

almost constant rejection of the screeners calls or assessments, not full rejections just challenging that this could be anything other than a threat formation. Almost disregarding just short of that, inputs and feeds that they are getting as this thing is developing and sharing that with the ground force. As we do that I don't know if it is a grey area, we thought that it was a fine line, the screener has a job, the pilot has another, and the sensor has another, but evidently that fine line is a little bit more of a grey area than what we originally thought. We just recommend a review of that.

(b)(3), (b)(6) Now when you say it is a grey area, as a mission crew I also look at it say if you are flying the 15Es the pilot has very specific responsibilities and the back seater has another set of specific responsibilities, but they are still working together to prosecute the mission, and making inputs as they see fit. Ultimately the pilots command has responsibility, as opposed to this case where the pilot has the responsibility for the conduct of that mission. Again we already talked about the role of DGS and the JTAC as well.

(b)(3), (b)(6) Is there anything else you would like to coach us on or that we need to know for context?

(b)(3), (b)(6) Maybe not necessarily in this case, but understanding the specific ROEs and what is required before we actually shoot. Is there any question on that?

(b)(3), (b)(6) Go ahead and give us a quick burst on that.

(b)(3), (b)(6) Obviously all aircrew that are flying in theater has to operate on the SPINS Special Instructions, and under that there are very specific ROEs that you can or cannot do. Obviously whether you are working under ISAF or OEF ROE, those are two different sets of ROE, however all reading to the same thing. The bottom line is for us to shoot in any situation, from the JTAC we are going to have to get which ROE it is whether it is hostile act, hostile intent, or self defense under the normal OEF ROE or if it is ISAF it is going to be 421-424, one of those ROEs. If it is some sort of a time sensitive target or dynamic target in particular if it is an HVI where there is no imminent hostile act or hostile intent, not only do we need the JTACs clearance on that, the GFC will go through the CAOC and we will get what is called the joint targeting method, so it is kind of a dual clearance. Once we are given clearance from the JTAC we still need that very specific 9 line, we have to confirm a couple things on the 9 line and the last thing in the chain is the final clear it hot call from the JTAC. I just wanted to make sure that it was clear and that the crew for them to shoot was still quite a ways away from actually being able to pull the trigger.

(b)(3), (b)(6) Our questions of ROE were to see how well some of the people understood and some understood it better than others.

(b)(3), (b)(6) You are going through here for four hours, they may be talking about attack headings, impact points, where to put the cross hairs and how you are going to attack various targets. The aircraft is moving at 70 knots and there are about 40 checklist steps that you have to go through before you can actually pull the trigger. So all of that is a lot of lead up time for a situation that may unfold quickly and

the JTAC wants weapons on the ground very quickly. We are all taught from the top all the way down that you need to continually be in place to take a shot and be prepared to in case it is asked of you. All the talk about attack axis and how they are going to attack and what would be a good shot vs. a bad shot, all that is very normal procedure and it does really represent leaning forward and wanting to shoot necessarily.

(b)(3), (b)(6) The only thing I will share with you is that I hear mechanically that you are saying. Remember we have a clear eye when we are looking at this. I don't own anybody in these units, I am not constrained to reading into anything, I am just taking the words that are on the internal and external chat discussion. I got to tell you that it certainly appears to be a proclivity to engage or a climate of engagement and in a COIN environment that is really a 180 out of the effect that we are trying to put on the ground. So one of the comments that was made by one of your guys in the last couple of days was that there is kind of a TOP GUN mentality there. That is more with what were are reading than with what you are teaching us technically. I think what you are doing is right and what you are saying is 100% right, but what we are reading and hearing from others is that there is a proclivity to pull the trigger vs. observe. Those aren't my words I didn't make any of that up. So I just share that with you as you review this and figure out if there is stuff that you need to get after to work on. You are the Commander responsible for it all with the most vested interest to have the most professional and capable force. You have this independent look just providing you some feedback of what they are seeing and recognizing. We are not in your field so there is a degree of ignorance that we do possess.

(b)(3), (b)(6) appreciate that. The comment about a TOP GUN mentality I would be very curious about. We try really hard to talk to our folks about what is important especially in a COIN fight and what is not. That is concerning to me and something that I will have to look into.

(b)(3), (b)(6) The thing that I will have to caution you on is and the JAG here will reiterate this. When I am telling you to look at this, you cannot talk about this investigation while it is ongoing. Once it is complete we will close a ribbon with everyone, and then you guys can get after it and figure it out. What you can do is just using that mIRC log figure out if you see any themes to engage your entire team on, but you cannot mention this discussion, and don't try to walk that fine line because you will only get yourself in trouble and you are too good of a guy and too caring to put yourself in that position.

(b)(3), (b)(6) copy all.

(b)(3), (b)(6) got nothing else let me turn it over to the JAG, unless you got something else to offer us.

(b)(3), (b)(6) that is it.

(b)(3), (b)(6) thanks for your help in all of this.

Warned and excused.

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

STATEMENT (Continued)

Original statement was taken on 8 March 2010. The statement begins on page 2 and ends on page 11.

The rest of this page was intentionally left blank.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 12 OF 12 PAGES

(b)(3), (b)(6) LTC MIL USA USFOR-A SJA

From: (b)(3), (b)(6) LtCol USAF ACC 15 RS/CC (b)(2),(b)(3),(b)(6)
Sent: Saturday, March 06, 2010 1:21 AM
To: (b)(3), (b)(6) LTC MIL USA USFOR-A SJA
Subject: RE: Interviews

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

Please pass on Col (b)(3), (b)(6) (I don't have his email address)...

