

STATEMENT OF MAJ (b)(3),(b)(6) DATED 02 MARCH 2010

understanding that he was going to do that, he was allowing it to develop to find out what it was. Based on reporting that these guys were "massing" loading on and off of the vehicles, and I got a report when I came in that there was a possible women and child that were getting on and off of the vehicle. That would not be unheard of. If the Commander didn't know that.

(S)(b)(6) When you came on shift, were you not aware that the Commander had already had a discussion with the CJSOTF Commander? We had this discussion last time; didn't we have this discussion last time?

(S)(b)(6) Which commander?

(S)(b)(6) That CO (b)(3),(b)(6) had a discussion with LT (b)(3),(b)(6)

(S)(b)(6) My understanding it was when I came on shift that he was having that discussion.

(S)(b)(6) I thought I asked you last time... Can you characterize what you thought that discussion to be?

(S)(b)(6) He was getting an update from LT (b)(3),(b)(6) to find out what was going on with the situation to my understanding.

(S)(b)(6) You didn't understand that it was a good target to strike?

(S)(b)(6) I didn't understand that he was doing anything other than getting an update from the BC.

(S)(b)(6) I just need you to reconcile something for me that you references a few times. I am going to read you the question and your answer and I just want you to clarify something for me. LTC (b)(3),(b)(6) asked you the last time "At anytime did you tell them not to submit a particular report?" You responded with "absolutely not, that is not true. The TF (b)(1)1.4c FIR, when we understood that they would send it up I went to the CJSOTF Commander and said that they are submitting an FIR at this time. The aircraft was submitting this. I had no other reporting at another time then from the BTL CPT that this document was being produced. I told the CJSOTF Commander and he said that we didn't need it." I don't understand that. I understand that I need other information. You just said that he didn't discard it and you told us last time "we don't need it". Just reconcile your representation of this open desiring to get information to make an informed decision to that representation that oh by the way is consistent with other interviews. Reconcile that disconnect if you would.

(S)(b)(6) He may have said "we don't need it". I won't discredit that he didn't say that...

MG: That's what you said "he didn't need it". We have other testimony that is pretty clear to that inking. I don't want you to mint your words because that is what you told us last time and I want to understand what was going on in that room.

(S)(b)(6) I can make it extremely clear. I can see where the miscommunication is. It wasn't my impression from the CKSOTF Commander that we don't need it... It wasn't an impression other than I want to hear what my GFC has to report prior to giving this thing any weight. Prior to weighing this against anything else I want to know what CPT (b)(3),(b)(6) who has a plan to go do BOG BDA, what his

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report is when he comes up. Which is generally the way that I have seen that we operate on the ground.

(b)(3),(b)(6) am just struggling with the characterization. You told us that we didn't discard this, yet the instructions are to wait. You said it wasn't a shut down, but the action is we don't need it. I heard what you just said and it doesn't make any sense to me (b)(3),(b)(6) It doesn't, maybe I am just slow this morning. We are trying to figure out when this information became available why you all sat on it for so God dang long. I am trying to find a flow here and I can't find the flow. How can you tell us in one moment that it wasn't discarded, but that was a willingness to gather information, but the actions and words tell us the 180 out.

MAJ (b)(3),(b)(6) know where CO (b)(3),(b)(6) can be misconstrued as a guy who wouldn't care about anything, he has a very hard and tough demeanor and I know him. I also know him well enough to know that he is a very strict by the rule and by the book Commander. There is absolutely no way from my impression on that day that CO (b)(3),(b)(6) was trying to keep us from keeping a report. As I mentioned I did a verbal report I was hiding nothing, and neither was the CJSOTF Commander. I gave a verbal report to MAJ (b)(3),(b)(6) immediately to let him know what I got from CPT (b)(3),(b)(6) which came from a verbal report as well. The bottom line I think on that day was that we were not going to go into spin mode, or my impression was that CO (b)(3),(b)(6) did not want to go into spin mode without knowing what his guy on the ground, our trusted ODA member with two rotations to that location and a commander in his command to tell us what the situation was. CO (b)(3),(b)(6) uses hard word and a lot of things like that. It certainly didn't mean... I don't need it would not mean I don't need it because we are not going to report this. It would mean I don't need this right now because I have not heard from my commander on the ground to validate that.

(b)(3),(b)(6) here are a few seams for you. You get a report shortly after 0900 potential CIVCAS and you do nothing with it. You say you sent up a verbal, the requirement is an FIR. The JOC does nothing. The commander gets a report sometime around 1200, your Commander does nothing. This isn't about the Commander (b)(3),(b)(6) this is about the Organization. The organization gets the information, the OPCENT the JOC Director, you, and it is a requirement to send up an FIR. It is not a recommendation it is not a how about you it is not when you are done going to the bathroom and drinking your coffee. The requirement is to send up an FIR, it is clear, it is an order. It is a requirement and it was discarded.

