to the north then turned to a westerly travel. My suggestion was that we continue to follow with the predator and watch to see where they go. I thought we could get better intelligence by watching to see where they go and who they link up with rather than interdicting them, but I was not the GFC and I didn't have that type of relay with (b)(1)1.4a either.

MG: Where were the vehicles around the time when the discussion of an AVI started?

(Referring to the map)

CPT: It wasn't too long before the strike so it was probably in this area.

MG: How did that AVI start?

CPT: I believe it was a phone call from (b)(1)1.4c to our TOC stating that they had been watching our predator feed, and that this was along the lines of their mission set and that maybe they could go out and execute that objective.

MG: (b)(1)1.4c

CPT: (b)(1)1.4c

MG: So the Rangers brought up that they were monitoring this?

CPT: Yes.

MG: Who received this call?

CPT: I think the BTL CPT received this call. All I remember was that the Battalion Commander had came in because someone had woke him up to address the situation of having (b)(1)1.4c conducting the AVI. At that time I got the call from (b)(1)1.4c and we started sharing information such as frequencies and grid coordinates.

MG: Where is (b)(1)1.4c physically located?

CPT: I am pretty sure they are down here but I am not sure.

MG: When (b)(1)1.4c FIRES talked to you about what did you talk about? Do you know who the (b)(1)1.4c (b)(1)1.4c FIRES is?

CPT: I cannot think of his name, but his (b)(1)1.4c

MG: What is your call sign?

CPT: (b)(1)1.4c, but I just go by my name.

MG: When (b)(1)1.4c contacted you what conversation went on about the AVI?

CPT: At that point our job becomes like the stand in air traffic controller. I just relayed to him the assets that we had in the air at that time and the ROZ information.

MG: What was the dialogue as to whether the mission should go or not?

CPT: That dialogue was either between the BTL CPTs or the Battalion Commanders, but I am not sure.

MG: Did you go to the BTL CPT to relay this information?

CPT: The BTL CPT and the Commander were talking to each other at that time. I walked up and they said that that wanted to do the AVI.

MG: What were they saying?

CPT: At this point they were bantering back and forth about the different options they had. I walked up and made my recommendation to follow them with the pred. He told me that he didn't want them to go somewhere that we couldn't stop them at that point like a compound. So the commander said let's do the AVI.

MG: Who did he tell this to?

CPT: To the BTL CPT. We then called (b)(1)1.4c and said let's do the AVI. Then we started passing more information.

MG: What kinds of calls were made to (b)(1)1.4c?

CPT: I think we were trying to get the details together to develop a timeline to give to the GFC.

MG: How much time transpired from when the Commander made the call for the AVI and the engagement occurred?

CPT: I would say about 10-15 minutes.

MG: Was there any discussion with the GFC?

CPT: I cannot remember, but I know it wasn't from me.

MG: Why did it surprise you when the vehicles were struck?

CPT: I didn't even know (b)(1)1.4a was on station at that time.

MG: Would it surprise you as well that the strike happened after the decision was made for an AVI?

CPT: Yes.

MG: If the decision was made to do the AVI, what procedures should have happened to ensure the strike didn't happen?

CPT: I think someone should have called the GFC to let him know of this possibility. I was disconnected from those discussions at that point because I was speaking with their FIRES.

MG: What was your dialogue with (b)(1)1.4c?

CPT: Just the management of the airspace and the assets we had in the area.

MG: Did you tell him that the idea was that the AVI was going to happen?

CPT: I think we were determining more if this was going to be able to happen because from our end it was a go, but (b)(1)1.4c still needed the information to ensure that it was tactically feasible.

MG: TF SOUTH made a recommendation that they could do an AVI?

CPT: Yes.

MG: It was discussed around your OPS?

CPT: Yes.

MG: You were on scene with the Commander and the BTL CPT when the decision was made to go with the AVI?

CPT: Yes.

MG: You went to coordinate with (b)(1)1.4c about the ROZ and how to make it happen right?

CPT: Yes.

MG: When you went to make the coordination for the AVI you were making it to clear the ROZ so the AVI could come in?

CPT: Not to clear the ROZ, but to understand how to stack it.

MG: You had to make coordination so that the AVI could happen?

CPT: Yes, and at that point it is possible that the BTL CPT could have called the GFC to let him know that option was on the plate.

MG: Or the Commander could have called?

CPT: That call would have been on iridium and he would have had the BTL CPT make it.

MG: (b)(3), (b)(6) But you are not aware of any call like that right?

CPT: That is right. As far as I know it wasn't made.

MAJ: You said that you did not know until just before the strike that (b)(1)1.4a was on station. Are they supposed to call you and tell you that they are in that area?

CPT: No, we run a decentralized ROZ. That means I establish the ROZ, give the initial layout of what assets are going on, and then I pass that to the JTAC. I pass the frequencies to the assets and the JTAC controls them from there.

MAJ: Do you have any cease fire authority?

CPT: I do not; it would be the Battalion Commander.

MAJ: So in this situation and you hear a strike is about to occur do you have cease fire authority?

CPT: No, that is the Battalion Commanders decision or the BTL CPT if the Commander has delegated it to him.

MAJ: Do you have the ability to take control of the predator where you are?

CPT: I do, but we let the JTAC have that control because he is the one who needs them.

MAJ: Did anyone try to take control of the predator before the strike?

CPT: No.

MAJ: did anyone try to order the predator to strike?

CPT: No.

MG: Who has the final approving authority for the strike?

CPT: The GFC.

MG: What can you see while on the mIRC chat?

CPT: We see the predator window, everyone puts in the information that applies to everyone else, so the screener, the pilot, or the sensor operator will report what they are seeing. The ISR manager will report to make sure they are doing certain things. I will report other assets coming into the airspace. From there you can whisper chat with any one person.

MG: Do you hear the whisper chat?

CPT: Only if I am the one to initiate it or the recipient of it. It is not visible to everyone. Also in the main room the predator will pass everything from the JTAC.

MG: So would the screener and KIRK be visible to everyone?

CPT: If you have more than two names on the page it is a normal room and everyone one in it can see it.

(Referring to the mlRC chat print out.)

MG: At around 0108Z it refers to MAMs loading the SUVs. Then the screener says at least one child near the SUV at 0109. 0110 screener says two children at rear of SUV. The screener is making all of these references to children. It goes on to say that a MAM assisted a child into the back of the SUV. It goes for a while here. Do you remember seeing the call for children?

CPT: I remember the call for adolescents but not for children, and then the clarification was that they were probably MAMs instead of children.

MG: At 0152 it talks about adolescents at the rear of the SUV. Did the GFC ever talk about striking this target? Tell me what (b)(1)1.4c was planning to do with this target.

CPT: I was not under the impression that he was going to strike it. I thought we were just going to follow it.

MG: Why were you under that impression? What kind of radio calls or what did you hear, or did the BTL CPT gather you around and say something?

CPT: I thought he was more focused on the objective of KHOD because at this point it was daylight and they had begun clearing that area. They had been calling up the findings from the objective so I figured he was more intent on that.

MG: In your OPS how far out of the objective area does the GFC control or when does the area become battalion control?

CPT: We give them at least a 5 nautical mile radius which is just under 10K. So if this was 15K away that was outside of our ROZ.

MG: Can you show me about where the ROZ would have ended.

(Using the map and laser pointer)

CPT: Right here.

(Pointing to an area approximately 3K east of the engagement site)

MG: so we set up a ROZ and the operation is going on, you thought he was focused on his exploitation of the site picking up jugs of HME or ICOM whatever it was. So they were working that the three vehicles are outside of the ROZ. At what point does the Battalion take over the target, at what point is there a

target hand over and dialogue, because you can see all of those graphics in your TOC. Can you explain how you can see all of those graphics?

CPT: We have Google earth which the common operation picture manager uses, and I have Falcon View as well.

MG: You know this is coming out and by your comments it is moving away. You had dialogue earlier with the BTL CPT that your recommendation was to watch it move away. At what point does the dialogue or the SOP to assist the forces come into play? Where does that take place?

CPT: I don't know if there is any clear line of when that would take place. In this area of the village of KHOD there is nothing around it. He is maybe about 12K north of Cobra. It is more of like an outpost so there is really nothing around him. I think it changes on where the GFC is at. If we still believe that these three vehicles full of MAMs could still influence him then it is still his control.

MG: You said "we", we meaning what?

CPT: The Battalion TOC.

MG: Keep that dialogue going, but I am trying to figure out what was going on here. What was going on in the TOC? The vehicles are tactically moving away and they are outside of the ROZ. What was the dialogue in the TOC to understand to assist the GFC in this fight?

CPT: We just let him keep the predator at that point. As far as the dialogue to (b)(1)1.4c about these three vehicles, I know that he was interested in just monitoring them. We kept the predator under his control he tasked the predator to watch those three vehicles so we left it at that.

MG: Earlier you said that it would probably just be moving out of the area and that we should just watch it develop. What was the dialogue with the BTL CPT on what was going to go on with these three vehicles?

CPT: Again it was my recommendation that we follow the vehicles with the predator, and that is what the GFC wanted to do and it seemed legitimate.

MG: He wanted to watch with the predator, because he had control of it at that point?

CPT: The communications were in and out at that point, but yes.

MG: Was there a point that was talked about to take the predator back because it was only going to watch those vehicles. Was there a decision point in the TOC to figure out that this is further away he has control but wasn't using the predator for his objective correct?

CPT: No, he was initially but not at that point.

MG: Did you have any dialogue with (b)(1)1.4a?

CPT: No.

MG: You just relayed everything through the BTL CPT?

CPT: Yes through the BTL CPT and the predator.

MAJ: Do you have the ability to enter information into the KIRK chat room?

CPT: I do.

MAJ: And that is from your desk?

CPT: Yes.

MAJ: I am just trying to figure out why you never typed in the mIRC chat that the AVI team was on its way.

CPT: It wasn't on its way and we were still developing that course of action. We were still communicating with (b)(1)1.4c to see if this was going to happen. It was decided on by us that we would like that to happen, but (b)(1)1.4c was going to conduct it so we were waiting for the conversation with them to see if they were going to take this thing on.

MAJ: You said you were monitoring the predator feed during the first strike correct?

CPT: Yes.

MAJ: Why didn't you enter into the mIRC chat and enter any kind of halt, cease fire, or stop any further actions?

CPT: I think we were all taken back at first when the strike happened. Like I said it took me a couple of seconds to figure out where that HELL FIRE came from. We knew it hadn't been launched off of the predator because the tech would have to report certain things before that would happen. I was not tracking that (b)(1)1.4a was even on station. That first strike happened and it took me a couple of seconds to realize that it was possibly (b)(1)1.4a that did that, and then the second strike followed almost immediately after that. At that point I think it was kind of up to the GFC and nobody told me that he shouldn't engage that target. I think in our community we lend a lot of credence and we give a lot of support to what the ground force commander sees and does, as well as the JTAC. If the GFC had a conversation with the OH-58s over the radio we were not privy to and he has additional PID information that he does not have to pass to us, because that is not one of the clearance to fires that we put on him.

MAJ: After the second strike on the 3rd vehicle and then a third strike on the middle vehicle is that right?

CPT: Yes.

MAJ: Then they come back around and do two rockets on each side is that accurate?

CPT: I only saw rockets on one side.

MAJ: At any point in time did anyone suggest that you put into the mlrc to cease fire?

CPT: No.

MAJ: You mentioned there was whisper chat ability. Did you ever have a whisper chat with anybody at the time of this engagement?

CPT: I probably had a whisper chat open with the mission commander of the predator, but that is not someone that I normally chat with. I definitely had whisper chat open with the AC-130 when it was on station.

MAJ: The AC-130 was not on station at the time of the strike.

CPT: Correct.

MAJ: During the time of the strike did you have a whisper chat with the predator pilot?

CPT: I may have had it open but I didn't put anything in it for a long time.

CO (b)(3), (b)(6): Can you characterize the type of discussion that you were having with the airmen about what type of threat this was as it moved west.

CPT: I think we were both discussing how we both wanted to keep eyes on it. We had talked about how the predator had mentioned adolescents in the vehicle prior, but that he came back and said that they were probably MAMs. At that point I don't think either of us were talking about striking the vehicles. That was not a part of our course of action.

CO (b)(3), (b)(6): What was your thought on the best way to approach this particular threat or potential threat?

CPT: We had the predator on station all day so I just recommended that we follow those vehicles.

CO (b)(3), (b)(6): Was there a discussion that you had with the Commander of the type of intervention that you may want to do with those vehicles?

CPT: The LTC said that he wanted to do an AVI.

CO (b)(3), (b)(6): What was your thought on that?

CPT: I thought they could do it if they want, but that there would be more to be gained if we just followed them.

CO (b)(3), (b)(6): At anytime did you or the Commander decide that you needed to strike those vehicles?

CPT: No.

CO (b)(3), (b)(6) Was there a point in time when this went from potential threat to threat back to potential threat and where did that occur?

CPT: I think there was. When they were up north of the objective area and they were traveling south I think they immediately became a threat because of the (b)(1)1.4c that was laid on top of the movement, but then when they broke west they became less of a threat and we just wanted to monitor them.

CO (b)(3), (b)(6) Were you able to communicate that assessment to the ground commander?

CPT: I think we did over the (b)(1)1.4a

CO (b)(3), (b)(6) Did you personally talk to him over the (b)(1)1.4a?

CPT: No.

CO (b)(3), (b)(6) Then who talked to him about the threat lessening?

CPT: It would have been the BTL CPT if anybody. I know when we were talking to the predator through mIRC we were talking about just following these guys. I don't think at anytime anyone communicated to the GFC not to strike these vehicles, because it is not something that we normally do. We feel that if he is in contact with the predator and the OH-58s that we sent out to screen which we were not aware of and he is on the ground he generally has a pretty good picture at what is going on. He might be more privy to some conversation that he had with the OH-58s than what we knew about. We normally give the GFC pretty big lee-way on how they operate and the same with the JTAC because he has control of the assets and I am not going to try to take his assets away.

MAJ: With regards to the purpose of this investigation it is to find the facts but to also obtain recommendations. Do you have any recommendations as to lessons learned in this situation and how we can apply them to the future?

CPT: I think if we had better communication to the GFC about our recommendations, when they are outside of his initial threat range.

MG: Are you familiar with the tactical directive?

CPT: Yes.

MG: I want to read an excerpt from this and it is paragraph "F". (Reads from the directive) What do you think he means by that?

CPT: I think he wants to temper the use of CAS, CCA, and armed ISR.

MG: Why do you think he wants that?

CPT: So we don't create more insurgents, and so we limit the number of CIVCAS.

MG: (reading paragraph "G" of directive) What does that mean?

CPT: I think he wants to continuously review his guidance and ensure that we are following it.

MG: When he talks about a cultural shift in our forces what do you think he means by that?

CPT: I know that a lot of us get wrapped around body counts and killing dudes. We obviously need to temper our use of force so that we don't create more CIVCAS or insurgents.

MG: Do you guys talk about that much in your training or briefings?

CPT: Yes.

MG: Could you relay to me how that happens in your organization?

CPT: I think we regularly review this guidance and the other guidance that we get from higher. Our JTACs fully understand this and I think our GFCs understand this guidance. I just drafted a FRAGO yesterday that relates this guidance again to the average operator that we have on the ground. I think we all understand the guidance and we internalize it so I don't think that is the issue. I just think that we anticipated that this was three vehicles filled with MAMs instead of even thinking about civilians.

MG: Did you see an immediate threat as you were watching this the whole time, previous to the engagement?

CPT: I did not.

MG: How could this have been prevented?

CPT: I think guidance from higher to let him know that that we were going to follow it, maybe if we dictate all engagements are cleared through the SOTF commander unless you are involved in a TIC situation.