Three hours later when more information comes up, there is still nothing. I am struggling with this from when we first found out about potential to after BG Reeder briefs incorrect facts to the Commanding General of ISAF. At 2015L we finally send up an FIR. It has nothing to do with he is tough and a cowboy or any of that crap, it has everything to do with the entire organization failing to comply with its own SOP on alleged CIVCAS. That is the disconnect (b)(3),(b)(6) and you are at the center of it. As I am trying to piece this together today I do not understand why no one in CJSOTF complied with the requirement in the tactical directive of suspected CIVCAS or in the CJSOTF SOP of alleged CIVCAS, I still don't get it. Can you at least reconcile that information with 11 hours later a report?

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MAJ (b)(3),(b)(6) can reconcile on the fact that I won't disagree on the fact that our reporting was shot. We are not perfect and we made mistakes in reporting, but it had nothing to do with a malicious intent to hold back...

CO (b)(3),(b)(6) didn't say malicious...

MAJ (b)(3),(b)(6) and the reporting still went up. People were informed immediately upon this and the lack of reporting in the FIR is...

CO (b)(3),(b)(6) let me take it... and this really starts sooner. I am going to walk you through a couple of things here. You were asked earlier today by LTC (b)(3),(b)(6) that what did you know when you came on and who told you what. You had a little bit of fuzziness today with what you told us so let me tell you what you told us last time. "He gave me a rundown of the events; I was watching the ISR feed. GFC called a couple of times and talked about waiting on the element to move closer to the objective. He waived off an AIRTIC to determine if the enemy was going to come closer to the target and monitoring the movement and possibly striking. LTC (b)(3),(b)(6) also asked if you were aware of potential noncombatants particularly women and children. You answered that you were briefed possibly seen loading and unloading. Question who briefed you, answer MAJ (b)(3),(b)(6) Question MAJ (b)(3),(b)(6) answer I believe so. Question I need you to be sure did MAJ (b)(3),(b)(6) brief you on the vehicles, answer we had a discussion on the floor, be specific, just that they had seen a report from (b)(1)1.4(c) on the 1.4(c) and that it was clear as day, I actually read the 1.4(c) and stated that securing perimeter loading and unloading possible women and children, that is not an unusual report. Now you tell us here that MAJ (b)(3),(b)(6) briefed you.

MAJ (b)(3),(b)(6) that I believed he did. I have had a thousand reports before that and I have had a thousand reports since that interview. I truly wish that I could remember minute by minute and exactly who I spoke with and exactly what came out of my mouth. If I had a recording I would play it for you right now. I am not trying to be guarded and I am not trying to hold anything back, if I had it I would give it to you.

CO (b)(3),(b)(6) what is struggling is that MAJ (b)(3),(b)(6) says that he never briefed you on CIVCAS and that he didn't know anything about it and you say you got the briefing from him. So as we are trying to do the anatomy of this thing... The CJSOTF Commander says that he was never briefed until he was handed a piece of paper, never got briefed. The first time is when he was handed the piece of paper. So these disconnects go everything from J2 OPS in CJSOTF to JOC Director to the 3 to the Commander on when we are aware of civilians on the objective to what activities we do. What is the practice in CJSOTF of reporting CIVCAS, is it confirmed or alleged? I don't care what is written, just what is the practice so that we know how to make the right recommendation?

MAJ (b)(3),(b)(6) like what do we actually do?

CO (b)(3),(b)(6) what do you actually do?

MAJ (b)(3),(b)(6) report it. We report alleged or confirmed.

(S)(b)(3),(b)(6) Using this case, then why not?

MAJ (b)(3),(b)(6) I admit it there was a breakdown in communication. I have not said that is not true, there has been a breakdown in communication on this particular incident and I do not disagree with you on that. If disconnects fall on me I take full responsibility of that. If a disconnect fall on me then I should have came up on the net with the commander. I did with what I had that day and if I didn't do it well enough then that is what this investigation will find and I am not going to shirk that. In the past when we had CIVCAS events we reported it as per the guidance and the orders and I had no reason not to do it another way that day.

(S)(b)(3),(b)(6) you were asked at 1700L that day if there was a potential CIVCAS, what would your answer have been?

MAJ (b)(3),(b)(6) I would have said no, because the first report that I got was at 1547Z and the GFC had already lifted off of there. Me personally I went with what the GFC reported and what I got from the SOTF. I know (b)(3),(b)(6) that also stems from knowing the guys in the command. I know him, if there would have been a civilian casualty that he knew about and he reported it properly up I would have gotten it and that was my assumption. We put a lot of responsibility on those guys. When I was an ODA Commander, the responsibility of the world was on my shoulders and I took it very seriously as these guys do. I have no reason to believe that there would have been with him there on the ground.

(S)(b)(3),(b)(6) Despite the fact that you have already been told that TF (b)(1)1.4c has put up an FIR claiming that there was civilians injured...

MAJ (b)(3),(b)(6) Although I trust KIWAS 99% with PID, once the GFC verified that, they talked to local villagers, I know how that works I have been in his situation and there was still no report of civilian casualties.

(b)(1)1.4g  
(b)(1)1.4g I did with what I had from the GFC, after the BOG was conducted that is when I thought this had to have been a valid target, because the ODA would not report anything other.

(S)(b)(3),(b)(6) At any point during that day did you hear a report that there were, in addition to MAMs MEDEVACd, that there were women or children injured on the strike site but did not require MEDEVAC?

MAJ (b)(3),(b)(6) I do not remember that because the first I got on wounded civilians came from the report from DOQ (b)(3),(b)(6)

(S)(b)(3),(b)(6) are you sure that you did not hear that or do you not recall?

MAJ (b)(3),(b)(6) I am sure that I never heard that. That would have had to have been a report. It would have had to have been run to ground as hard as we possibly could like every other questions and RFI that we had for that commander at the same time. That wasn't the only question that we had for him, there was a lot of confusion going on at that time. It wasn't just what are our enemy combatant killed situation is and wounded. IT was security of the village and security of the site. Like I said before we

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had no idea the MEDEVAC even went, up at the CJSOTF level. That is normally the first thing that we are tracking is if our MEDEVAC bird is flying. I still have no knowledge of where those MEDEVAC birds are out of.

(b)(3),(b)(6) was in mIRC chat.

MA (b)(3),(b)(6)...

(b)(3),(b)(6) The volume knob was turned down on the T.V. you guys were watching.

(10 Minute Break)

(Reminded still under oath)

MG: WE are about ready to close this out, but we still have a couple of disconnects that we need to clarify about discussions with CP (b)(3),(b)(6) and MA (b)(3),(b)(6) So that is how we are going to finish up here today.

(b)(3),(b)(6) When you and CP (b)(3),(b)(6) were going back and forth with these story boards, either during this time or any other time around the development of these storyboards did you indicate in anyway shape or form, maybe not a directive don't add something, but it could have been construed by the guy on the other end of the phone that has this hold off on providing any of that lets confirm it lets get feedback. Was there any qualification that you may have told (b)(3),(b)(6) maybe not directly, but setting the context of hold off until we can confirm whether it did or did not happen?

MA (b)(3),(b)(6)...

(b)(3),(b)(6) none at all?

MA (b)(3),(b)(6)...

(b)(3),(b)(6) When the CJSOTF Commander told you that he didn't need the FIR report we need to confirm BOG, did you convey that to CP (b)(3),(b)(6)

MA (b)(3),(b)(6) I did. I told CP (b)(3),(b)(6) that I did not require that FIR at that time and I think we discussed that in the first interview as well. Which could have been a miscommunication between he and I. I did tell him that I did not need the TF (b)(1)1.4c FIR, that I did not need it in my inbox, based on my understanding that LTC (b)(3),(b)(6) was going to run that to the ground with MA (b)(3),(b)(6) and that was in his hands. Like I said before I am not a release authority for an FIR I am a conduit to the J3 and the CDR.

(b)(3),(b)(6) Did you tell him that the CJSOTF CDR wanted to wait until BOG to consider this a CIVCAS incident?

MA (b)(3),(b)(6) do not remember telling him that specifically.

(b)(3),(b)(6) Did you convey anything out of that conversation?

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MA (b)(3),(b)(6) didn't tell him not to make an FIR, but I didn't tell him to generate an FIR based on what we had from TF (b)(1)1.4c

CO (b)(3),(b)(6) What did you tell him?

MA (b)(3),(b)(6) I told him once we get the GFCs assessment then we are good and that we would make our reporting requirement from there.

CO (b)(3),(b)(6) You don't think in any way that you communicated to him to push in the clutch and hold off?

MA (b)(3),(b)(6) Absolutely no. You mean if they had information to not put on there?

CO (b)(3),(b)(6) Just listen to my question. Did you communicate either the development of the storyboards or when you got the instructions from the CJSOTF Commander... We don't need that? Was anything communicated to (b)(3),(b)(6) about the fact we don't need it?

MA (b)(3),(b)(6) I told him that I did not need the FIR from TF (b)(1)1.4c

CO (b)(3),(b)(6) Where anything else that you said in that sentence?

MA (b)(3),(b)(6) Absolutely not.

CO (b)(3),(b)(6) The second area is your representation of the discussion that you had with (b)(3),(b)(6) When was that if you can remember, because CFSOCC-A says that they had no clue until after 1800. Any clue, nothing, zero, zip other than questions from IIC and ISAF. About when and what did you share with him?

MA (b)(3),(b)(6) I would have been right after the conversation with CO (b)(3),(b)(6) the JAG officer, and LTC (b)(3),(b)(6) as well in the office. I then went back and called MA (b)(3),(b)(6) and that was between around 1130 and 1200. I went back and told MA (b)(3),(b)(6) that the report was out there from TF (b)(1)1.4c and that we were waiting on BOG no kidding final BDA, but that there was an FIR report that was out there and that was going to be sent through RC-S and TF (b)(1)1.4c Exactly what I have been telling you and nothing different.

CO (b)(3),(b)(6) And that was all before the GFC Guy got there on the ground?

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

CO (b)(3),(b)(6) Did you talk to him again that after noon?