MG: The decision was at (b)(1)1.4c, where does that higher guidance start from there?

CPT: At the SOTF level.

MG: What should have gone on to prevent this?

CPT: We should have given him a call to let him know that we wanted to follow the vehicles and not strike them and that we were looking onto another course of action in an AVI. Like I said none of us were tracking the OH-58s on station, I was tracking that if this thing required CCA or CAS then we could get it easily and quickly. The CAS brought on station for his use was not for the vehicles it was for what

we thought was going to be a large TIC on the objective. The weapons team that was pushed forward to his location was not for the vehicles it was for the possibility of a large TIC on the objective based on the ICOM chatter that we had. When he pushed those three OH-58s to go and scout out the three vehicles suspected of having MAMs, I was not privy to that and I was not aware of that and I was not expecting that.

CO (b)(6) When MG McHALE read the part about leaders scrutinizing at all levels the assessment did you scrutinize the assessment?

CPT: I believe I did.

CO (b)(6) What is the culture when it comes to providing additional input to the GFC? You are limited to it but I just want to give it a little appreciation inside the unit. Is it assumed that you are going to provide it or is it assumed that the GFC has the picture?

CPT: I think it is assumed that the GFC has a very good picture of what is going on, on the ground, and that if we have any recommendations that we feel need to be made then we can call down and make that. We generally give him a lot of lee-way.

MAJ: Who prepares the Daily SDO log?

CPT: I imagine the BTL CPT or the OPS NCO.

MAJ: You didn't help write this document?

CPT: No.

MAJ: Did you have any input into the production of this document?

CPT: No.

Warned and excused.

STATEMENT OF CPT (b)(3), (b)(6) TAKEN AT _____ DATED _____

STATEMENT (Continued)

Original statement was taken on 28 February 2010. The statement begins on page 2 and ends on page 18.

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 _____

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 19 OF 19 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 CIVCAS INVESTIGATION

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)
Printed Name/Mark

CW3

(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) 2010/02/26	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CW3	
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 2-16

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 16 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.

CW3 (b)(3), (b)(6)

SF 18yrs

Current Unit/assignment since June 2008

Operations Officer since Sept 2009

(Sworn in and Privacy Act read)

COL (b)(3), (b)(6): Where does the ODB fit in the Chain of Command, from the ODA up to the CJ-SOTF?

CW3 (b)(3), (b)(6): Were that link from the team to the SOTF all the way up to the CJ-SOTF.

COL (b)(3), (b)(6): What is your role to that link as you believe? The role of the ODB

CW3 (b)(3), (b)(6): Here are roll is we take in all the CONOPS whether it's the SW or the O102 we staff it make sure it's clean and it goes up to SOTF or up the chain for approval, we help resupply them and help get as many enablers for them as we can as far as if they need EOD guys out there or they need CAA or SOPS we work through all that and then we do some resupply also.

COL (b)(3), (b)(6): Do you guys do Command and control of the ODA's, during the operations?

CW3 (b)(3), (b)(6): No not at all sir.

COL (b)(3), (b)(6): why is that?

CW3 (b)(3), (b)(6): We have nothing to offer that team during that piece, and were usually left out of the communication link. So the way that there communication goes, it goes to (b)(1)1.4c and a lot of times they'll go (b)(1)1.4c or SOTF for the CJ-SOTF call the radio. So were kind of left out of the link, once they leave the gate on that convoy they call "Game on" then the SOTF pretty much takes seat to them at that time.

COL (b)(3), (b)(6): Is this the difference between 3rd and 1st group or is this the standard practice that you have?

CW3 (b)(3), (b)(6): No that's the way it's been, I mean earlier in 2001-2002 it was different, we were moving across the Battle Field with them and we did see to them. If there's an instance where we do double team it or we're working with double team hit or we're working with other Coalition Forces to get 55 or 66 out there are command element would go out there and help C2 the different teams on the Battle Field with them. But were not on the Battle Field so...

COL (b)(3), (b)(6): So the SOTF (b)(1)1.4c is not on the Battle Field with them either?

CW3 (b)(3), (b)(6): No sir, but all the CONO links go back to the SOTF. Like the entire Predator feeds everything that they see that we don't see any of that.

COL (b)(3), (b)(6): why is that?

CW3 (b)(3), (b)(6): I guess because we don't have enough assets to push it down to our level.

COL (b)(3), (b)(6): Aren't you supposed to have those Assets?

CW3 (b)(3), (b)(6): I can't honestly ask that sir, I don't know if we suppose to have those assets or not.

COL (b)(3), (b)(6): How long have you been in this capacity?

CW3 (b)(3), (b)(6): since September 2009.

COL (b)(3), (b)(6): so the down links, covers the predator feeds that come in the JOC. Either A, you're not resourced or B you're not sure if you're supposed to be resourced?

CW3 (b)(3), (b)(6): I don't know if they have the resources to get this sir

COL (b)(3), (b)(6): I get that, what are you suppose to have, not what they can or cannot give you?

CW3 (b)(3), (b)(6): What were suppose to have, I do not know what the rules are for what we're suppose to have as far as the B Team sir.

COL (b)(3), (b)(6): Do me a favor what I'm going to give you, I want you to read a paragraph and just a few bullets. This is out of ya'll manual...our manual the SOFT manual. It describes what the ODB is supposed to be able to do. After your done reading that just tell me your thoughts on it and can you guys perform that mission right now? If not, then why not and what do you need to get them to do it?

CW3 (b)(3), (b)(6) (he reads) I f your referring to the first paragraph. Were it says it can exercise C2 over 6 OEAs, I think we could do that if we were on the ground with them and we were part of the fight, but not back at the AOD. We don't have any assets, or assets are not pushed to us to push to those teams during any type of fight.

COL (b)(3), (b)(6): so what would you need to be able to do this then? What do you think that you don't have in your HHC right now to be able to...?

CW3 (b)(3), (b)(6): Situational awareness of everything that is going on the ground, which I don't have.

COL (b)(3), (b)(6): So SA tools whatever they are.

CW3 (b)(3), (b)(6): Whether it's the Predator feeds, the MIRC chat that's another I think a problem is us having no electricity out there all the time too. I got to figure out where the MIRC chat is coming from, which I SR assets are tracking that team and get on that MIRC chat and not lose power.

COL (b)(3), (b)(6): If you guys had these tools 18 years in the SF would it enhance the ODA operations if you were able to be an effective C2 mode?

CW3 (b)(3), (b)(6): I think it would definitely, were connected to them more than anybody else is as far as our higher Chain of Command. I'm the one that crawls through the CONOPS and groups them at our level and fuses the Intel with the operations.

COL (b)(3), (b)(6): Nobody knows it better than you guys.

CW3 (b)(3), (b)(6) well not as much¹ as the team does sir.

COL (b)(3), (b)(6) Well I know...

LTC (b)(3), (b)(6) Is it the Clip that you would need or you would need different personnel?

CW3 (b)(3), (b)(6) I need authorities to sir... (Laughing)... I mean as this thing has progressed from 2001 to where we are now, the authorities that we have had is generally you don't get (Inaudible). So the ability to make the decisions...

LTC (b)(3), (b)(6): If you had the equipment as you described and the tools that you needed would you need analyst to be able to use them or these are things that the people that you have...

CW3 (b)(3), (b)(6): we would need that too, I need the personnel. We were kind of skeleton staff so

COL (b)(3), (b)(6): Chief your skeleton staff right now, is it because of you're under manned or how it is this term?

CW3 (b)(3), (b)(6) We just don't have the bodies' sir. It's not because we know what we want and we ask for it when we come in, but we always get those assets. The last ODB that we replaced was even smaller than the ODB we have.

LTC (b)(3), (b)(6) What authorities did you have that you couldn't get anymore?

CW3 (b)(3), (b)(6): Earlier just PID authorities and then it turned into the fact that if we wanted the PID authority. It changes every time we come over here but we had to send up a picture, we would have to get it approved. This is before it had Predator feed on it all the time, that authority constantly climbs.

COL (b)(3), (b)(6) Just a couple more background questions and then will get into the event. I'm going to ask you 3 questions just about some of the terms, and this is not a test this is just so we have a point of reference to discuss this. What do you think a PID is?

CW3 (b)(3), (b)(6) PID is if you see weapons, and Hostile Intent.

COL (b)(3), (b)(6): What do you think Hostile Intent is?

CW3 (b)(3), (b)(6) If you have forces surrounding your area, their actions on the ground that will combine with what you're hearing or the (b)(1)1.4d, and the reactions on the ground.

COL (b)(3), (b)(6): What do you think, or how do you describe Imminent Threat?

CW3 (b)(3), (b)(6): When you're going to be over run or forces are going to come in.

COL (b)(3), (b)(6): Let's shift to this day or the planning up to it. What is you all's role in the planning up to the operation?

CW3 (b)(3), (b)(6): The planning process team, for me they have to give me a target at a minimum 2 weeks out. To get that target I guess bedded or locked in the system as a target. So that target comes up, I push it up through my Intel analyst that I have at the AOB level, he puts it in the system and then it goes up to SOTF and they start briefing it. Then it goes up to CJ-SOTF level and depending on the target it can go to higher than that.

COL (b)(3), (b)(6): What's the... who gets the contingency plan for approval? Who gets the CONOP?

CW3 (b)(3), (b)(6): I get the CONOP, I staff it and then what happens at are level is myself, MAJ (b)(3), (b)(6) SGM and the OPS NCO will sit in the room and pull it up on the big screen and we go through it line by line. Were checking as far as first format and all that crap, and were also checking to make sure that this is tactically sound what they're doing. Do they have the intelligence to move on this target, and we shot it up to SOTF at that point.

COL (b)(3), (b)(6): Okay, what happens after it gets approved and the operations ready to go and their ready to start operating, what does the role become of the ODB in this particular operation?

CW3 (b)(3), (b)(6): At that point there launched right out of the gate and will be on standby, and I'll get the QRF on standby. I'll also let everyone know who the Battle Space owner is. I'll brief the attack helicopters, the MEDEVAC team. The fast team will have their MEDEVAC spins up let them know that there's an operation going down. As the team leaves the wire then they start reporting to the SOTF.

COL (b)(3), (b)(6): So what do you guys do from that point on?

CW3 (b)(3), (b)(6): We monitor sir. Just in case they get a TIC, MEDEVAC has to go up because we have MEDEVACs here. Or if the situations bad out there then the Commander, SGM, and couple other NCOs will launch so they can go in and help C2 so they can go in and control the fight

COL (b)(3), (b)(6): How do you monitor?

CW3 (b)(3), (b)(6): We'll we have (b)(1)1.4c up...

COL (b)(3), (b)(6): That's the radio?

CW3 (b)(3), (b)(6): yes, (b)(1)1.4c That or we try to get on MIRC chat on the computer if we have power up.

COL (b)(3) and (b)(6): On this night did you have power to monitor the MIRC chat

CW3 (b)(3) and (b)(6): Yes sir. The Commander and I both got up when the team INFILL and we just sit and listen. It's (b)(1)1.4c we'll sit and listen to it. A lot of the time the teams on the truck will shot a message that will go over FBC 2 and we won't see that. If the SOTF or the CJ-SOTF starts calling on the radium of course we don't hear that, so unless it's relayed over (b)(1)1.4c we don't hear it. Just like once the event went off, what was going on the ground the SOTF picks up the Radium and calls the team and were out of the picture. We don't have any idea what's going on.

COL (b)(3), (b)(6): So when you're monitoring this is someone on the MIRC the whole time?

CW3 (b)(3), (b)(6) Yes sir, we have a guy that his whole purpose, and we rotated every 3-4hrs and his sole purpose is to right in the COMBO log. Every time our team calls and says something he writes it down. At the end of the day our guys will type that log up.

COL (b)(3), (b)(6) when did your TOC understand that there were civilians, children, and/or woman any of the 3 in this operation?

CW3 (b)(3), (b)(6) We didn't know until, this is what happened we were listening to it...listening to it... listening to it. We went to go get some breakfast and came back and there were Black Helicopters, Unit 8 was landing out there. The AVI team, I think it's the AVI, they came into our TOC. They wanted to know if we wanted to launch them and do the BDA. We were like whoa... the strike just happened. We told him we'd rather have our team go out and do the BDA then the guys that did it. That's when that whole play came around with us trying to figure out who was going to do the BDA.

COL (b)(3), (b)(6) Who was on the chat *foyer*?

CW3 (b)(3), (b)(6) Umm, it's usually me or one of the COMBO NCOs that is working the MIRC chat.

COL (b)(3), (b)(6) If you guys would have seen on the MIRC chat this target that they were tracking had woman and/or children...

CW3 (b)(3), (b)(6) we hadn't seen it at the time sir because we had went down.

COL (b)(3), (b)(6) I know... what went down?

CW3 (b)(3), (b)(6) we were having computer problems all morning and our power was...

COL (b)(3), (b)(6) see that's what I was asking you and you said yes, so clarify this for me, was the MIRC working at the time?

CW3 (b)(3), (b)(6) At the time no sir we didn't even have very good SIPR, 3DI system was having issues, the phones and everything. We found out that there were possible Civilian casualties when that AVI team showed up and they said hey here's what happened, we were loitering and then the missile strikes went and then we seen the colorful clothing.

COL (b)(3), (b)(6) Let me take you back to the beginning of this thing. The insertion was about around 0400?

CW3 (b)(3), (b)(6) somewhere around 0300

COL (b)(3), (b)(6) So from 0300-0500 was the MIRC working?

CW3 (b)(3), (b)(6) We didn't have it up at that time. We were just listening to (b)(1)1.4c

COL (b)(3), (b)(6) So it wasn't up or it wasn't working?

CW3 (b)(3), (b)(6) I just don't think we had it up at the time because there wasn't much going on.

COL (b)(3), (b)(6) : Okay. The target development of these vehicles's started about then?

CW3 (b)(3), (b)(6) Yes sir, we were listening to the report over (b)(1)1.4c

COL (b)(3), (b)(6) : But you weren't looking at the MIRC?

CW3 (b)(3), (b)(6) No sir

COL (b)(3), (b)(6) : What I ask that you do when we're done with all this and this investigation, I need you to just go take a look at the MIRC chat. If you had the MIRC chat up, this is your experience that I'm now going on. It's not back seat driving this is just your reaction. If you'd seen this developing target and the identification of children and/or adolescences what are your actions, what are your thoughts?

CW3 (b)(3), (b)(6) I read the whole MIRC chat sir. I mean it's all logged they send us a copy after the whole things over.

COL (b)(3), (b)(6) : So what were your thoughts after you saw that at 0105?

CW3 (b)(3), (b)(6) 0105?

COL (b)(3), (b)(6) Yeah it's at the very beginning when they start identifying women and children.

CW3 (b)(3), (b)(6) When it says possible, now we don't ...

COL (b)(3), (b)(6) It's okay, it's not 2nd guessing I'm just looking for your thoughts on what you'd do as the ODB?

CW3 (b)(3), (b)(6) What we'd do if we seen that, well we would identify the team if they didn't already know. But they have better situational awareness than we do, because they're talking straight to the birds. The Predator or (b)(1)1.4a or whoever is on station.

COL (b)(3), (b)(6) : Do you have any COMS or connectivity to be able to plug in to that discussion that is current in between the JTAC and the Predator.

CW3 (b)(3), (b)(6) We can tap in there. Oh...for the Predator I can't honestly answer that question sir

COL (b)(3), (b)(6) : When you read through the MIRC log and you read through the different levels of assessment, what was your take and what was your assessment of that convoy and what was in the composition and that kind of stuff?

CW3 (b)(3), (b)(6) That it was all insurgents, I mean just watching the way it rolled down. These vehicles were just coming down and picking up more guys as it went. What the team... you see it's hard for you to asks these questions now because I listened to the teams and I know what actually happened back then so it's been tainted.