MA (b)(3),(b)(6) I talked to him several times mostly discussing what was going on with... They were doing the same thing that I was doing to the SOTF BTL CPT and that I am sure he was doing to the GFC, constantly asking what is going on, on the ground right now. There were a lot of those questions and a lot of them we just didn't have answers to, but we didn't discuss any additional CIVCAS reporting until I got the MED update and I got on the net and I definitely told them that this is the report that came in and this is what

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we have and that is our normal procedure for that as well. Then we conveyed for the FIR through the Commander.

MG: What time did you get the MED update?

MAJ H: 2015L: That was 45 minutes prior to my shift change is when I got that.

MG: So at the very end of the day?

(b)(3),(b)(6)s.

(b)(3),(b)(6) you talked to him about CIVCAS twice?

(b)(3),(b)(6)s.

(b)(3),(b)(6)metime around 1200 and then again around 200 or so?

(b)(3),(b)(6)s.

Warned and Excused

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

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) SFC  
Printed Name/Rank

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

3 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)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SFC/AD	
8. ORGANIZATION OR ADDRESS			

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

Original statement was taken on 3 March 2010. The statement begins on page 2 and ends on page 7.

The rest of this page was intentionally left blank.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>8</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.

Interview of SFC (b)(3), (b)(6), Night JOC NCOIC, CFSOC-A  
Introduction provided by COL (b)(3), (b)(6)  
Privacy Act Notification/Recording Notification provided by LTC (b)(3), (b)(6)

SFC

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

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

(b)(3), (b)(6) Are you still a part of SWIC right now?

(b)(3), (b)(6) I am not I am now assigned to USOCATC.

(b)(3), (b)(6) Okay you are still at Bragg?

Yes sir.

(b)(3), (b)(6) How long have you been doing the job you are in currently?

(b)(3), (b)(6) Since September 2009.

(b)(3), (b)(6) We are trying to figure out how we can improve our reporting processes and procedures and where we need to increase and enhance the connections between the different levels of command. So when an incident happens, there is a culture and climate can get that suspected information up the chain of command in order to properly fight this IO fight. Does that make sense to you?

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

(b)(3), (b)(6) What in your mind what does CFSOC-A's TOC do on a daily basis; primary task is that you do?

(b)(3), (b)(6) Sir that is not a TOC, a TOC is a JOC.

(b)(3), (b)(6) So it's a JOC, joint operations command.

(b)(3), (b)(6) We monitor the MIRC, SATCOM real-time, almost real-time; use telephones to get updates on what's going on with CJSOTF in case we have a question. We update in a timely manner the colonel or higher level, as the matter depends.

(b)(3), (b)(6) Do you guys have battle drills up there for certain activities that you identify?

(b)(3), (b)(6) Like what?

(b)(3), (b)(6) The declaration of TIC, significant TIC; the identification of CIVCAS; or identification KIA CJSOTF soldiers?

(SFC), (b)(3), (b)(6) a TIC we monitor the situation; we get a view of what is going on. Whether it was a small TIC, i.e. the guys call in and say we received fire and returned fire to suppress the enemy. We inform higher and the MAJ in charge what's going on. They confirm and instruct us to press on.

(Q18), (b)(6) You have been in a JOC/TOC throughout your military career more this time?

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

(Q18), (b)(6) At lower levels you will hear attention in the TOC/JOC, do you have any of those procedures that gets everyone's attention to a particular reason or operations?

(SFC), (b)(3), (b)(6) No sir, we are really small JOC about the size of this room here. Everyone is in close proximity for information relaying.

(Q18), (b)(6) Does the MAJ then go through?

(SFC), (b)(6) He will alert the appropriate people, and instruct us to keep our eyes on the situation, and update as needed.

(Q18), (b)(6) What are some things that you guys trigger on that causes the MAJ to coordinate certain actions?

(SFC), (b)(6) Continuous mortar fire, engagement or there is some sort of casualty, he'll try to get a handle of the situation before reporting higher. Often he will call CJSOTF, because they have more communications with the teams. CJSOTF will provide any information or updates available. At latest we are approximately 1 to 2 minutes behind in information.

(Q18), (b)(6) When there is a potential for noncombatants at a target sight, does that generate any kind of activity also?

(SFC), (b)(6) Cannot have that kind of information on our hands. We see the compound but what's inside the compound.

(Q18), (b)(6) When a lower command, when CJSOTF reports to you, or do they ever report to you guys, we need a CDE?

(SFC), (b)(6) Sometimes when they say they need to call in CAS to help out in a situation, they will call up and pull in civilians into their own AO, with the ODA that is on the ground. So if something does happens, they know they have cleared the civilians in that area. Most of the time, 99% they will not drop anything on a compound if they are unable to clear a compound.

(Q18), (b)(6) If there is a report on the mIRC that says potential civilians in the target formations that are maneuvering does that generate any activity to engage GEN Reeder CO (b)(3), (b)(6) or anybody?

(SFC), (b)(6) Cannot answer that in any way shape or form?

(S)(b), (b)(6) Is there anything about potential for CIVCAS for the release of certain types of ordinance?

(S)(b), (b)(6) CIVCAS, yes obviously. USSF is a part of the CJSOTF because we actually report with everybody we would have never given the CP. Any kind of CIVCAS, USSF, partner units, local nationals are an automatic wakeup call for COL (b)(3), (b)(6) He will start handling it and updates the boss of what's going on.

(S)(b), (b)(6) To your knowledge, what is the authority level to strike a target that has civilians in it?

(S)(b), (b)(6) There is an authority level for that, knowingly, they will call a strike period.

(S)(b), (b)(6) A force was engaged, direct fire engagement and 50 enemy fights and there were 3 known civilians in the formation and your ISR knows that there are 3 civilians?

(S)(b), (b)(6) The ISR, literally look at this rug right here, that's what an ISR looks like.

(S)(b), (b)(6) You can engage a target with civilians in it, it's about proportionality, to your knowledge what is the authority level of that within CFSOC-A, if you don't know then that is okay?

(S)(b), (b)(6) I don't know sir, I cannot answer that.

(S)(b), (b)(6) It relates to this particular activity, when they did this insertion and started the operation, what do you guys track when an ODA goes to do these operations?

(S)(b), (b)(6) We keep track of when they go wheels up and when wheel down. We keep a timeline of what is going on. After that we start hearing in the radio updates. If they are in a TIC we monitor closely. We see the ICOM chatter as the elements are moving in.

(S)(b), (b)(6) Do you track all operations or level 2, or levels 1 and 2?

(S)(b), (b)(6) There is no priority. But we mainly keep track of the level 2s.

(S)(b), (b)(6) This was a level 1 CONOP.

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

(S)(b), (b)(6) Did you track this operation?

(S)(b), (b)(6) Sir. We saw it observed it, just general lined the situation.

(S)(b), (b)(6) Did you have a sense of how this operation was going, and the ground commanders concerns during the operation?

(S)(b), (b)(6) No sir. We noticed something was going on when we noticed they were keeping track of the three vehicles. Nothing came up on the mIRC chat.

(S)(b), (b)(6) Do you remember if you saw anything about the comment of children/adolescents in this convoy?

(SFC), (b)(6) Negative.

(Q13), (b)(6) When did you become aware, when did HQ become aware to your knowledge that there were women and children at the strike sight?

(SFC), (b)(6) To my knowledge, when I was there and I was watching, that's when the ISR was keeping an eye of the situation. There was no reference there.

(Q13), (b)(6) Did you hear anything in the mIRC that referenced women and children?

(SFC), (b)(6) Sir.

(Q13), (b)(6) Can you guys hear the OH58s on the combat aviation net, do you have those that come back up and relay?

(SFC), (b)(6) Sir. We don't keep track of the helicopters, unless they interact with the teams. After the incident happened the mIRC went down to minimal chatter then the other teams started coming back online.

(Q13), (b)(6) Was there anything that struck you about what you had seen or observed that indicated that this operation went a different direction than intended?

(SFC), (b)(6) From what I could see no. All I saw, from what the ISR showed, was grown men walking around the exploded vehicles.

(Q13), (b)(6) Civilians had been identified, would your HQ been informed by the CJSOTF-A?

(SFC), (b)(6) Yes they would have informed sir.

(Q13), (b)(6) After, other than this investigation were you aware that women and children were injured on the objective?

(SFC), (b)(6) Sir.

(Q13), (b)(6) When did you find out?

(SFC), (b)(6) Literally, about a day ago.

(Q13), (b)(6) Really?

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

(Q13), (b)(6) When did you come off shift?

(SFC), (b)(6) About 0730, 0800.

(S)(C), (b)(6) cal?

(S)(C), (b)(6) cal, actually I stayed awake until 1000 because that is when lunch started for us.

(S)(C), (b)(6) There was nothing remarkable about this, you shifted to the other?

(S)(C), (b)(6) shifted to the other going on; he looked at and didn't see anything happening. I cannot recall seeing women and children on the objective.

(S)(C), (b)(6) Were you aware of any chat at all in reference to women and children?

(S)(C), (b)(6) We saw on the ISR them picking up more men and continuing to move forward. We saw them continuing movement towards where the team was situated at. The team was standing by to allow the situation to develop. I believe I stepped out, or I may not have been looking at the ISR. When I looked up again the incident had already happened.

(S)(C), (b)(6) Did anybody in the CFSOC-A capture that, register that any chatter about women and children?

(S)(C), (b)(6) We back tracked, to see if we missed anything, and I honestly don't recall anything referencing women and children. Our mIRC had nothing on there.

(S)(C), (b)(6) your mIRC the same?

(S)(C), (b)(6) It is exactly the same, and apparently from what you are saying they were on there, but I did not notice them.

(S)(C), (b)(6) timeframe, 2z timeframe, 3z timeframe, 4z timeframe, there are multiple entries of women and children/adolescents on the mIRC chat.

(S)(C), (b)(6) I cannot honestly remember that.

(S)(C), (b)(6) The reporting procedures within CJSOTF-A, can you characterize your assessment of your subordinate commands in detail?

(S)(C), (b)(6) There was a new group on the ground. They were still somewhat spotty in reporting. As of right now they are on line with any other group that has been here for more than a month. However, they are still somewhat behind the power curve with reporting stuff.