COL (b)(3), (b)(6): It's alright

CW3 (b)(3), (b)(6): So what we received at the time was this force kept going...force up north and the guys are south and it was getting bigger up north. Umm... they were insurgents.

LTC (b)(3), (b)(6): Did anything jump out at you during the reading of the MIRC chat?

CW3 (b)(3), (b)(6): Well like I said I probably would have inserted myself here... (Pointing at map) if we would have had it up and functioning.

COL (b)(3), (b)(6): Back to the ODB, what were you able to battle track during the fight, and what did you guys actually battle track?

CW3 (b)(3), (b)(6): basically just where they were at and what was going on around them. Were sitting there just in case there's something we need to launch B Team up there then were prepared to do that. If we need to send additional forces or the Commander needs to jump on the QRF, because it will come later we need to give the advanced warning to attack helicopters or the MEDEVAC that something is about to occur.

COL (b)(3), (b)(6): I guess you caught me a little off guard on the MIRC comments. So there's nothing in that MIRC chat that when you looked at it caused you...

CW3 (b)(3), (b)(6): Sir I don't get to see and I probably haven't seen all of chat that you've seen. I get... there's different levels of that MIRC chat on there. There's your complete list which I probably have not seen, and there's the list that the SOTF will track stuff and we'll get a cut from you're...

COL (b)(3), (b)(6): okay, yeah I got that

CW3 (b)(3), (b)(6): The only time in there...was that there was this one point when there was somebody that could've been a female or something along those lines...

COL (b)(3), (b)(6): So you're getting cuts from different stuff, you're not getting the full... Where are you getting these cuts from?

CW3 (b)(3), (b)(6): Usually after an event takes place we get an email sent back down through us with all the complete MIRC chat of everything, because we have spots in there that we don't get. It goes down within us and goes down...

COL (b)(3), (b)(6): So this is after the fact you get that?

CW3 (b)(3), (b)(6): yes the whole complete role

COL (b)(3), (b)(6): But during the operation none of this, unless you can get on the MIRC chat there's...

CW3 (b)(3), (b)(6): I'll never see the whole thing.

COL (b)(3), (b)(6): If your stuff is working, you get the same MIRC chat that your JTAC and the (b)(1)1.4a guy...

CW3 (b)(3), (b)(6): It depends on if we get into the right MIRC chat room. For us we got to figure out whose reporting and then we got to try logging into that one if our systems up. So whatever unit is tracking whatever bird that's up there we try to get in that chat room to watch the MIRC. The one that's on the portal it's very incomplete for us, but usually I'll go to the scanned eagle asset and I'll ask "Hey which MIRC chat are these guys talking on" and try to get on that one.

COL (b)(3), (b)(6): Just for the record what's scanned eagle?

CW3 (b)(3), (b)(6): It's like small Predator, and ISR asset but it has a limited radius and limited capabilities as far as what it can do. The night feeds are terrible.

COL (b)(3), (b)(6): So the first time you were aware of CIVCAS was after the strike? Or the first time you were aware of civilians, women, and children in the convoy?

CW3 (b)(3), (b)(6): The first time we were aware was that AVI team landed and told us what they had thought they seen.

COL (b)(3), (b)(6): During the mission when your subordinates are developing the target it's unclear where it's women, children, adolescence or combatants. What is your role as the ODB?

CW3 (b)(3), (b)(6): If we were aware of it sure, we will try to contact the team of course.

COL (b)(3), (b)(6): If an ODA says this is what I think and it's still in the grey area what are your thoughts on engaging?

CW3 (b)(3), (b)(6): There's no doubt in my mind that my commander would pick up the radio or something, or try to contact the team, and give some sort of advice.

COL (b)(3), (b)(6): If you had the MIRC working, if your power worked and you saw a degree of confusion what do you do, would you allow them to execute the strike, think you can clarify that?

CW3 (b)(3), (b)(6): Of course if we seen something that was questionable we would say something, but with what happened on that one we weren't seeing that whole picture. As far as we were concerned we were seeing what was happening prior to that strike, it was a good strike.

COL (b)(3), (b)(6): Absolutely when you don't have all the different feeds, the appropriate source of questions is to figure how to get the ODB into the fight? How we can become a Command and control HHC that's indicated in the documents. What I'm laying out to you is a series of things that you may have been able to do, assume, or pick up your instincts of 18 years you may have seen more things than someone coming in after the fact to try to look at it, just because of your instincts.

CW3 (b)(3), (b)(6): not being on the ground, first of all I think the GFC has better situational awareness than anybody. You try to 2nd guess that guy that plays the quarterback, but if we had the all the tools and

assets available to us sure we would be in the fight a lot more but we don't. I don't know if there are enough assets or personnel to go get us at that level to do that

COL (b)(3), (b)(6): Will talk about that at the end. In your mind who's better equipped if having the resources to command the ODA wants to cross the ODB or the SOTF?

CW3 (b)(3), (b)(6): Who's better equipped, the SOTF is right now sir

COL (b)(3), (b)(6): Yeah right now, but whom if you were equipped with the tools that you'd think you'd needed. Do you still think SOTF 12 is the more optimal HHC to man and control the ODA?

CW3 (b)(3), (b)(6): Well I think we can command and control our own ODA's but we still have to have that reach back to the SOTF for all rescue assets because I can't launch any assets. Of course if I had situational awareness and if I had everything everybody else had than yeah, we'd love to C2 are own operation.

COL (b)(3), (b)(6): With the absence of... here's the ODA, here's the ODB over top, SOTF 12 over there... with the actions of the ODB in that role of Command and control who picks up the responsibility of the ODA? Is it the ODA picking some of that up, is it the (b)(1)1.4a picking some of it or is it all the (b)(1)1.4a picking it up?

CW3 (b)(3), (b)(6): I don't understand your question sir

COL (b)(3), (b)(6): I'm sorry! The ODA on the ground is getting all these feeds in and having to make these assessments because it's all coming into him, your HHC right about now is not fully equipped to be that global on that spectrum?

CW3 (b)(3), (b)(6): No sir.

COL (b)(3), (b)(6): Who does that fall on to the SOTF? Does any of that get picked up by this guy on the ground and your assessment? Has his rucksack increased or remains the same?

CW3 (b)(3), (b)(6): Without the absence of the AOB, I think it remains the same. As far as everything set up now, yes.

COL (b)(3), (b)(6): Just shift into the strike and the post strike now. The guys were identified around what time? You don't have to remember specific times.

CW3 (b)(3), (b)(6): Around 0800

COL (b)(3), (b)(6): So the strike went down and you guys found out, what was all of your responsibility or role from that point on? Did you get tasked to do anything?

CW3 (b)(3), (b)(6): No sir, what had happen was at that point getting the BDA was an important thing and trying to decide who was going to do that BDA because we had this AVI team show up and they were trying to get Helicopters out there to pick are team up and move them over there, the Commander Rep.

was my Commander MAJ (b)(3), (b)(6) *push*. We said we want to get are guys over there, it's their target they'll do the BDA themselves.

COL (b)(3), (b)(6) Did you guys get tasked to execute it?

CW3 (b)(3), (b)(6) The SOTF did call down and ask if we could spin the QRF up which we went and talked to them, because we had the team that was pulling QRF for that mission was with us. We got in contact with the team and they said no will do the BDA ourselves.

COL (b)(3), (b)(6) Who told you that when you got in contact with the team?

CW3 (b)(3), (b)(6): CPT (b)(3), (b)(6)

COL (b)(3), (b)(6) What do you guys remember telling him or asking him, were they on the ground still or in the air?

CW3 (b)(3), (b)(6) They were still on the ground.

COL (b)(3), (b)(6): What time do you think they went out there? The purpose here Chief is that we're trying to figure out how to decrease the time?

CW3 (b)(3), (b)(6): I want to say it was between 0830 and 0900 just guessing, I'm trying to think of what time them guys showed up and what time they went up, the AVI team... (Short Pause)...Well we of course when they came in and said hey the SOTF called and said you needed to send the QRF up there, there was no need to do that. The team never wants someone else to come in their battle space and do their job for them. I mean that was their target and their team wanted to do the BDA.

COL (b)(3), (b)(6): We were under the impression that they didn't know that they had to do the SSE until they were in flight coming of the objective.

CW3 (b)(3), (b)(6) Coming off! I mean I don't know if that decision was made there but they would have done their own SSE regardless.

COL (b)(3), (b)(6) (Inaudible)... objective site... (Inaudible)

CW3 (b)(3), (b)(6) That's in all the rules and operational guidance, if you can't do BDA in 4 hours and all our Commanders know that. Just what they were involved with at the time...

COL (b)(3), (b)(6): Were you able to track what SOTF (b)(1)1.4 was working with ODA?

CW3 (b)(3), (b)(6) yes sir.

COL (b)(3), (b)(6): What mechanisms did you have to track that?

CW3 (b)(3), (b)(6) What they were doing we knew that they were doing it because most of it was done on the (b)(1)1.4c as far as I was concerned, because there were so many gaps in there which for us that's an

issue because we don't know what's going on. When somebody goes FBCB2 with one of our teams, or we pick up the radium and they just call them or we have no idea what is going on. You see that a lot!

COL (b)(3), (b)(6): What does that do?

CW3 (b)(3), (b)(6): It cuts us completely out of the information. I mean there are still things I can do at this point even though we don't have no assets we can still get guidance out there. Were busy securing this area can you send some more guys up, yeah we can send some guys up and get them out there and they can pull security while you guys or vice versa. Or I need more minutes or whatever.

COL (b)(3), (b)(6): Are we maximizing the capabilities of the ODB to assist in commanding and control during operations from your assessment?

CW3 (b)(3), (b)(6): I don't think so sir

COL (b)(3), (b)(6): Thought son how to get better and how to improve this? Put this operation aside if I understand this correctly that you and your commander *you'll will loop it out of the operation and use this as well as the battle tracking for many reasons as well as your equipment* (Talking to low) But if you would've came through the day with 18yrs in and you were told that the rest of your life you were going to be a ODB, what do you think we need to do as a part of this team this site to make recommendations to enhance the command and control these kind of fights?

CW3 (b)(3), (b)(6): I would need the, 1st the physical assets of communications I would need a communication packet to do that... If we're going to use predator and all that I'm going to need feeds and guys that analyze and monitor those feeds, I would need the a Intel package, I would need more interpreters so when I'm hearing all that (b)(1)1.4c need someone to tell me what's being said. I don't have an interpreter right there like the team on the ground does saying this is... (Inaudible)

COL (b)(3), (b)(6): If I share with you that the ODBs that are down here are not operating in the same matter that they are in the east and the west, what would your reaction be?

CW3 (b)(3), (b)(6): Everybody has a different package, everybody has a different set up and then they come from different areas. Then you see different personalities and different order of operations from the BN or every company within itself.

COL (b)(3), (b)(6): When you were here in 2002 were you still in 3rd group or were you in a different group at that time?

CW3 (b)(3), (b)(6): I was still with 3rd group.

COL (b)(3), (b)(6): when did you transition for the ODB team being in command in control to no longer being in command and control? Do you remember?

CW3 (b)(3), (b)(6): No I don't sir, on that level... I'm team level, I don't really care what's going on around me other than if it affects my team and my guys life.

COL (b)(3), (b)(6) This is for you and your boss. We didn't really anticipate that you'd have a lot to offer on the incident of the events in question but were looking for others as well, were not just looking for this event in question were looking at some of the other things that we can try to externally fix. One of the things that seem to jump out at us is how we get all of the operations centers into the fight. One of the gaps appear to be the ODB are either not equipped or manned to really be combat multiplier for any subordinate unit as indicated in the manual. We got to figure out is this because of up-tempo are we putting out all of the equipment or did we put everybody in the corner. Or is it because we've been on such a fast up-tempo we decentralized everything so now personalities are changing how we fight vs. the enemy changing how we fight. We're just trying to get are arms around that and this is the opportunity to try and address that.

CW3 (b)(3), (b)(6) For us equipment is always the issue for us and we never get what we ask for when it comes. We always have to say you got to go with what you got. You asked for the world and you get what you got. Manning's always an issue because the guys been doing this for so long and we're hear back to back. As far as the equipment piece to, if I got a piece of equipment that the team needs to do the job down there were going to pass that equipment from us to them, because there fighting the fight. Once again you don't want to leave the gate if you don't have the C2 you want, so we'd rather the teams have the equipment or personnel vs. us having it.

COL (b)(3), (b)(6) Well we will try to get activated as we bring this bad boy up. The only silver lining is something like this that gets a lot of attention and in the big Army or our big communities to figure out how to resource and prevent these things from happening in the future. I don't know how much of an impact it was but having a C2 HHC that is not physically equipped to be able to be a combat multiplier. I guess you guys will figure that out.

CW3 (b)(3), (b)(6) Honestly sir if we'd had the equipment to do what the SOTF and the CJ-SOTF... I don't know if the situation would've been any different. Other than Holy Shit there are women and children right there of course nobody's going to fire at that point. With the situation he had and feeling like he was surrounded I would probably make the same decision.

COL (b)(3), (b)(6) Yeah I absolutely get the whole envelopment piece and the assessments the CPT made I understood the logic, I guess when you come to look at anything after the fact you get to see everything and it's never one only thing that caused X to happen unless it's just a flat out criminal action which it wasn't here. It's normally a series of things that are connected together that don't work as well, I think you can always start some of the questioning whenever you look at anything is what was the Command control structure, was it resourced, when they were coordinating instructions was it all clear and did it all come together. I think you could at least start the dialog from there because those are the instructions coming to all right. So, I don't think it was the ODB itself I just think that as we look at each layer of the C2 nodes and who was doing what to whom where, was this a connective muscle were still stuck with I have no idea. Then you input the information that you should be able to plug in to say double check confirm. Just that extra filter for that guy in the fight so we will insure he's taking extra steps to think through not just doing what you and I are doing is trying to avoid this envelopment that occurred in the end. We just got to figure out how to address...

CW3 (b)(3), (b)(6) I was thinking somebody higher would have called that strike way before the GFC did. In my opinion and this is just me, I think everybody is so worried about the repercussions now at every

level that nobody wants to make that call "hey you need to hit that target". It's a battle that we're fighting right now.

COL (b)(3), (b)(6) Just think about that down the road the affects of this one.

CW3 (b)(3), (b)(6) I agree sir

COL (b)(3), (b)(6): When there's the final count or assessment and it's somewhere in between 7-10 women and children.

CW3 (b)(3), (b)(6) Dead?

COL (b)(3), (b)(6): No, that was in that convoy. As we cycle through this there's some good reason sometimes why we need to make sure we got what we got.

CW3 (b)(3), (b)(6) I agree sir

COL (b)(3), (b)(6) and that's what I think the value is at these HHC, to help that guy on the ground that's got everything on his shoulders. Got to help him understand what he's dealing with.

CW3 (b)(3), (b)(6) but everybody had...other than us... everybody else was watching that Predator feed. Nobody else stopped or came into to say "hey, don't hit that target". I think everybody that was watching it at the time or listening was thinking that they were bad guys. Nobody stepped in and said "don't hit that target".

COL (b)(3), (b)(6) That will be interesting once we go through this to find out what people knew, when they knew it, and how they knew it. Hopefully we figure out a way to try and prevent this in the future.

CW3 (b)(3), (b)(6) I understand the whole political thing... I don't want to take up all your time, but... The IO campaign for the enemy is now I know for a fact that there was bad guys in that convoy that we killed and human reporting I've taken of that target, some of the (b)(1), (b)(4) we pull of the target and the patients that came back, and human reporting that I've gotten from other enemies like PF66. We know that there were bad guys in there but now the IO complain were going to go in there and pay them and buy them new trucks. That for them there TTPs is: now that hey we always have to pull women and children in our convoys now or into a building. That's the thing we had up at Anaconda they ran into a house here a couple of weeks ago. I think we need to get better in our IO campaign and our media outlets when things like this do happen. I don't know if we as a coalition have investigated this enough to be making the statements were making with the things we're seeing on the TV and radio.