(S)(C), (b)(6) Have you seen the reports of women and children, is there any particular that you are suppose to do with that information, if you see that in the MIRC chat?

(S)(C), (b)(6) We let the MAJs know and command know. Let the MAJ know and call down to find out what the situation is also.

(S)(C), (b)(6) Call down to whom?

(SFC), (b)(6) SOTF, sir.

(SFC), (b)(6) Thanks for your time. Is there anything that you would like to offer that you think would help us understand how the reporting side of this crumbled?

(SFC), (b)(6) hindsight is a 100%. Perhaps more reporting from the GFC and the ISR, ensuring the are communicating more and clearly. More command involvement.

(SFC), (b)(6) Well look this is an ongoing investigation. You are prohibited from sharing information regarding this investigation until it is complete.

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

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

STATEMENT (Continued)

Original statement was taken on 3 March 2010. The statement begins on page 2 and ends on page 7.

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 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 regards to: 21 Feb 2010 CIVCAS incident

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

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

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

(b)(3), (b)(6) CO2  
Printed Name/Rank

(b)(3), (b)(6) 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. 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) 2010/02/28	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS COL	
8. ORGANIZATION OR ADDRESS			

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

STATEMENT ATTACHED

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

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

STATEMENT OF COL (b)(3), (b)(6)

COL (b)(3), (b)(6)  
RC South

**Interviewers:**

MG McHale

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

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

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

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

(Privacy Act Notification/Recording Notification Provided by MAJ (b)(3), (b)(6))

MG: What is the relationship between USOF and RC South?

It's a supporting relationship. We are the supporting command and they are the supportive. There is no direct commander relationship between SOF and RC South.

MG: How are missions coordinated with RC South, with your command?

We work it primarily from the bottom up; the SOTF and (b)(1) are the two primary elements of CJSOTF here at RC South. They work with battle space owners down at the task force level to coordinate and develop operations that they feel are best applications of SOF in support of what the battle space commanders are trying to do. And bring that up to the RC level, and coordinate it with what the ISAF SOF guys are doing. At that point roll it into the CONOP process for the higher, level 1 or 2 operations.

(b)(3), (b)(6) What are the when there is an operation ongoing, what are the reporting requirements between SOF (b)(1) when it is doing an operation to either the tier 1, tier 2 or RC South and the SOTF?

I don't know that I have seen specific requirements written out. To be perfectly honest, my role is to get in the middle of all these things. If there a mission that requires immediate coordination and making sure things aren't being miscommunicated, I find myself going back and forth and in between. Making sure that everyone is staying in the same plain in terms of information when operations are going on. Otherwise it is just the regular daily reporting.

(b)(3), (b)(6) SOTF (b)(1) was doing an operation, who does it report it SITREPs, activities, conclusion to?

MG: CJSOTF.

(b)(3), (b)(6) Are they under the CFSOC-A directive to coordinate ongoing activities with the respect of RC. Is that not the requirement for them to do the updates, coordination, keeping the updates in the RC or does that still stay within the CJSOTF chain.

They are doing both, their permanent reporting chain is the CJSOTF, but the coordination chain is across the RC with the battle space commanders. AOB commanders are working directly coordinating with the battle space owners at the TF level and the SOTF is coordinating here with the RC headquarters as well as up the CJSOTF.

STATEMENT OF CO(b)(3), (b)(6)

(b)(3), (b)(6) told you that the AOB commanders go into neutral mode once the ODAs leave the wire would that surprise you?

No. I've been out with the AOBs and they are mostly monitoring not directly C2, but that is the nature of the special operations.

(b)(3), (b)(6) This is for us to get context. What you just said before that is that the AOB coordinated with the battle space commander keeping them in the loop. They are not doing that, they are going neutral once they leave the wire. This is more about reporting while we are up. So if the SOTF is reporting up the CJSOTF chain, who is keeping tier 1 operational battle owner in the loop, and who is keep the RC in the loop so they have the same situational understanding, to your knowledge?

It just depends on the situation; typically that information is being passed from the SOTF to the CJOC.

(b)(3), (b)(6) In this case were you aware of the SOTF providing the SIF updates, the same ones that they were providing to CJSOTF to the RC?

I don't track all the reports; I cannot speak on what the battle captain was provided. My coordination level is more on the command level.

(b)(3), (b)(6) Question that you and your team can ensure that the probably ODA activities, I am not asking what are you doing?

I cannot speak to what others are doing.

(b)(3), (b)(6) Am asking you are you aware of the process and requirement that they are doing it. Because the battle captain or acting JOC director was unfamiliar with it. Is there a process in place that requires it, or that we assume is being done. What is your say on that?

My understanding from being here with the last two SOTFs and SOTF.4(c) there is not any continuous reporting that is going on during the course of operations, and frankly I don't think it has been because no one wants that, there is 23 ODAs out there doing operations in mostly different battle space. And the requirement has only been to keep people apprised after the fact. More so on what have you done versus what are you doing.

(b)(3), (b)(6) On that same line, the SOTF (b)(1) has how many ODA equivalents out there?

23. Through four AOB.

(b)(3), (b)(6) But when they leave the wire what is the AOB role?

Their role is C2, but they are not maneuvering ODAs around the battle field. The ODAs operated independently. Once their CONOPs have been approved they go out and operate.

STATEMENT OF CO (b)(3), (b)(6)

(b)(3), (b)(6) the ODBs are not C2, when they are going through the wire, after they leave the wire, that C2 defaults to (b)(1), 4 is the span of control of 23 ODA, 20, 15, 10, too much for any HQ to fulfill?

No you may have maybe two engaged in any activity that may be on the radar screen of any SOTF any given time. It's not like all 23 are all out and engaged in activities at one time.

(b)(3), (b)(6) were you aware that it was around 8 to 10 that were constantly out there doing operations? Would you be uncomfortable with that span of control?

No.

(b)(3), (b)(6) what level of span of control would you be uncomfortable with several ODAs out of the wire at the time?

I think you are asking the wrong question. It has nothing to do with teams being outside of the wire, but what the engaged in and what type of situation they are in. if we had the same kind of span of control 3 to 7 if you had certainly more than that many teams engaged where they are using enablers like, Predator, ISR, close air support, then absolutely. But the fact is that we are lucky to have more than one line of ISR to the SOTF at any one given time. I don't recall a situation of where we had more than one team an engagement required close air support or CCA at any given time.

(b)(3), (b)(6) there a reason that the ODBs are not in the C2 chain once the ODAs leave the wire. We looked through the wire and it gave us a very descriptive plan again. But in the south in particular they are removed once they leave the wire. Is that a reason for that?

It really depends on that AOB commander and how he sees his AOR. When I talked to (b)(3), (b)(6) I, I spent some time with him in Aruzan. He was the SOTF of (b)(1), 4. His take was we are not here to get into company level fights with the insurgents. We are here to execute General Carter's plan and protect the populace. So we are not going to be doing company level operations to engage the insurgents. I don't need a big robust team. He was ready to assume risks at his level and push enablers and resources out to the ODAs doing the engagements at their level. I don't agree with his decision because it is typically a mistake for the ODA to believe he is a super commander that is the inappropriate application of SOF...

(b)(3), (b)(6) that is one end of the spectrum. Are you equally as comfortable having them completely out of the loop AOB?

They are not completely out of the loop. They maintain watch, they are radio tracking, but AOBs are more of a force provider not necessarily the, they are not the ones coordinating and bringing the close air support.

(b)(3), (b)(6) that is not the understanding we have, absolutely the modification of the subordinate HQ based on equipment, manning, when you have particularly growth in a company commander or where he is at in his development. It just strikes as odd that the ODBs, they are out of the fight once the formations

STATEMENT OF COL (b)(3), (b)(6)

leave the wire. And we are just wondering how that value is added regardless of the type of skill set that it is coming from.

I don't know. How is this <sup>portrayed</sup> ~~betrayal~~ to you to the current situation?

(b)(3), (b)(6) Because the ODB in this case was completely out of the fight and as we are looking at this thing, we are seeing the task actions saturations that the ODA commander was dealing with. So we are just trying to figure out as we go forward what recommendations we can make so every OPSCENT can contribute to the fight. How can we as a part of this investigation figure out recommendations and solutions can enhance the C2 operations?

(b)(3), (b)(6) Certainly would not hurt to have more C2 at the AOB level, I just think that is where this operation got off track.

(b)(3), (b)(6) There were 3 to 4 things; this is just one of them.

MG: Where do you think it got off track?

(b)(3), (b)(6) First how the information flowed. The place where it first begins to get off track is where the picture starting being painted for the ODA commander of what he was facing. He was told while he was alone and unafraid in enemy territory, telling him he was facing two platoon sized elements armed, dismounted, and following two vehicles, headed towards his location. This is a story that had been painted for him as PID by (b)(1)1.4c. At the same time he is listening to (b)(1)1.4c. What was captured and reported to him as fairly sophisticated coordinated attack being developed to close in on where his guys were located. If put myself in that commander's shoes, he was in a situation where he was going to have to do something. (b)(3), (b)(6) Contacted me at 0900, he was pretty excited. He told me that they had a TIC, and the current operation updates of what was going on. That is all the guy on the ground knows he has to trust what he is being told because he cannot see the convoy. If he feels to act then it's his guys that get killed, if he acts and the information is wrong then he has to suffer the consequences of CIVCAS, as a result of receiving bad information. The guy with the most risks bears the responsibility of those risks.

(b)(3), (b)(6) Along those lines do you know what the (b)(1)1.4c was telling him?

(b)(3), (b)(6) Don't have the actual sheets. They were told 2 to 3 vehicles moving north to south dropping off PAX. Then 0040z, they were told they had 40 MAMs moving north to south east of the river. At 0103z, they were told they had 2-3 vehicles with additional PAX. I interpreted it as I read the sheet; it was 3 vehicles being followed by one group of 25-30 men on foot followed by another group of 18-25 men on foot. Now when I watched the gun tape I didn't see anything.

MG: Where did you get that from?