COL (b)(3), (b)(6) what do you mean on the...

CW3 (b)(3), (b)(6) Well I mean, when we're saying ... when there apologizing for this we don't know all the facts yet. I just think that's a huge IO thing for them, because I don't think all the facts are in. Other than yes there were civilians on the target, I agree with that sir. I also know that for are guys knowing that there were a bunch of bad guys there and now we're going to pay them condolence payments that's going to kill their morale. These are the same guys that were killing U.S. Soldiers.

COL (b)(3), (b)(6) The whole piece which is a separate piece not with this issue now...

CW3 (b)(3), (b)(6) we're terrible with it sir.

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

CW3 (b)(3), (b)(6) we are

COL (b)(3), (b)(6): well go ahead and wrap this up

(LTC (b)(3), (b)(6) wraps interview up by telling him not to speak to anyone about his testimony)

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

STATEMENT (Continued)

AFFIDAVIT

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

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 16. 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 16 OF 16 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 21 Feb 2010 air to ground engagement resulting
in civilian casualties

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)	LTC	(b)(3), (b)(6)	21 MAR 10
Printed Name/Rank			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) 2010/03/02	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS LTC/AD	
8. ORGANIZATION OR ADDRESS Combined Joint Special Operations Task Force			

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

STATEMENT ATTACHED

10. EXHIBIT	11. INITIAL (b)(3), (b)(6)	NT	PAGE 1 OF 18 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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 LTC [redacted] (b)(3), (b)(6) ON 3 MARCH 2010

MG: How many years do you have in the Army?

LTC [redacted] (b)(3), (b)(6) 18 years.

MG: What was your source of commission?

[redacted] (b)(6)

MG: What branch?

LTC [redacted] (b)(3), (b)(6) infantry.

MG: How long were you infantry before you went to the SF "Q" course?

LTC [redacted] (b)(3), (b)(6) 4 years.

MG: Can you tell us about your assignments over the last 18 years?

LTC [redacted] (b)(3), (b)(6) As a lieutenant in a mechanized infantry unit in Korea and an XO there as well. I went to the Old Guard for about two and a half almost three years. Assessed into SF at that time and branch detailed MI. Was assigned to 5th Group from 1999-2002 returned from Afghanistan and was assigned to Fort Bragg at USAFIC then SWIC and then assessed into 3D group. I left there and went back to SWIC and was on the 18A instructor. I then went to ~~DOB~~ ~~DOTD~~ in holding for this position. I arrived here about 15 January.

MG: Have you commanded an ODA detachment?

LTC [redacted] (b)(3), (b)(6) Yes, I have also commanded an ODB in Tarin Kowt in 2005-2006, the year before that I was in Kandahar as COL [redacted] (b)(3), (b)(6) future plans officer. I was the S3 for COL [redacted] (b)(3), (b)(6) from 2006-2007.

MG: How long have you been in this present position?

LTC [redacted] (b)(3), (b)(6) Since 1 February.

MG: Can you tell us what your duties and responsibilities are in this S3?

LTC [redacted] (b)(3), (b)(6) To oversee all operational matters that pertains to US and associated coalition forces. I try to steward over the operation justification for logistical support. I manage the JS, 3-3, 3-5, and the JOC during certain events. I handle all of what the CJSOTF Commander demands on a daily basis in support of operations.

MG: Tell me about your involvement in the JOC when operations aren't going on a regular basis. How you get vaulted in your battle rhythm when you are in the JOC if you could.

LTC [redacted] (b)(3), (b)(6) check the status of the JOC in the morning when I arrive and what has transpired over night in my absence. I go through email related to operations and the JOC specifically. I then go to the CUB and

STATEMENT OF LTC [REDACTED] ON 3 MARCH 2010

review all of the operations current and in the next 24 hours ask if there are any issues and cover any supervisory actions. I am then involved in a number of other meeting throughout the day. I have empowered MJA [REDACTED] to make necessary routine day to day decisions and to inform the Deputy 3, Me and the Commander of operational situation reports and anything beyond routine operations.

MG: What is your battle rhythm? Starting when and ending when?

LTC [REDACTED] usually starting around 0800 and ending at around 0030 or 0100.

MG: When this operation went down where were you and can you tell us what transpired?

LTC [REDACTED] On the day in question I believe I entered the JOC at about 0800 or 0815. COL [REDACTED] was already there watching the feed of what was occurring. I just stood there because he was engaged and I was listening to the events that had transpired previous to this time [REDACTED] was giving a rundown of everything that had occurred and everyone was very interested about what was going on and that they knew more than I having just entered.

MG: What time was this?

LTC [REDACTED] About 0815.

MG: [REDACTED] was giving the rundown?

LTC [REDACTED] was giving the rundown and telling the boss what was going on. We are watching the feed and watching the three trucks move and I am listening and hear that it has been confirmed that those guys have weapons. I am asking if this is COBRA and what is going on out there. He gives me a quick update and says that we have been tracking the vehicles all night the AC130 has been watching them. It has been reported that we have weapons and the ISRs confirm that. I was watching the trucks as everyone was standing there at the briefing wall.

MG: [REDACTED] was there?

LTC [REDACTED] Yes.

MG: Was MAJ [REDACTED] there yet?

LTC [REDACTED] Not yet he hadn't come on shift yet. So we are standing there and the trucks are moving. I went to the restroom ~~because nothing was occurring~~ and then came back. I am estimating the times but it was right around shift change that COL [REDACTED] came back in and that is when [REDACTED] was coming in to do shift change. It was something to the effect well they haven't shot them yet?

MG: Who said that?

LTC [REDACTED] COL [REDACTED] I believe. We had been talking and we had some over flights of the OH-58s and later we came to find out that it was something misinterpreted. However, at the time it appeared that the

STATEMENT OF LTC (b)(3), (b)(6) ON 3 MARCH 2010

rotary wing aircraft had confirmed that they had weapons, but in the mission overview it came out that they were only repeating what they got from KIRK. We were standing there and they were still about 12-19K out. We are watching them progress. It was CPT (b)(3), (b)(6) plan to allow the trucks to move to his position. I said that is how, B Company which is his company was my company years ago and that is what we did, we let them come to us so you can get eyes on them. During my time I never let my guys engage with CAS if they couldn't see it. I said that is great and COL (b)(3), (b)(6) said "that's not fucking great" and left the room. I think sort of in the interest of full disclosure he and I have had a frictioned relationship here, not that you need to be aware of that in the investigation but.

MG: In which way do you mean that?

LTC (b)(3), (b)(6) Full of friction. So he left at that time.

MG: So you interpreted his intent as what?

LTC (b)(3), (b)(6) was afraid that he was going to call down there and direct a strike. I was concerned on that because I would never fire on those things. I told this to the JOC that you are trying to walk the enemy in so you can see them and they can't get away. I wasn't even thinking it was a truck full of civilians because of what we are hearing and seeing on the JOC floor. It appeared that it was reinforcements of some nature. I watched them move a bit longer and then I went to my office. I called (b)(3), (b)(6) because I was concerned that he would be directed, I did wait about 10 minutes because the boss was talking to him, and during that 15-20 minutes that strike occurred. I called to (b)(3), (b)(6) to try and figure out if he directed the strike and (b)(3), (b)(6) told me that he was on the phone explaining his plan to do some type of AVI and that is when the strike occurred. We ended the phone call when he told me what his intention was. Then I continued to monitor the situation. We had to turn in the 5W soon and I was giving the JOC time to put it together and I gave them about 20 minutes or so to put together all of the data that they are getting from radio reports and within about an hour we submitted the 5W report to higher.

COL (b)(3), (b)(6) What was in the 5W report?

LTC (b)(3), (b)(6) Nothing related to CIVCAS specifically. It had time, location, the three vehicles, the 15 MAMs, and I believe that is all that was in there because that is all that is being reported.

COL (b)(3), (b)(6) When you arrived that morning had a TIC been declared?

LTC (b)(3), (b)(6) Yes. The TIC had been declared if I recall right they had met some resistance in KHOD in the form of small arms fire, and had been engaging with the enemy at that point.

COL (b)(3), (b)(6) Can you define TIC?

LTC (b)(3), (b)(6) TIC is the immediate or impending engagement with the enemy.

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

Page

CO [REDACTED] You talked about the aircraft repeating what they had been handed over. Understand GFC intent is to destroy the vehicles based on imminent threat to ground forces. What is the definition of imminent threat?

LTC [REDACTED] That would be personal injury or death to a US, Coalition, or local indigenous friendly force.

CO [REDACTED] Is there a timeline associated with that?

LTC [REDACTED] Not in my opinion if it is your perception at the time that there is an imminent threat to the safety of your unit or the elders that you are there to protect and they had in relationship to this specific incident they had been watching this for a period of about four hours. The information, in my opinion, that they had been receiving was substantiating their interpretation that there was an imminent threat facing them and that they were going to be engaged and that the enemy was reinforcing.

CO [REDACTED] As you look at the situation did you share that same opinion about imminent threat?

LTC [REDACTED] No, I did not say there was an imminent threat to this unit, I was simply observing the actions and listening to the update as well as waiting for the Commanders guidance if he had any on what his interpretation was and this was more of an information gathering point at that time for me before I started disposing my opinion on the matter. I wanted to make sure I was somewhat understanding.

CO [REDACTED] The second thing the OH-58 crew read back to the JTAC was PID, what is your definition of PID?

LTC [REDACTED] Positive identification that we see that it is an enemy combatant.

CO [REDACTED] The third thing he read off was tactical maneuver. How do you determine tactical maneuver in a situation like this?

LTC [REDACTED] Well these individuals in vehicles behaving in a manner that would indicate some form of militant actions. What is the space between vehicles, what is the rate of speed, number of occupants, number of stops, how they are traveling, is there an advanced party.

CO [REDACTED] Those are the three reasons that the KIOWA pilot read back to the JTAC to clear him to engage. That was obviously their understanding. You alluded earlier to going back to your office to call LTC [REDACTED] because you had a concern about potential guidance from the Brigade Commander. What was your concern?

LTC [REDACTED] That we would, once the strike happened that I wouldn't have called until the strike occurred and unless the strike was a measurable distance away from the location. That didn't add up in my mind. I wouldn't do that and I have stopped detachments under my command from doing that in Anaconda at the opposite end of this province, in 2006. I was just interested in the tactical decision that was being made.

STATEMENT OF LTC [REDACTED] ON 3 MARCH 2010

MG: Were you aware at this point or did you hear discussion at that point when COL [REDACTED] is getting his update of previous reports of children, adolescents, or teens that were in these vehicles?

LTC [REDACTED]: No, nothing on that.

MG: So the strike occurs, can you just walk me through your actions following the strike, conversation you were part of, and things that you observed after the strike.

LTC [REDACTED]: The strike occurred; I received that on my computer screen with my HOPS update. I walked down to see what had happened. They told me that we had engaged and our initial assessment here on the JOC floor before anything was sent up, was that the three vehicles had been stopped and that there may be some wounded there. I said, ok, let's have the ODB develop situation and that is when they said KIRK was going to pull off the target so we are going to lose ISR assets. I said we had to do BDA and I asked how we were going to do that. At that point I began the ISR fight so I go and I try to coordinate with the 2 and so forth telling them that we are going to need [REDACTED] so that whole line of effort begins. The JOC crew was trying to get the aircrafts to do some over flights as well.

CO [REDACTED]: Which air crews?

LTC [REDACTED]: The OH-58s before they left station. I said that I had to let the situation develop I cannot get anything in the first few minutes. So I give the JOC and the SOTF time for that information to flow in to [REDACTED] and then back up to the JOC. Probably 45 minutes after the strike I went back to the JOC asking for an update. They are telling me the ISR thing hasn't been resolved and that they were losing that, that the SWs were being generated by the Battalion and that they had just received them and there was no indication on there of anything other than it being a justified strike.

CO [REDACTED]: At what point did you become aware of women or children in the objective area?

LTC [REDACTED]: That was the [REDACTED] FIR that came out and said that there were 2 uninjured women and 2 uninjured children on the objective.

CO [REDACTED]: Where did that report come from?

LTC [REDACTED]: It did say that they were uninjured and standing outside the area. Of course, because this place is located about a half a mile from the village, and some of the [REDACTED] reporting said that people were leaving the strike site then it made me think about who is coming and going because there was no control of the site at that time and things were confusing at this point as far as information goes. After I got the SWs I sent that up to CFSOCC-A and I called down to [REDACTED] but I don't know what specific time I did that, but it was to say hey what is the plan on the ground, what is the plan from here, we just had this strike, what is your next step in this phase, I was asking about BDA because it was unclear.

MG: [REDACTED] r?

[REDACTED]
(b)(3), (b)(6)

STATEMENT OF LTC [REDACTED] ON 3 MARCH 2010

LTC [REDACTED] The S3 down there.

COL [REDACTED] You mean [REDACTED]?

LTC [REDACTED] Yes I am sorry. He said we are trying to get a hold of a team, we are looking at getting them to move to the site and that is the coordinating aircraft to do that.

COL [REDACTED] Do you ever get a report from [REDACTED] the OH-58s prior to the FIR from [REDACTED]? There were feedbacks from the two OH-58 aircrews post strike.

LTC [REDACTED] I would have to go back and look at documents because I simply do not recall exactly when that information was given to me or what form it was presented to me in.

COL [REDACTED] What time did you see that FIR from [REDACTED] the aviation unit?

LTC [REDACTED] That was in the late afternoon of that day probably 1500 or 1600.

COL [REDACTED] Who gave that to you?

LTC [REDACTED] It was emailed to me because I asked for a copy from [REDACTED] because I had walked into the JOC to see what was going on and where we stood and he read it and called [REDACTED] to see why these guys were sending the FIR up and asked what was going on at the strike site. [REDACTED] said that they were still trying to get clarity on everything and that was about the time that the team started to conduct split operations and one part of the team was going to conduct the BOG BDA. I sent a copy of that report to COL [REDACTED] or received it from him, I can not recall exactly.

COL [REDACTED] Who is COL [REDACTED]?

LTC [REDACTED] The CFSOCC-A J3.

COL [REDACTED] So you forwarded him the TF WOLFPACK FIR about what time?

LTC H: Probably within 15-20 minutes of my reception of it, so about 1600 that day. I called COL [REDACTED] and that was his question to me was why are they were putting CIVCAS on here and I told him that I didn't know. I told him that we were trying to get the ground truth but none of it was coming from the battalion or the team on the ground. Nothing was coming across the radio, I kept checking with the JOC. The only information that we had heard that day was that 2 women and 2 kids were walking around. Once the team got on the ground then I got reports that locals were moving there and the police were moving there as well. People had potentially departed the area and I continued to try to confirm whether or not there was a CIVCAS. I also told [REDACTED] that we had to confirm whether there are weapons, ammunition, chest rigs anything like that and what is going on. He said that he was trying to get in touch with the team and that they don't have any response back on that.

COL [REDACTED] How were they trying to reach them?

[REDACTED]
(b)(3), (b)(6)

STATEMENT OF LTC [redacted] ON 3 MARCH 2010

LTC [redacted] 002 was the primary means and iridium phone is what was told to me. They were calling out there and subsequent discussions of this kind of lead to our findings that the detachment commander was involved in the first aid application, assessing casualties and treating them, which only added to the confusion and the delay in reporting based on the situation that he was dealing with out there.

COL [redacted] Did you discuss the TF WOLFPACK FIR with COL [redacted] the CJSOTF Commander?