(b)(3), (b)(6) Forget what the report is called, that has the times.

STATEMENT OF CO (b)(3), (b)(6)

MG: SALT reports?

(b)(3), (b)(6) SALT reports, yes sir.

(b)(3), (b)(6) Let me add some additional reports that (b)(1)1.4 was providing, 0539 Predator screener reports that a child was assisting a MAM loading an SUV. 0540, two children at the rear of the SUV. 0542, One MAM assisting the child entering the rear of the SUV. I just want to bring that out because there was some additional reporting beyond what you were seeing.

(b)(3), (b)(6) I didn't see those, and I don't know what all the ODA commander saw, or received. I do know that they he gave the authorization to engage the vehicles.

(b)(3), (b)(6) I'm interested to know the assessment that you made to us on three vehicles both what MAMs, all are armed, where did that come from? From the SALT reports?

(b)(3), (b)(6) I'm not sure of where it comes from to be honest.

(b)(3), (b)(6) Give you a little more the Pred as we saw through the 1.4(c) after the initial target identification, the number of MAMs never exceeded 25, the number of weapons never exceeded 3. We are trying to figure out how the information gets confused. We are getting a better appreciation of what the GFC thought he had. Was there something other than the SALT was there an assessment made, that would have helped shape the ODA commander's picture.

(b)(3), (b)(6) Not that I am aware of. I know that, what I was told was that CO (b)(3), (b)(6) was woken by the JOC; CO (b)(3), (b)(6) was already tracking it. When he came into the JOC and when he came into the JOC, and his battalion commander got the information of what was going on, viewing the screens, his initial instinct was to slow things down and call for the AVI team, the (b)(1)1.4. They were in the process of doing that when the vehicles were engaged. So what information and what situation the OCA commander was in tactically, his disposition; how vulnerable was he, I don't know haven't been on the ground with his experience. I don't know what caused him to initial as he did.

(b)(3), (b)(6) Just so you know, as we are looking at the C2 ranks, the battalion commander is awakened, makes an assessment, decides on a COA, it is less than what was currently being considered because of his experience. That was in a short period of time. If they were in the fight and monitoring with the Major's experience, that is what we are wondering, is that going to be helpful in the SOF arrangement relationship? To help in those situations that are just so damn hard to see as the GFC on the ground, with everything being painted for you?

(b)(3), (b)(6) The best answer it depends and I say it depends because it is a cost benefit assessment you have to do. The equation is changing. We are in a process right now where that is tactical to the strategic level is changing and not everybody has addressed what that means. The process to implement the new guidance, we certainly have not caught up with the new guidance. How do we identify the right threat mechanisms to prevent these things from happening in the future? ODAs by design are a more mature by nature to handle these situation, they have been trained to they experience under one standard and

STATEMENT OF CO (b)(3), (b)(6)

now the standard has changed. What was right last time, isn't right this change (b)(3), (b)(6) instinct to slow things down is probably as much of a function of his training and experience. (b)(6)

(b)(6) It's a very different environment where everything is done by and through the host nations. Here we are constraining ourselves, and using a different approach to the operations that we are conducting.

(b)(3), (b)(6) The JOC director believes the reports go into the IJC and then over and down to the RC for situational understanding.

(b)(3), (b)(6) That's often the case.

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

(b)(3), (b)(6) The IJC is very quick to grab that information as it comes in and push to the RC in the quest for additional information.

(b)(3), (b)(6) Is there anything that prevents the SOTF from reporting through the RC and CJSOTF command?

(b)(3), (b)(6) See two things constraints one, making the decision to do it and getting the process in place. I'm sure there would be a need for additional systems, and resources to get that done, in order for it to be more parallel.

(b)(3), (b)(6) When did you become aware that there were in fact civilian casualties?

(b)(3), (b)(6) I first became aware was at 1218, the initial report from the ODA was, this is what I told Gen Rodriguez was (b)(1)1.4c PIDs, all added up prior to the engagement, several hours later prior the ODA getting to the scene for FSC. 15 MAMs KIA, 7 MAMs WIA, 3 women and children unharmed on the scene. No weapons, ammo in the initial FSC. It's too clean, it doesn't add up; facts are still developing but CIVCAS conclusion, not at this point. The ODA commander reported no CIVCAS at that time. From that point it had appeared that the guys had done a very affective cleanup of the scene, had thrown a couple token civilians under the bus, and left for this mess to explode onto the coalition forces. I don't believe there was any hiding of the information. It was then a couple hours later at 3:49, copied me on reporting. I am not sure when he got the information, or actual report that showed, from Khod, where that had actually received the casualties. Gen Reeder was like how'd that happened, report 7 and no women and children, and their injuries weren't minor, and later we find out its 12. It was odd that it was 6 on one helicopter, and 6 on the other. I don't know how he got to the answer 7, how is your report that far off.

(b)(3), (b)(6) This other email is talking about when you were discussing the others when was that?

(b)(3), (b)(6) I received an email from (b)(3), (b)(6) at 3:46 and passed it to Gen Reeder.

(b)(3), (b)(6) Did you talk to CO (b)(3), (b)(6) at all?