LTC [redacted] he had been also given a copy of that report and I don't believe I had a conversation directly because at the time [redacted] said the boss had already been on the floor and COL [redacted] said why are they sending this up and then he asked me the same thing then subsequently he asked me why and who sent this up. I told him I didn't know why they were sending it up but they are. We did have a conversation following his reception of that. I told him that we needed to ground truth because what I had was unclear and we need to validate the veracity of this report.

COL [redacted] The FIR from [redacted] was actually sent at 1430L. At some point 1430-1500 you received it. I think you said that you then forwarded that report to COL [redacted] at CFSOCC-A and that you followed that up with a phone call to discuss it with him and then at some point you discussed it with the CJSOTF Commander.

LTC [redacted] To clarify a little more; I think COL [redacted] actually sent that to me. I am sorry that my memory is what it is. I have the report itself but I don't think I save the email that it came with but I will definitely go and look and see if I have that. I normally don't save the emails themselves for size content.

MG: You sent or received reference to the CIVCAS FIRs when you got them right?

LTC [redacted] Yes.

MG: You received the FIRs, led to more questions and answers, and you are working with the SOTF to get ground truth. When did you get that truth?

LTC [redacted] It was actually DOC [redacted] medical report that came in around 1930L stating that there was a woman and a child were injured and were being treated at TK. The boss had gotten the same report that I did. I called COL [redacted] and let him know that we had just received that information and that we were going to dig into it. I then called the SOTF and asked them how they didn't know that a woman and a child was MEDEVACd out of the objective site that you are on and they were trying to clarify that simultaneously while the team was trying to XFILL back to the base during that period of time.

COL [redacted] Earlier you said that you turned over the day to day decisions and tracking in the JOC to MAJ [redacted]. MAJ [redacted] is only there 12 hours a day how about that other 12 hours.

LTC [redacted] I said routine decision making, like the processing of CONOPS. If there is ever a TIC of any significance they will come and get me and they have done that in the past. I haven't given the JOC [redacted]

STATEMENT OF LTC [redacted] ON 3 MARCH 2010

chiefs carte blanche authority to do whatever they want to do. I am in there probably 30 times a day to check things and status and I have the radio sitting on my desk. The H wave so that I can listen to 102 so that I can go into the JOC to stay abreast of the issues. If the processing of information, the running of the OPCENT in its various capacities is what I meant by that and they come and [redacted] comes down the hall as well to update us on a regular basis as well as the email reporting that is coming through. What that all means is that the issues and problems that we were suffering from during this period were the result of reporting. We didn't have the accurate information that we required to react more rapidly.

COL [redacted] 0539: Screener reports that a child was assisting MAMs load SUV. 0540: Screener reports two children at the rear of the SUV. 0542 Screener reports MAM assisting child into the rear of the SUV. These were on the mIRC log. Who has the responsibility to make sure that reports such as that get to the rest of the JOC and even to you?

LTC [redacted] I didn't find out what the mIRC log was saying until probably late, late, late that evening, but that is the responsibility of the BTL CPT to inform the JOC Chief of what is transpiring. I cannot answer what information was provided from them to the Commander because I wasn't there the entire time, or what information was given to [redacted]

COL [redacted] Neither of your two J2 OPS NCOS felt empowered to get everyone's attention, and I want you to think about that as you think about how to better prepare your JOC for OPS.

MG: When you came into the JOC and got your update brief, what did you get from MAJ [redacted]

LTC [redacted] I got what was being given to COL [redacted] at the time so I was listening to that, I was not given a brief specific to me. So I was only getting bits and pieces and I am not going to interrupt him on what he is being briefed on. They were watching the trucks and saying that they were.... I pulled him to the side after he finished his briefing with COL [redacted] and they were saying that they had these 15 possible MAMs that are traveling towards the objective and we have been watching them; the AC130 and KIRK have been giving us information throughout the night that these were more or less bad guys.

COL [redacted] Were you there for the handoff between the night and day JOC Chiefs?

LTC [redacted] No, I don't normally sit there and listen to their conversations on a daily basis, nor was I there because I had already left prior to that time frame as the vehicles were still moving and under the assumption that they were going to let them move up to the objective.

COL [redacted] Is there a frictioned relationship between the day and night BTL CPT?

LTC [redacted] I don't believe so.

COL [redacted] Can you tell me why the day BTL CPT thinks he was told about potential civilians in the convoy by the night BTL CPT?

[redacted]
(b)(3), (b)(6)

STATEMENT OF LTC [REDACTED] ON 3 MARCH 2010

LTC [REDACTED] cannot answer that.

COL [REDACTED] Are you aware if that information was briefed to anyone else in the JOC?

LTC H: I think the easiest way to answer that would be that I was not aware of that information until much later after the TF [REDACTED] piece and we began to dig in to the ramifications.

COL [REDACTED] When you began to dig into it, that is what I was getting at, did you ever become aware at the time of the handoff, at the period of time before the strike or after the fact did you become aware that the folks of the JOC floor knew that information?

LTC [REDACTED] Yes, after I had them pull all of the [REDACTED] and [REDACTED] and forwarded to me. That was after the FIR that we submitted that evening as well as that next morning as we had them digging through all of it and having the 2 look through their part as well.

COL [REDACTED] Let me narrow that down, after the fact you became aware that your J2 guys had it, the day of the evening of or the next day, was there ever an identification that the leaders on the JOC floor were aware that there were potential civilians in that convoy at the time of the strike?

LTC [REDACTED] No, I didn't personally go ask them if either one of them were specifically aware of that. I just assumed that it was a huge tragic mistake that we all made collectively, and was more interested in getting all of the information put out to our higher command as well as instructing the JOC that all of these things have to be briefed in these types of events.

COL [REDACTED] When did you decide that this was a huge drastic mistake?

LTC [REDACTED] That evening as I received the medical report and we submitted the FIR that this has been a mistake in the greatest measure that the CJSOTF could have incurred, because there was nothing on the objective that would have confirmed that these were fighting capable males through the [REDACTED] but it was after we confirmed, I had continued and I had communicate those suspicions to COL [REDACTED] and COL [REDACTED] that up until that point that is was just men and three truck loads of men moving towards an area in conjunction with [REDACTED] still paints the picture that they were bad guys and it wasn't until I received credible information of hey we got a woman and a child and we submitted all of those reports. It wouldn't surprise me if they embedded women and children within those, we see that everywhere. I say that because those were my thoughts at the time, now I got guys traveling with men and women to a potential link up site, what are the other courses of action that they could be taking as well?

COL [REDACTED] What was your assessment of the TOCs knowledge, after the fact of the, outside of the J2 OPS guys, of the JOC leaders knowledge of civilians or the possibility of civilians before the strike during the strike or immediately following the strike?

LTC [REDACTED] We did not have any visibility of the civilians in those vehicles at that time.

STATEMENT OF LTC [redacted] ON 3 MARCH 2010

COL [redacted] Who is we?

LTC [redacted] That is me. I am sorry I did not have any knowledge of that, I am assuming the Commander because I would have briefed him if I had that knowledge.

COL [redacted] When it comes to the post strike, were there discussions on the post strike, within an hour, about the potential of civilians on the objective site?

LTC [redacted] I am trying to think what transpired after the strike.

COL [redacted] Within the four hour period from the strike to the BDA, at any time in that window was there any discussion of women and children on the objective site?

LTC [redacted] That was the only period of time that we had a report of two women and two children standing on the objective that led to our [redacted] (1)1.4a There wasn't an immediate, that was several hours after when that information unveiled itself. That would have been leading into the afternoon at that point.

COL [redacted] After the strike, did anyone think about picking up a phone to get a point to point with any of the headquarters to find out what they were seeing out there on the site?

LTC [redacted] That afternoon I was trying to call the B-Team to find out what was going on and that was probably much later that afternoon. I was unable to get a hold of anybody from the B-Team at TK and I called twice. I was relaying that to COL [redacted] (b)(3), (b)(6) as well that I can't get a hold of anybody and that the SOTF was having trouble calling them directly to get the information.

COL [redacted] When you got the FIR from the aviation unit did anyone call down to them to find out when it was talking about women and children?

LTC [redacted] If I recall correctly I didn't see a reference to women and children on that report itself. I didn't call them directly; I called the SOTF, because I guess I didn't trust the reporting that was coming in from outside of my own organization. My first inclination was to get the ground truth from the guys who had done the [redacted] (1)1.4a I did not call them and I don't know if the commander called them or not. I do not know if that was a mistake on our part.

COL [redacted] When was the first time that you suspected that there may have been civilian casualties?

LTC [redacted] I didn't suspect it until I received the medical report from DOC [redacted] (b)(3), (b)(6) in the evening around 1900 or 1930L. I wasn't waiting on that report, I wasn't aware of civilian casualties and the only reports that I had heard about were the potential of 2 women and 2 children on the objective and then by the time of the [redacted] (1)1.4a they had walked away.

COL [redacted] When you received the DOCs report hadn't you already received the FIR?

[redacted] (b)(3), (b)(6)

STATEMENT OF LTC [redacted] ON 3 MARCH 2010

LTC [redacted] The DOCs report was the first; I guess I didn't put credibility into something that wasn't making sense, the FIR thing that we had received from TF [redacted]

(Handing [redacted] report to LTC [redacted] Tell me what doesn't make sense with that report. Why would we have problems with that report and it is called FIR?

LTC [redacted] At the end of the report it states that three women 25 meters away while the others on the side of the trail appear to be male and possibly still armed.

COL [redacted] That is reported by the what?

LTC [redacted] TF [redacted].

COL [redacted] And that says confirmed with SWT what does that mean? Scout Weapons Team on the site.

LTC [redacted] With [redacted] and relayed to [redacted].

COL [redacted] So early in the afternoon. So when we got this and you say you think you got this from COL [redacted] from where?

LTC [redacted] CFSOCC-A.

MG: And you also gave a copy to COL [redacted]?

LTC [redacted] Yes.

MG: Around what time, you said early afternoon and this is right around that time or pretty close to it right?

LTC [redacted] Yes.

MG: So when you got it you talked about COL [redacted] kind of discarding it. Why would he discard this and why would he be kind of concerned about who was reporting and why they were reporting? What was that about so I can understand the context of that?

LTC [redacted] I don't know if I portrayed that right by saying discarded it.

MG: Strike the word discarded.

LTC [redacted] What I have learned from after the submission of this report the first point I would like to make is that higher headquarters were aware of it and that is our first requirement, is to report anything like this. He and I were talking about it and I was trying to confirm the veracity of the report itself. If I have these women walking around and our conversation entailed are there or are there not wounded civilians on the objective? I told him that the reports that we have right now that there are not any [redacted] wounded women or children on the objective.

STATEMENT OF LTC (b)(3), (b)(6) ON 3 MARCH 2010

CO (b)(3), (b)(6) your operational guidance put out by COL (b)(3), (b)(6) says the following CCIR and immediate reporting it talks about the following CCIR are immediate reporting, what do you mean immediate reporting in this outfit?

LTC (b)(3), (b)(6) As soon as we get that information then we report it to the commander.

CO (b)(3), (b)(6) Confirmed or alleged CIVCAS.

LTC (b)(3), (b)(6) And he was given a copy of this report.

CO (b)(3), (b)(6) You are not confirming that so from this report wouldn't it at least be alleged at this point from this FIR from someone who was on the ground? Excuse me in the air because it was the SWT.

LTC (b)(3), (b)(6) Yes. I guess my difference in opinion was that we weren't sure because we had lost (b)(1)1.4a in the interim and those could be anyone walking...

CO (b)(3), (b)(6) You had a predator feed... Now you are guessing all of this stuff... You had the predator feeds in this JOC, which you are responsible for the JOC oversight correct?

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

CO (b)(3), (b)(6) We have predator feeds that are showing these women moving away from the target. Did you ever see that, what the women were doing?

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

CO (b)(3), (b)(6) We are eight days later and you still haven't looked at those tapes?

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

CO (b)(3), (b)(6) The women had just came from the vicinity of the vehicles, they were helping the injured, they were waiving their clothes, there is identity on there, pretty good. We have an FIR and now we are speculating all of this instead of trying to get to the truth. So when we have an SWT that was on the site that circled over there and it talks the SWT observes 7-8 personnel moving around the last two vehicles three who are about 20 meters west of the vehicles while those near the trail appear to be males and possibly still armed. SWT confirmed DVA with (b)(1)1.4a and relayed to (b)(1)1.4a JTAC. When we get something like this from another unit that was on the scene you said that you discarded because it doesn't come from your unit.

LTC (b)(3), (b)(6) I didn't mean to use the word discard and I also said that I wanted to confirm the veracity of the report because...

CO (b)(3), (b)(6) So did we pick up the phone and call the other unit that gave this, since we want to confirm the veracity cant we get someone on the phone and say hey we are trying to find out what this is. Did we (b)(3), (b)(6) do that?

Page

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

STATEMENT OF LTC [redacted] ON 3 MARCH 2010

LTC [redacted] No. I did not do that and the reason was because I had my guys on the ground at that location so I wanted to confirm with them what was really there.

COL [redacted] So then some helicopters took off shortly after this time. Did we check with the MEDEVAC? Who called for the MEDEVAC?

LTC [redacted] The team called the MEDEVAC.

COL [redacted] So we loaded up and what did we find out shortly, right around this time? The MEDEVAC was...

LTC [redacted] The MEDEVAC was loaded and it took 12 personnel to TK at that time.

COL [redacted] How many women and children?

LTC [redacted] We didn't know at that time.

COL [redacted] Where is this DOC that finally figured this out? What is his name?

LTC [redacted] DOC [redacted]

COL [redacted] So we didn't have DOC [redacted] call to the hospitals at TK.... If we are really trying to find this out in a timely manner, we got one FIR

LTC [redacted] I was briefed that the AOB was at the FST trying to get in to determine what was going on. I was later told that they were denied entrance into the Dutch medical facility.

COL [redacted] We have doctors that cut through red tape like that. What did we do when they said we were denied? Did we just wait for six more hours or so before we made the call to DOC [redacted]

LTC [redacted] I was calling the JOC and they told me that everyone was involved in this and that DOC was trying to work through the medical channels, I was in contact with the 3 at that time and I think the COL was talking with...

COL [redacted] What 3 was that?

LTC [redacted] [redacted]. I continuously go back to him and ask him, "Hey what is going on, what updates do you have, what can you confirm about the reports we have received?" What I failed to do is call that unit, and that was because I was trying to get the information from our guys on the ground, and what was reported back to me from SOTF was that there was not injured women and or children on the ground at that time.

COL [redacted] So what did you do when you talked to COL [redacted] about this report when you received it shortly after it came down?

[redacted]
(b)(3), (b)(6)

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STATEMENT OF LTC (b)(3), (b)(6) ON 3 MARCH 2010

LTC (b)(3), (b)(6) He asked for confirmation of the women and children on the site and I told him that all we had at that time was that there were two women walking around but we didn't know if they were locals because it was reported that there were locals from the nearby village going to the objective as well.

COL (b)(3), (b)(6) Who reported that?

LTC (b)(3), (b)(6) That was through the SOTF.

COL (b)(3), (b)(6) How was that reported?

LTC (b)(3), (b)(6) Over the phone to me during the course

COL (b)(3), (b)(6) Was it reported was it conjecture or was it talk, how did it happen?

LTC (b)(3), (b)(6) I would have to check to see; at the time I had asked the questions in the JOC and I also believe told me that there were civilians on the objective in the (b)(1)1.4 site.

COL (b)(3), (b)(6) What was going in this time this afternoon from when you had gotten this FIR and gave it to COL (b)(3), (b)(6) who was concerned about why they wrote the report, and COL (b)(3), (b)(6) from your higher headquarters had it. What transpired after that with your boss over the next several hours?

LTC (b)(3), (b)(6) He was waiting for an operational update from SOTF 1-2. He had told the JOC at some point not to submit and FIR; is what the JOC told me, because it will get confused with this report.

COL (b)(3), (b)(6) Who said what to whom about not submitting an FIR?

LTC (b)(3), (b)(6) (b)(3), (b)(6) had briefed me that COL (b)(3), (b)(6) had said don't submit and FIR because one was already submitted and the two will get confused.

COL (b)(3), (b)(6) Which FIR was submitted?

LTC (b)(3), (b)(6) The (b)(1)1.4a FIR is the one that was submitted and was running through the chain, and that was the only one submitted at that time. That is why SOTF 1-2 held off on the submission of an FIR.

COL (b)(3), (b)(6) Held off or were they told?

LTC (b)(3), (b)(6) They were told not to submit the FIR. The way I understand it is that COL (b)(3), (b)(6) had directed that so that it wouldn't be confused with this report.

COL (b)(3), (b)(6) Are you familiar with the ISAF tactical directive by chance from GENERAL McCHRISTAL?

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

COL (b)(3), (b)(6) Where they reference suspected CIVCAS. You are a pretty smart guy and nowhere throughout this did you suspect CIVCAS. Not alleged, not in a formal or informal report, but suspect? That is the (b)(3), (b)(6)

STATEMENT OF LTC [redacted] ON 3 MARCH 2010

potential of to me I don't know what it means to you, but anyway, anywhere in this process prior to [redacted] report did you suspect CIVCAS.

LTC [redacted] No.

COL [redacted] What is your assessment of your JOCs ability to interpret battlefield activities, oversight on its subordinate units and its formations, and basically C2 the daily fight. What is your assessment?

LTC [redacted] I think they do a good job on a day to day basis. We are controlling 49 detachments all over the country not including coalition forces, between 17-30 operations a day, they support and resource all of my detachments on the ground.

COL [redacted] If you are controlling that then what is the SOTF headquarters doing?

LTC [redacted] I am supporting it, but I am not controlling it. The SOTF headquarters are also battle tracking, they are C2ing we are battle tracking and supporting them with the enablers that they require and tracking so that we can support them accordingly.

COL [redacted] No one in your headquarters understand PID, hostile intent, imminent threat, TIC, or feels empowered to report wake up criteria outside of the BTL MAJs. If those were true statements what would be your comfort level with your JOC?

LTC [redacted] Obviously my comfort level would be less than adequate. I would want to go talk to them.

COL [redacted] The role of the legal advisor in this process is he involved in the battle drills that occur for a TIC declaration or any other drills when it comes to target identification of any type?

LTC [redacted] Not in target identification.

COL [redacted] In any relationship to target identification?

LTC [redacted] The targeting boards.

COL [redacted] No in battle drills. Is your legal advisor an active prescribed participant in your battle drills?

LTC [redacted] He is during the briefs that we give the commander. So if something is happening we will bring him in along with the DCO and SGM.

COL [redacted] Was the legal advisor part of any of the discussion that you observed when you came in around 0830 until you left?

LTC [redacted] I cannot recall exactly where he played a role in that or if he was brought into it by the commander, but he stays abreast so when the TIC light goes off the JAG does come into the JOC and is apprised of the current situation.

[redacted]
(b)(3), (b)(6)

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STATEMENT OF LTC [REDACTED] ON 3 MARCH 2010

CQI [REDACTED] Do you have any recommendations based on what you know?

LTC [REDACTED] Based just on the information here I am going to go back to the JOC and get with all of the key leaders and we are going to go through the definitions and criteria concerning this event that you have indicated to me thus far. I will review the information sharing on the JOC floor again. I will have the SGM and the JOC chief reinforce that throughout our future operations. We have discussed the implementation of an SDO log and older fashion tracking to get the timelines and some way to annotate when we get documentation in a simple old tracking mechanism would be a recommendation for the SOTF level so when we call they can have a quick reference to the data. I would recommend that our JAG sit down with the JOC crew and discuss all of the tactical directives again. We had held classes on the tactical directives and I don't want portray the unit as not doing anything, we have conducted night classes after shift change on the tactical directives, CCIR, PIR two weeks ago which we posted in the JOC which you may have seen prior to this event. I think as an organization our reporting has to improve and that has been a topic of discussion for both operations and logistics so we are refining those systems and me working with the 3s to develop more functional formats and timeliness. It is a learning process for SOTF 1-2 because this is their first time with this particular group within Afghanistan so working through the issues that we have had with reporting and it is going to evolve here, but unfortunately it played out in this circumstance as well. System improvement to reporting is the largest recommendation that I have.

Warned and excused.

[REDACTED]
(b)(3), (b)(6)

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STATEMENT OF

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

TAKEN AT

DATED 2010/03/03

1. STATEMENT (Continued)

STATEMENT ATTACHED

AFFIDAVIT

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

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 18 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

THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCE

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

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 18 OF 18 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 CIVCAS investigation

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)
Printed Name/Rank

1LT

(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

THORITY: 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) 2010/02/26	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O2	
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 2-16

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>16</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.

LT (b)(3), (b)(6)
Platoon Leader
1st Platoon, A Troop
1/17 CAV, Task Force Wolfpack
18:46-19:34

Investigators:

COL (b)(3), (b)(6)
COL (b)(3), (b)(6)
MG MCHALE
LTC (b)(3), (b)(6)

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

LT (b)(3), (b)(6) has been deployed since May 5th 2009. He's been in the Army since Feb 2 2007 and graduated from Flight School in June or July of 2008. LT (b)(3), (b)(6) graduated as a KIOWA Warrior.

MG: Are you Familiar with General McKrystal's Tactical Directive Orders?

(b)(3), (b)(6) Yes Sir

MG: So you've read the Directive Orders?

(b)(3), (b)(6) Yes Sir

MG: What I want to do is read to you from a couple excerpts here in *Anderson10* from General McKrystal's para. F and G.... (MG Mchale reads excerpt F)...What does that mean to you?

(b)(3), (b)(6) Sir, I think the point is the inherent difficulties and it's assessing what's going on from the ground to the air. We have to be conscious of that and limited to the use of admissions when the conditions are really obvious.

MG: (Reads para. G) So how do you read that paragraph?

(b)(3), (b)(6) Fairly self apparent Sir, we need to differentiate between Moral Force Spectrum mind set of Engage, Engage, and Engagé... and be conscious of the fact that this battle field has a lot of civilians and targets. We've got to be very careful about selecting targets.

MG: You guys talk about that in your Aviator Training?

(b)(3), (b)(6) Yes, quite a bit.

MG: What is the belief in that around the Aviation Community and these Policy and Directives?

(b)(3), (b)(6) Sir, I think that it's generally accepted as the right or smart answer in the fight. All of my Pilots with the exception of those that arrived around the same time, including myself, have been on 1 or 2 deployments here in Afghanistan and Iraq. O it's not a new concept, obviously in Iraq it was different

fight then Afghanistan but we've been in situations where there's civilians present and they have to be selected.

MG: What was your mission on the day of the 21st when that *CENTCAS* event happened?

(b)(3), (b)(6): That morning we came in for our typical area Recon with Central Uruzgan, or Western Uruzgan in route air on a day to day basis. We generally Recon the route supporting any ground Units that are out and about in those areas. When we showed up at 0600 for our ONI Briefing we were notified that the Ground Force operating north of Cobra declared a TIC. We departed directly from ONI and launched immediately after that, normally we launch between 0700 and 0800.

MG: Were you on call already to operate in that area in support of this whole DA?

(b)(3), (b)(6): We weren't aware at that point, but then again we just got out of the ONI briefing. Whether or not this operation was a part of the ONI for that morning, I don't know. That was the first thing we found out when we got there.

MG: In the ONI briefing did they talk about this action going on?

(b)(3), (b)(6): That was the 1st thing Sir, typically in the ONI briefing the Battle CPT will update us on any Ground Forces that are outside the wire. They call around before we arrive and give us an update on the various areas we support. I anticipated we would have found out about it even if they hadn't been in the TIC. We would have at least been aware. But as I said the tape was the 1st thing they told us when we sat down.

MG: Was this a 911 Operation?

(b)(3), (b)(6): We landed as quickly as possible, and already *Pre-Flanked* the aircraft. It was just the matter of getting the basic information regarding the TIC and correcting the aircraft.

MG: Were you able to see any imagery going on?

(b)(3), (b)(6): No Sir

MG: Did you see anything besides the ONI before you left?

(b)(3), (b)(6): No Sir, other than a plot on the map. All we had was the grid location of the Friendly Force's call sign frequency.

MG: Any guidance from your Company Commander and Start up Commander?

(b)(3), (b)(6): At the time Sir our Troop Commander was on R&R, it was early that morning so the Battle CPT was on duty. They had just received the basic information and that's what we were responding to, that's typical.

MG: What did you think about the mission, what was going through your mind what you had to deal with out there?

(b)(3), (b)(6) We responded to a lot of TIC's so its not unusual. Our basic thought process is obviously we're getting the craft on the grid. We can C2 the area, the area with *Match Red* between 1-50,000 or 1-5,000 maps in the Aircraft system. We *Saluted* the grid when were in route and took a look at the trends to see what was going on in the area. We wanted to establish ourselves when we talked to the GFC and get some SA. That's what we do just as a matter of course we follow when we respond to a TIC. Not unusual for the GFC at Cobra to get in TIC's when they go outside the wire. It's the norm rather than the exception.

MG: You are the Air Commissioned Manager for this?

(b)(3), (b)(6) That's correct Sir

MG: Any special guidance from your command when you got this ID from the TIC?

(b)(3), (b)(6): Nothing specific Sir

MG: Who's Flight Lead?

(b)(3), (b)(6) I was in the Lead Aircraft with CW2 (b)(3), (b)(6)

(b)(3), (b)(6) Flight 2 was CW2 (b)(3), (b)(6) and PC (Pilot in Command) and CW2 (b)(3), (b)(6) was his Co-Pilot.

COL (b)(3), (b)(6): So you're in the aircraft, you've gotten the mission to support the TIC over in Uruzgan, talk us through what happened from there?

(b)(3), (b)(6) Roger Sir, we launched as quickly as possible at about 0615 and it took us approximately 15 min to go in-route. As we approached the high ground to the South East of FOB Cobra we started hearing the radio traffic on the (b)(1)1.4c, which is what we anticipated talking to COL (b)(3), (b)(6). We could hear the GFC Commander speaking with *Khod/DUD* call signs, which was F15's. The two elements on the Net at that time we had, in addition to *Khod/DUD* was (b)(1)1.4a who was on scene and (b)(1)1.4a who is JTAC back at FOB Cobra. After we approached we let that traffic clear up the discussion they were having. Then we contacted (b)(1)1.4a he was in communications with (b)(1)1.4a to the North. He had us hold at the vicinity of FOB Cobra, 15-20Ks south of the GFC. (b)(1)1.4a's intent at the time was to hold us out of *harmful* range. We remained at the vicinity of FOB Cobra.

COL (b)(3), (b)(6) Why did you contact (b)(1)1.4a and not (b)(1)1.4a?

(b)(3), (b)(6) At the point where we made the initial contact (b)(1)1.4a was to far away for the radios.

COL (b)(3), (b)(6): So you were directed to hold at Cobra?

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

COL (b)(3), (b)(6): Did you land?

(b)(3), (b)(6) Yes Sir we did, we stayed and walked for a minute. We decided to go Flat Pitch and save gas.

COL (b)(3), (b)(6): What radios were you able to monitor at that point?

(b)(3), (b)(6): At that point we were monitoring (b)(1)1.4a on FM as (b)(1)1.4a, which is the channel on SATCOM.

COL (b)(3), (b)(6): Were you able to track the fight as it was going on?

(b)(3), (b)(6): Yes Sir, the (b)(1)1.4a he was speaking to was the F15's and also (b)(1)1.4a. They were sending reports at intervals. (b)(1)1.4a an the initial update gave us a lot of information on what they scene up until that point in the morning. Then we were also able to monitor the movement of personnel and then the 3 vehicles that we later engaged progressed around the Friendly Forces position.

COL (b)(3), (b)(6): Did you monitor any reports of children or woman?

(b)(3), (b)(6): No Sir

COL (b)(3), (b)(6): Now your aircraft is off Cobra, what happened next?

(b)(3), (b)(6): We remained south of Cobra until I would say maybe 0730 04 0745. I refer you to my Sworn Statement; I did it immediately after the engagement for the specific times. Do you have the copies here?

COL (b)(3), (b)(6): No we have the other pilots, but not yours.

(b)(3), (b)(6): (Handing of packet to COL (b)(3), (b)(6)) Here's a pack of information that was put together by the BN TOC, it includes everything from slides from the ONI brief, Sworn Statements, Initial Reports and all that was compiled after the engagement. (Handing over a disc) This is a disc of the actual engagement.

COL (b)(3), (b)(6): You've been directed to do what after that?

(b)(3), (b)(6): we remained at Flat Pitch at approximately 0730 and then communicated with JAG. Then we went back to TK to refuel it's the closest place to refuel. Then we went back to Cobra and Flat Pitched.

COL (b)(3), (b)(6): Were you able to monitor the two Nets you were monitoring before while flying back from Cobra to TK?

(b)(3), (b)(6): At a certain point we're unable to hear SATCOM, obviously we can hear the air assets for much longer distance than we can hear the ground elements. The reason we are unable to hear is because of the Terrain. I would say probably about the time we got to the end of the TK bowl around 10 miles away from TK. We can't hear any of those assets that far North on FM. On SATCOM we can pick that up pretty much everywhere.

COL (b)(3), (b)(6): How long did you not monitor?

(b)(3), (b)(6): about 30-40 minutes Sir

COL (b)(3), (b)(6): So after you refueled?

(b)(3), (b)(6) Then we came back out to FOB Cobra and again checked back in with the JTACS. We got any updates on what we missed and sat at Flat Pitch and continued to monitor. At approximately around 0840-0845 JAG 25 requested that we'd come up and push to a grid that was plotted by (b)(1)1.4a. This plot was of the three vehicles convoy in question. Then we started to identify the vehicles to have our target view.

COL (b)(3), (b)(6): How'd that happen?

(b)(3), (b)(6): The process for is to TDA and get the grid, we picked up three vehicles moving south from that grid location. There wasn't that much in terms of populated areas or anything like that. We identified three vehicles that were 500 meters south above the grid that was consistent with the additional reporting. We got in contact with (b)(1)1.4a and told them what we had identified "500 meters South of this grid 1 Lark Hilux, and 2 SUV's". The SUV's were darker in color and he confirmed that those were the same vehicles he was watching. The process we try to do during a talk on; whether with another ISOR asset or another TAC PLOT platform is the one who is watching doesn't describe the scene to the oncoming aircraft to verify the same site and not mistaking for something similar.

COL (b)(3), (b)(6): So you identified the vehicles positively, and verified with (b)(1)1.4a in the air?

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

COL (b)(3), (b)(6) Next?

(b)(3), (b)(6) At that point we were given a brief description of what (b)(1)1.4a had been seeing, and then we contacted (b)(1)1.4a again. (b)(1)1.4a had PID; he passed the Commanders intent to engage those vehicles. We talked to them... (Interrupted)

COL (b)(3), (b)(6) When you say PID, what do you mean?

(b)(3), (b)(6) Positive Identification of both the composition of the *darkness* of the vehicles and most importantly, the PID of weapons.

COL (b)(3), (b)(6) You saw weapons?

(b)(3), (b)(6) We did not Sir, No Sir... but discuss the fact that (b)(1)1.4a had the PID of weapons.

COL (b)(3), (b)(6) What happened next?

(b)(3), (b)(6) We identified the vehicles and had positive identification that these were the correct vehicles. We discussed it briefly with (b)(1)1.4a what he had been witnessing and made contact with (b)(1)1.4a. We then reviewed what we had been monitoring again throughout that morning. Then we were given the clearance to engage.

COL (b)(3), (b)(6): What criteria were you given to fully engage?

(b)(3), (b)(6) From the time we initially came on the situation at about 0630, they had been discussing the reports of traffic. Force reports of force movements of personnel on foot to the North and South was one thing that was reported. The insurgents' intentions which Jet plane to us initially as soon as we got on station. They thought they had the Technical advantage of the area. The Command thought they would be able to overrun the ground force. They thought they were attempting to maneuver around the ground force. We discussed the (b)(1)1.4c and the PID of the location that (b)(1)1.4a reported and it said that the military aged males had weapons and were occupants of the vehicles.

COL (b)(3), (b)(6) Any discussion of the women and children?

(b)(3), (b)(6) No Sir, beside from the fact that they were specific that the occupants were all males.

LTC (b)(3), (b)(6) For an advantage to envelop them?

(b)(3), (b)(6) Yes, like tactical

LTC (b)(3), (b)(6) Not moving away?

(b)(3), (b)(6) Negative Sir

COL (b)(3), (b)(6) Who was exactly on the radio? I mean your aircraft call signs were?

(b)(3), (b)(6) (b)(1)1.4a

COL (b)(3), (b)(6) Who's actually on the radio talking to (b)(1)1.4a?

(b)(3), (b)(6) Typically that's me Sir. I was in the left seat.

COL (b)(3), (b)(6) Who did you get the target hand over from?

(b)(3), (b)(6) From (b)(1)1.4a Sir

COL (b)(3), (b)(6) So he gave you the target hand over?

(b)(3), (b)(6) Yes Sir

COL (b)(3), (b)(6) Who directed you and cleared you to engage?

(b)(3), (b)(6) (b)(1)1.4a/GFC

COL (b)(3), (b)(6) What was your response to him?

(b)(3), (b)(6) We reviewed the criteria leading up to the engagement and he gave us the clearance. So we told him we will engage and call him back with the BDA (Battle Damage Assessment).

COL (b)(3), (b)(6) We listened to your gun tape, you mentioned 3 things, and do you remember them?

(b)(3), (b)(6) Yes Sir, We were engaging based on the (b)(1)1.4c indicating the insurgent's intent to maneuver, the PID that the occupants were males and had weapons, and that the vehicles were a part of a tactical maneuver on the GFC.

COL (b)(3), (b)(6) I think the term you used on here was imminent threat?

(b)(3), (b)(6) Yes Sir

COL (b)(3), (b)(6) What is imminent threat to you?

(b)(3), (b)(6) In terms of the ROE, and Imminent threat is the tactical maneuver of the enemy supported by both intelligence and PID. Which these things were provided in this case, by the Intel and (b)(1)1.4c that had been considered, and including the area of context from which these vehicles were maneuvering. The positive identification was occupants being male and affirming that they had weapons.

COL (b)(3), (b)(6) Did you have any idea of how many weapons they had at anytime?

(b)(3), (b)(6) I believe that (b)(1)1.4c relayed that they had at least 3 that they were able to see at a given time.

COL (b)(3), (b)(6) You completed the engagement. What happened after that?

(b)(3), (b)(6) We confirmed with (b)(1)1.4c what we were seeing on the ground, then we climbed back in altitude...

COL (b)(3), (b)(6) What did you see on the ground?

(b)(3), (b)(6) After the initial Hell Fire engagement we saw individuals moving around the middle vehicle just to the west as well as individuals around the trail vehicle. We came in for a re-attack with rockets, fired one rocket over the individuals in the west and two over the individuals in the trail vehicle. At that point being lower and closer we observed some of the individuals on the Westside with bright colored clothing, what you would expect women to be wearing. We seized fire and attempted to get the area back in our senses and take a look at what was actually happening, that was the point where we started actually talking to KIRK and relaying back to JAG.

COL (b)(3), (b)(6) Relaying what?

(b)(3), (b)(6) Reporting BDA and what was actually happening on the ground.

COL (b)(3), (b)(6) Did you mention the females, about the colored clothing?

(b)(3), (b)(6) We did Sir

COL (b)(3), (b)(6) You thought that you engaged females?

(b)(3), (b)(6) Potentially Sir

COL (b)(3), (b)(6) Did you see any children?

(b)(3), (b)(6) No Sir

COL (b)(3), (b)(6) So what did you do in the way of reporting back that now you think it's women and females?

(b)(3), (b)(6) we reported first to (b)(1)1.4a we weren't at that point within direct communication with (b)(1)1.4a because at that point the height of terrain which we were in a valley; came back to altitude and relayed the same thing to (b)(1)1.4a that we had seen individuals in brightly colored clothing. Those images could possibly be females and they were moving away from the middle vehicles.

(Visual pointer)

COL (b)(3), (b)(6) the (b)(1)1.4a element was right there (pointing) the three vehicles were up there (pointing) and you hovered down there for a while and landed with a Flat Pitch at 1213 and covered the radios? What did you here on the radio traffic? (b)(3), (b)(6) was in agreement with all the points made by COL (b)(3), (b)(6)

(b)(3), (b)(6) The discussion was primarily on the individuals on foot moving to their north, including the vehicles that were still there. At that point all the sensors were pointed to the north, not the people at the south of the vehicles; they were dealing with the people of the North being the primary threat. Then on my sworn statement I recorded a series of grids of the points on where (b)(1)1.4a was tracking the vehicles as the vehicles continued to move.

COL (b)(3), (b)(6) We don't have yours; I think you gave your sworn statement to the *Commodore* the other day. I listened to yours...

(b)(3), (b)(6) The tape doesn't actually have all those grids, because that was things I was just writing down but the sworn statement I did include.

COL (b)(3), (b)(6) Then you take off for gas and come back about 30mins later?

(b)(3), (b)(6) I would say about 45mins later.

COL (b)(3), (b)(6) then you go back to the same spot?

(b)(3), (b)(6): Yes Sir

COL (b)(3), (b)(6): So you have a sense of the battle space in your mind/head/screen?

(b)(3), (b)(6) Yes Sir, we haven't been at the GFC location. I have operated in that area in the past...so I'm somewhat familiar of that area but that is fairly far north of where they have attended to go.

COL (b)(3), (b)(6) (Pointing to the map) Because when they were up here the report you got was 30-50 males with 3 heavy weapons?

(b)(3), (b)(6) I believe so, Yes Sir

COL (b)(3), (b)(6): Now two hours later there here. (Pointing to Map) What you're getting is 21 males with 3 weapons?

(b)(3), (b)(6): Correct Sir

COL (b)(3), (b)(6): That didn't trip anything in your mind at all?

(b)(3), (b)(6): No Sir, what we were aware of at least numerous occasions before they got to the point of engagement that they had been stopping and had been PID with multiple times with weapons. Then at the time of engagement KIRK had identified that they had at a minimum of 3 weapons

COL (b)(3), (b)(6): You remember the friendlies were here (Pointing to map). Since you know the area about how far do you think it would take them to get from here to here (Pointing to the map, point of 1st siting and then the engagement area).

(b)(3), (b)(6): At least a couple of hours

COL (b)(3), (b)(6): So what is Imminent Threat again?

(b)(3), (b)(6): In this case, Tactical maneuver on the friendly force that is confirmed by the intelligence and PID.

COL (b)(3), (b)(6): What is the difference between Imminent and Immediate threat of a Hostile act?

(b)(3), (b)(6): The Army does specify imminent is not necessary immediate, the situation there were looking about 2 dozen fighters that had weapons, and to the south were we engaged (Pointing to Map) possibly 4Ks to the village of *Surka* on our maps there were obvious routes from there back into the green zone. They could've had an alternate route up the south to the Friendly Forces that in my mind represents a significant number of fighters that could reinforce these elements that knew they were operating to the south. At that point in the morning they had witness forces moving from the north and the south, though the sensors in the morning had been focused on the north when there were quite a few more vehicles in the south. (Referring to the map)

COL (b)(3), (b)(6): So you were concerned about the element in the North coming down to the South, then creating a tactical North route?

(b)(3), (b)(6): Yes Sir, In terms of depicting what the enemy was maneuvering in my mind that seemed like the most likely scenario. We reinforced what GFC heard on the (b)(1)1.4c that the enemy was saying they had numerical superiority to take over an element as well as making efforts to maneuver and reinforce our elements, it seemed consistent with the (b)(1)1.4c

COL (b)(3), (b)(6): Do they still give the FM class in flight school? In terms of frequency waves and how you can tell distance using your radio?

(b)(3), (b)(6): Yes Sir

COL (b)(3), (b)(6) : How reliable is it?

(b)(3), (b)(6) From my understanding and I'm not the expert on this. In some case the GFC will give us more precise location to try to find where the (b)(1)1.4c is coming from, but that requires them to have more full stations so they can triangulate. There typically not able to do that because they're not widely spread out.

COL (b)(3), (b)(6) After the 3 vehicles were destroyed by the hell fires, what were you thinking behind the rocket fire?

(b)(3), (b)(6) My thinking Sir, I have a large number of armed vehicles regressing from their vehicles so we will continue the attack.

COL (b)(3), (b)(6) Did you see any weapons after you had engaged in the engagement area?

(b)(3), (b)(6) From that distance No Sir, It will be difficult with the station analyzed sensors to see something at that distance but more none visible by the smoke from the 3 hell fires in a very small area, so there was a lot of obscuration. I think in the video it's difficult, I think you can see people moving in the thermal but even the thermal is obscured by the debris in the air/smoke. By that time I think we were at 1 1/2Ks as we engaged so that distance makes it way too far to see.

COL (b)(3), (b)(6) What sensor were you using?

(b)(3), (b)(6) At that time Sir I think I was using the exclusively thermal the TIS sensor, I had to get TIS that day.

LTC (b)(3), (b)(6) These questions are not pertaining to this specific event but if you come up on a target when do you have to get approval from your higher?

(b)(3), (b)(6) Depends on what the target is doing, if it's a hostile act I don't need approval to defend myself or to collectively defend the GF if there's a hostile act, for example being under direct fire engagement. In the act of Hostile Intent or Brigade Commander has reserved the right to approve Hostile Intent engagements at his level, with the exception being a situation where the Hostile Intent is deemed to be an imminent threat. Which comes back to the tactical maneuver, which in turn is required to be supported by intelligence suggesting that the tactical maneuver is indeed that and the positive identification that is the target.

LTC (b)(3), (b)(6) If there's an imminent threat to yourself or any other US Forces?

(b)(3), (b)(6) Yes Sir, then in that case it is self-defense. Hostile Intent is approved by the Brigade Commander unless that Hostile Intent is an Imminent threat in which case in his directive that was just put out after General McKrystal's Tactical Directive, he specifies in there that in the threat of imminent cases are reserved for the decision by the GFC and the air mission commander.

LTC (b)(3), (b)(6) Can you have a self-defense situation without imminent threat?

(b)(3), (b)(6) Not sure I follow the question.

LTC (b)(3), (b)(6) Is all of this self-defense?

(b)(3), (b)(6): In the case of offensive fires then we would require higher approval, deliberate offensive fires I don't believe we've ever had an engagement that ever met that criteria.

LTC (b)(3), (b)(6) In your mind does your Brigade Commander's directive restrict you from firing in any situation that qualifies you from using self-defense?

(b)(3), (b)(6) Anything that's hostile intent that doesn't meet the criteria of self defense is required to be approved by the Brigade Commander. For example anything where the specifics are spotters and IED placers have been specifically mentioned in that case. It's situational but something that does not meet the imminent threat criteria does require Brigade approval.

LTC (b)(3), (b)(6) When you come up to a situation, what information do you require during your hand over with ISR platform?

(b)(3), (b)(6) Are we talking about a target hand over or a situational?

LTC (b)(3), (b)(6) A target hand over.

(b)(3), (b)(6) A target hand over... in the case we haven't been on station and this is the first time I'm looking at the target, the first thing I would want to know is the target's location and composition. Then a description on what that platform has been observing that target doing in time, activities, certain locations, any descriptors that they're able to pass in case of what they've been watching.

LTC (b)(3), (b)(6): Would they have to walk you through all of the criteria had you been observing that?

(b)(3), (b)(6) I would say yes sir, because at that point if I'm taking a target hand over then I would want to feel like I'm in the same position he was in prior to my taking the target hand over.

LTC (b)(3), (b)(6): He can't just say that's a good target?

(b)(3), (b)(6) Absolutely not.

LTC (b)(3), (b)(6): He has to give you PID?

(b)(3), (b)(6) If he has PID, there have been many times that we were watching something and had suspicious information but we didn't have PID and then will pass that along but it's whatever the case is.

LTC (b)(3), (b)(6) If you're going to get a target handover and you're going to be able to fire immediately after receiving that battle handover, what information do you need to fire?

(b)(3), (b)(6): Then I would need those specifics required to fire which would be a good target description so that I know I'm looking at the right thing. As well as the PID and activity observed so I know quite specifically what it is that what this is I'm looking at was made a target.

LTC (b)(3), (b)(6) So if he gives you a target and you disagree that there's not Hostile Intent or Immediate Threat then you?

(b)(3), (b)(6) I'm not going to shot, then at that point I will have to weight into what the GFC is relaying to the situation, it's a combination of the both because that ISR platform does not have the information the GFC has about (b)(1)1.4c and other things like that. We take information from both to create that picture.

LTC (b)(3), (b)(6) Have you ever been in the situation where you ever disagreed with either the GFC or the Battle Handover previous observation platform?

(b)(3), (b)(6) Yes Sir, I can think of a situation 2-3 weeks ago where we had claims to engage a target and did not because we hadn't been looking at it for too long, and then the potential target moved into a situation where there were other personnel around and we weren't able to shot.

COL (b)(3), (b)(6) What does Troops in Contact mean to you?

(b)(3), (b)(6) In my mind there are two levels of TIC. One being that which is directly kinetic and shots being fired, in this case that was not the same but TIC can also be enemy force within that friendly forces battle space influencing what they're doing on ground.

COL (b)(3), (b)(6) When you're talking about battle space are you talking about the area of operations?

(b)(3), (b)(6) I would say the area of operations, what terrain around them that influences and concerns them.

COL (b)(3), (b)(6) So right now you feel that you had a TIC?

(b)(3), (b)(6) ISR may have Sir, but specifically to this tactical situation if the ISR platform is looking nowhere to concern the GFC then there is no TIC, but in this case we all knew it was moving to the north in conjunction with other things going on around him then that it was obviously influencing his operation here on the ground. In better words, the situation was not kinetic but at a point that it was influencing the GFCs decision making.

MG: When you came on the scene to engage you weren't there very long before you engaged?

(b)(3), (b)(6) No Sir, probably 10-15mins before.

MG: Walk me through those last minutes, what your thinking is as you see the target?

(b)(3), (b)(6) We come on station to properly identify that we're looking at the same thing (b)(1)1.4c has been looking at, after we establish that then we had been monitoring and building up to the point of considering this a valid/ suitable target since we'd been there since 0600. We'd been monitoring that on our maps according to radio traffic. Arriving on station eyes on wasn't the first time I was considering the ICOM traffic and the other maneuvering that was going around the GFC. Then the PID we got from KIRK was strong, he said we do have weapons and the occupants of that vehicle are male. At that point I

felt comfortable with the GFC intent to engage these vehicles. Beyond that after getting the clearance to fire it was a matter of just setting up the shot plot.

MG: there's a couple times on that tape where you kind of question that the KIRK had a target; you want to go through that process?

(b)(3), (b)(6) If time permits before engagement we'd like to review the things that have let us through that point of that being the target, that's an opportunity for us to clarify in our own minds all the pieces are there, and then also to make sure that the ISR platform, the GFC and JTAC aren't looking at this thing differently. We also make sure there's no last minute things somebody's noticed or thought about that would change the situation.

MG: Who approved the fire mission?

(b)(3), (b)(6) The GFC.

MG: You spoke to him directly?

(b)(3), (b)(6) No Sir, through the JTAC who is pretty much in his head pocket.

LTC (b)(3), (b)(6) After the firing do you remember any of your personnel stating that they saw weapons?

(b)(3), (b)(6) Yes Sir, The individuals in the trail vehicle we believe had weapons as they digressed from the back of the vehicle.

LTC (b)(3), (b)(6) do you know who saw them?

(b)(3), (b)(6) I know initially the call was from my right seat pilot, as we came in for the rocket attack our focus was (the Lead aircraft) to the west and the trail aircraft focus was on the third vehicle. I didn't look that direction initially myself because we were looking forward. As we looked around to cover our trails rocket attacks my right seat pilot then said "Those guys have weapons". Then as we came down to cover them it was very fast from that point because we were trying to digress away but it appeared that those individuals in the back of the trail vehicle had weapons.

MG: how long once you seen the females did you report those?

(b)(3), (b)(6) Pretty quickly Sir, the first thing we did was climb back to altitude obviously concerned with the individuals that we thought had weapons put our sensors back on that area and got in contact with MIRC, and talked about the movement we saw and mentioned that we saw individuals with bright colored clothing. Then we climbed up above the terrain so that we could get back in contact with (b)(1)1.4a and pass the BDA report to him.

MG: What did you think at that time, when you saw those females?

(b)(3), (b)(6) Not a great feeling, thinking that was not what we expected to see on that target. Up to that point it had been very clear that (b)(1)1.4a observation was all males. At that point a couple of possibilities are going through my head, first that there was a misidentification of the individuals, then that maybe

someone was just wearing brightly colored cloths because we have seen a couple of incidents were males were wearing female clothing as fighters in attempt to maneuver. We just as quickly as possible tried to access it and pass along that possibility that there were females down there.

LTC (b)(3), (b)(6) Did you see a road that the vehicles could have turned left and head back toward the GFC?

(b)(3), (b)(6) I believe your referring to prior to that engagement area, would have been slightly towards the north of there.

LTC (b)(3), (b)(6) To the North of where you actually engaged?

(b)(3), (b)(6) I recall seeing that depicted on the maps, but honestly I can't recall.

MG/ LTC (b)(3), (b)(6) Were you close enough?

(b)(3), (b)(6) No Sir, not directly. The difficulty in the road they were on was kind of raw established road, it was initially dirt but looked like it had been traveled on a lot but there were a lot of rat trails everywhere. Those we won't see the same unless you actually go and look at them.

MG: What can we learn from this?

(b)(3), (b)(6) Learning point is how we handle vehicles. I don't doubt that (b)(1)1.44 was reporting what they saw and they were watching it for a long time, which in my mind establishes the creditability of their report. Obviously in reference to how we distinguish who's in compounds you can't guarantee %100 who's in there. 3 or 4 hours of observations with repeated dismounts is pretty strong evidence of who's in the vehicle, but obviously since there were women there that's not a 100% solution. My decision making this engagement will change the way I deal with vehicles moving in the future. I'll try to establish PID in perhaps multiple levels, obviously not taking PID of occupants of vehicles from another platform if I haven't seen it. I'm not going to handle it the same, but the Army is changing anyway but in the absence of the Army changing this situation will change how I look at these situations.

(MG McHale closes interview)

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

STATEMENT (Continued)

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 16. 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 16 OF 16 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

to the 21 Feb 2010 air to ground strike resulting in wounded women & children

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)

Printed Name/Rank

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

Signature

02 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) 2010/03/02	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SGM	
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 2-8

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 8 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.

Interviewee:

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

Interviewer:

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

(Sworn in by LTC (b)(3), (b)(6))

Army Since 1985, Joined the 2nd Ranger BN 1986, Stationed in Hawaii with the 25th, Joined Special Forces in 1992, 3rd Special Forces group since 1993, 3rd Group staff S3 SGM JOC, JFC CJ-SOTF SGM for roughly 8mths, 1mth in country as SGM.

COL: As the S3 SGM, what does the JOC monitor on a daily bases, what are you monitoring?

SGM: The activities of the guys that are out on the Battle Field, keeping in mind any of the enablers they might need and trying to stay ahead of them, 60%-70% putting out fires of daily activities that go on in the different staff section.

COL: Daily how many missions does your section monitor?

SGM: 20-25 missions

COL: Does there anything that clues you into a mission on the floor that the whole JOC monitors?

SGM: Level 1 and Level 2, the Battle handovers we take from (b)(1)1.4c guys might walk into a potential Hornets' nest.

COL: What is the wake up criteria for the Brigade Cdr?

SGM: He doesn't mind getting woken up about anything. Anytime there's a TIC, CIVCAS, KIA civilians/ nationals/ US, Casualties civilians/ nationals/ US, any strike.

COL: Define TIC?

SGM: Troops in Contact, it could be an Imminent TIC were there getting (b)(1)1.4c where they know the enemy is maneuvering on them. Actually exchanging lead with one another or an IED.

COL: Air TIC?

SGM: The team... when it's known for a fact that they're going to need air support because of the troops massing.

COL: When is TIC declared, how does the JOC find out about it, and what are your actions at that point?

SGM: Standard Battle drill, if it's originated from the team were monitoring the traffic, the team sends it to SOTF to monitor the traffic, declared on the floor TIC, check for air support in the area, pull the teams CONOP especially it's a Level 0 or 5W report that CONOP to track where they are exactly, all MIRC

operations that are being tracked, make a report, a SOTF report, shadow battle tracking what the SOTF is doing.

COL: How do you monitor the team's activities?

SGM: By their check ins as far as the radio, what we are establishing in the JOC if we don't have which were trying to establish FBCB2 capability we will monitor that, ISR capabilities will monitor that, numerous phone calls that we make back in forth, If we don't hear from the teams we try to monitor what is not going on as well.

COL: ISR Platforms, how do you monitor ISR Platforms like the predator?

SGM: Usually the ISR platform is not controlled; it is requested by my Intel on the floor, 99.9% it is not supported ISAR because other missions are rolling on. We usually watch the predator feed what it is putting on the screen on the JOC floor.

COL: Do you monitor the MIRC Chat from the Predator Operator and the screener?

SGM: Yes Sir, the MERC chat can be monitored by my battle CPT, battle NCO, and JOC chief. As far as Rivet joints any kinds of outcomes there we have an Air Force cell that is on the floor to monitor Rivet joints.

COL: Is it a different drill if it's a TIC or an Air TIC?

SGM: NO Sir, Air TIC primarily follows what the GFC and SOTF Cdr are wanting. Or it's a drawing of information that can be used

COL: 21st of Feb, what time did you show up on the JOC floor?

SGM: Unfortunately I came in after the strike happened, and I was told that we had killed 12 enemy personnel. The footage was on the screen at the time of the destroyed vehicles, I would say I came in just within 5 or so minutes of the strike.

COL: Who did you talk to about the engagement, or who came and talked to you?

SGM: MAJ (b)(3), (b)(6) the Night JOC Chief briefed me on what happened, at that point I thought it was good news whenever you take down insurgents, and I let the CSM know if he was monitoring what was going on.

COL: What time was the shift change?

SGM: 0430 Zulu....0900 Local

COL: So shift change did not happen before the engagement?

SGM: Yes Sir

COL: What are the JOCs responsibilities once you have a kinetic engagement with the reports of NA-KIA?

SGM: The SW immediately go up, I don't know if it was populated or not, the JOC Chief had populated within 15mins after engagement. Notification of the CJ-SOTF Commander and CSM, we try to push any information we can to SIFSOC because the boots were not on the ground was a delay in getting that information up. In the meantime IJC is calling at the same time onto the JOC floor wanting information as well as SIFSOC. I tell the guys down at the SOTF you can throw me a bone to feed the dog but the problem is if it's not enough information then it raises more questions that they don't have.

COL: When you came in to the JOC floor was COL (b)(3), (b)(6) the CJ-SOTF Commander already there?

SGM: He had come in and already left out

COL: Do you know where he had gone?

SGM: No Sir, I think he went to his office...I believe.

(Someone walks in and asks if COL (b)(3), (b)(6) wants to speak with LT (b)(3), (b)(6) then leaves)

COL: So you come in it's roughly 0855, the strike was 0858 local, were there any other NAs or KIAs at that time to the best of your recollection?

SGM: No Sir, I hope I'm not messing up because it's their words but this right here was the biggest event. I don't believe I seen any.

COL: So you arrived you've been notified that there are 12 enemy KIAs, walk me through the rest of that morning and the significant event as you recall, strictly on reporting.

SGM: Aside from putting out fires, first thing that morning I went down and told the CSM who was there to monitor, morale was hot at that point. I would say it was numerous times I called down to SOTF-S you guys heard anything what's the word, and when I say numerous time I mean once every hour trying to get information. Like I said in between the phone calls and the IJC and SIFSOC asking...and I knew why. Bottom line is if you have a significant event like that a press release is going to come out later on. I can't say that the Predator feed as I was watching the after math, saw people start coming up and take things of the objective area at the time, pulling things of I didn't know what they were taking away. Which immediately got me fired up because I was like why haven't we secured the area yet. I could say that at least probably 4hrs of my time that morning was trying to draw information that was just not there. That's only what I could see on the grid.

COL: During the discussions that morning on the JOC floor did you hear any mention of adolescence or children being in the objective area?

SGM: Negative the only thing I heard and it's on the Predator feed is that there was a young adolescent kid walking up to the objective. You can actually see him walking up to the objective. Then I would probably say... it's hard to put a time on it. It was possibly after 4hrs were I heard possible SIFCAS.

COL: When did you hear that?

SGM: Going around the floor. My immediate response was "couldn't have been...couldn't have been". Tell this day watching that Predator feed and the 3 "army buses" or buses. Watching that Predator feed they look like bad guys...I hate to say that in those terms especially because we have CIVCAS

COL: Roger I understand, you said you first heard it was a CIVCAS event about 4hrs later.

SGM: Right sir, There was a...probably after 4hrs I would say.

COL: But you're unsure of the origin of where that information came from?

SGM: Yes Sir, when I say 4hrs my day can condense. I can spend 8hrs doing something and think I only spent 4hrs, so I'm not making any excuses on my time. In the end that's when I heard that it was a CIVCAS that we were doing.

COL: when did you receive any support of either telephonic or any radio support from SOTF-S indicating CIVCAS?

SGM: I didn't personally receive anything like that, it would've gone through the JOC chief but exactly when it came in.

COL: The JOC chief at that time would've been who?

SGM: MAJ (b)(3), (b)(6)

{Standby}

COL: Do you have SIPR computers around here?

SGM: This one hasn't been working the server here. But your more than welcome to come on the JOC floor, we have SIPR just let MAJ (b)(3), (b)(6) know and he'll get you hooked up.

COL: To the best of your recollection were you in between any phone calls from the CJ-SOTF Commander and SOTF (b)(1), (b)(6) Commander.

SGM: No Sir, I was privet to the conversation that boss was having with General Reeder.

COL: By boss you're talking about COL (b)(3), (b)(6)?

SGM: Yes sir

COL: What was the nature of that...

SGM: I don't know what the nature of that was but usually when the General is calling COL (b)(3), (b)(6) it couldn't have been good.

COL: At what time was that roughly?

SGM: Oh I don't know sir

COL: morning....afternoon?

SGM: I think it would have been late afternoon.

COL: Did you monitor any guidance from the BDE Commander or the JOC director down at SOTF (b)(1), 4a down to this event?

SGM: No Sir I didn't see anything

COL: Did you see the storyboard for this event?

SGM: I did in detail yesterday, they have a big binder that they put together and the story board comes through, which I did see the story board.

COL: But you did not see the storyboard that day, the day of the strike?

SGM: No sir

COL: You said yesterday?

SGM: Yes sir

COL: The only reason why I ask that is because I was reading earlier and there's a requirement for a pretty quick turn over from the subordinates unit based on your report.

SGM: Yes sir, that's correct but a lot of times since I'm putting out fires I'll get a copy of it through my email, but that email is usually only between the Battle CPT and the JOC chief. One of the things I can say on record is that as far as reporting goes if I have IGC or someone that calls down and wants a report, I got IGC with a little dotted line that's suppose to go to SIFSOC calling me directly wanting information. I'm not authorized to give that information to them unless it's been cleared at the CJ-SOTF Commander. CIFSOC the SGM Mafia when we're talking about JOC OPS, SGM and what have you, if you have information I can give then I will but unless I know facts. I heard mention today of a lateral recording and I'll stand by that, this case scenario was just a matter of not getting this information in a timely matter of when the story board came out and what time. I do know it was asked for several times by JC and CIFSOC.

COL: Do you know how COL (b)(3), (b)(6) CJ-SOTF Commander was informed of the situation that morning?

SGM: I know that he was informed of the then enemy KIA from the Night JOC Chief. But as far as the actual CIVCAS event I'm not sure how he was informed. I can only speculate that it rolled down hill, I'm not sure how long and if that came from COL (b)(3), (b)(6) or not.

COL: Did you monitor the 0900 shift change is that no group forum or were you able to monitor that?

SGM: Let see.... (Break)... this happened on Sunday morning correct?

COL: That's correct

SGM: The Sunday morning the shift change is until 0600z

COL: so 1030 Local

SGM: Right

COL: Did you monitor?

SGM: Yes Sir I did, two hours later it was still reported enemy KIA

COL: Do you recall what the either CJ-2 or ISR manager if they provided any fidelity on this target and why the strike had occurred.

SGM: No sir

COL: Any mention of children or adolescence in this report?

SGM: No sir

{Brief pause}

COL: did you supervisor any recreation of any post strike reports on this mission?

SGM: No sir, that was all through the JOC Chief and the Battle CPT... I was just the bad guy calling down and saying sorry to bother you but I need this information.

COL: How were you talking to there?

SGM: That would have been CSM (b)(3), (b)(6); he's my counterpart down there.

COL: When you called down, what was his response?

SGM: He said he was trying to draw the information right now

COL: How long?

SGM: I came on shift at 0430 so I would say from 0530, 6 hours

COL: So you're saying 530z to 1130z...basically from 1000 until 1600

SGM: Yes sir

COL: SGM do you have any other recollection or any other knowledge that will be relevant from your perspective as far as this investigation goes?

SGM: NO sir not at this time, I apologize for my ignorance but again like I said you got the feedback operation and then you got me that's the current guy running around and putting the fires out so that's all I have.

COL: based on what you know now and the reflection is there anything that you would have done differently, that maybe would've prevented this from happening?

SGM: As a unit sir, is that what you're asking/ I think the biggest things is securing the area and boots on ground. I think that would have been the number 1 thing...and

COL: What's the standard of a post strike to secure the area?

SGM: I'm not sure sir I would have to look t up, but I know that...uhh...if you engage the enemy that you potentially think is the enemy in a populated area without the capability of a response time I would say for at least 30mins then there's no telling of what can happen to that objective area. Whether good or bad so for me my stand point is securing the area in a timely matter. Then I believe that an earlier reporting to identify the fact that it was civilians that was on that objective area, and it didn't have to go on so long because we couldn't get people in there. (Inaudible) That's my standing statement.

COL: I understand

(COL (b)(3), (b)(6) closes out)

STATEMENT OF (b)(3), (b)(6) TAKEN AT _____ DATED 2010/03/02

STATEMENT (Continued)

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 8. 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

PAGE 8 OF 8 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 The 21 Feb 2010 air to ground engagement resulting in civilian casualties

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

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

02MAR10
Date