One issue that I have been going over a number of times (this incident has obviously generated a lot of introspection) is the hand-over from (b)(1)1.4c (AC-130) and the mindset of the crew throughout the mission. We do vehicle follows all the time (daily), and the vast majority of the time there is absolutely no discussion of going kinetic, nor is there an expectation of having to employ on 99% of our missions.

However, in this case I think the crew might have been leaning forward based on the information given to them at the beginning of the mission (during the hand-over with the AC-130). When they were tasked to those vehicles, they were told that (b)(1)1.4c had established that there were vehicles identified as enroute to attack friendlies.

After they established radio comms with (b)(1)1.4c (and got eyes-on) (b)(1)1.4c tells (b)(1)1.4c that "yeah those vehicles are bad we're gonna have to get a work on trying to get enough to engage from what we are hearing on (b)(1)1.4c a QRF is coming in for a (b)(1)1.4c (b)(1)1.4c (0025Z). A short time afterward, (b)(1)1.4c tells (b)(1)1.4c at 0033 (b)(1)1.4c roger thinking about the situation, I'm pretty sure we are covered under 421 and 422. Demonstration of hostile intent tactical maneuvering in conjunction with the (b)(1)1.4c it would appear that they are maneuvering on our location and setting themselves up for an attack".

I'm not trying to make excuses about some of the crew's comm chatter or attitude (you have very valid points concerning kinetic operations in a COIN environment) nor am I trying to place blame, but I do want to give you possible insight into their thought process. I think the crew assumed the ground CC and the JTAC had established them as hostile...which might drive some of the comments discussed earlier.

If you have any questions or wish to further discuss, I'll be available on my Blackberry all weekend (b)(2).

Appreciate the conversation/input.

VR,
Lt Col (b)(3), (b)(6)
15RS/CC

-----Original Message-----

From: (b)(3), (b)(6) LTC MIL USA USFOR-A SJA
{mailto:(b)(2),(b)(3),(b)(6)}
Sent: Thursday, March 04, 2010 04:15
To: (b)(3), (b)(6) LtCol USAF ACC 15 RS/CC
Subject: RE: Interviews (UNCLASSIFIED)

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Sure, we are meeting in a few minutes and we can go over the proposed schedule.

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

LTC (b)(3),(b)(6)
Deputy SJA
DSN (b)(2)
VOSIP (b)(2)
NIPR:
SIPR: (b)(2), (b)(3), (b)(6)

-----Original Message-----

From: (b)(3), (b)(6) LtCol USAF ACC 15 RS/CC [mailto: (b)(2),(b)(3),(b)(6)]
Sent: Thursday, March 04, 2010 8:35 AM
To: (b)(3), (b)(6) LTC MIL USA USFOR-A SJA
Subject: FW: Interviews

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From: (b)(3), (b)(6) LtCol USAF ACC 15 RS/CC
Sent: Thursday, March 04, 2010 00:26
To: (b)(3), (b)(6)
Cc: (b)(3),(b)(6) LTC MIL USA USFOR-A SJA
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- (b)(3), (b)(6) - 0600Z-1000Z 5 March
- (b)(3),(b)(6)- anytime 0000Z-0800Z 6 March
- This would cause the least amount of schedule change for us on our OIF/OEF missions.

COA 2

- (b)(3), (b)(6) - 1600Z 5 March.

- The two-day wait is required^l to replace individuals so that I can pull them off shift or have them come in on their weekend.

(b)(3), (b)(6) will also be in tonight on mids and will be available tomorrow morning (1600Z 4 Mar).

Regardless of the COA that works best, request you call my Ops Supervisor VOSIP (b)(2) (b)(2) to ensure we notify everyone (I'll be flying missions until midnight local and won't be in until late morning tomorrow).

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

LTC MIL USA USFOR-A SJA

From: (b)(3), (b)(6) LtCol USAF ACC 15 RS/CC (b)(2),(b)(3),(b)(6)
 Sent: Saturday, March 06, 2010 5:48 AM
 To: (b)(3), (b)(6)
 Subject: RE: Interviews (UNCLASSIFIED)

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

Sorry to use you as a go-between, but I have some additional input for Col (b)(3), (b)(6) (excuse the sp)...

Sir,

More inputs that might help your investigation and build a picture of the situation. Sorry for the unsolicited input (and I know you guys are swamped), but I figured another set of eyes can't hurt, especially to ensure this doesn't happen again.

- To continue the thread of my previous email, upon arrival on scene, there were numerous indications passed to the crew by (b)(1)1.4a that implied an imminent kinetic event.
 (0042Z) 1.4(c) "Need to destroy all these vehicles and all the people associated with them, we believe they are bad, it's in concurrence with the (b)(1)1.4c and their tactical maneuvering; so let's work with (b)(1)1.4a and do the best we can to get PID"
 (0044Z) (b)(1)1.4c Ok we're all set up, up here; standby your intentions for fire mission
 (0044Z) (b)(1)1.4c, roger, ground force commander's intent is to destroy the vehicles and the personnel, right now (b)(1)1.4c is showing that the individuals egressed the trucks holding cylindrical objects in their hands
 (0047Z) (b)(1)1.4c Remember that is where you have (b)(1)1.4c tracking; our intention is to engage first on the east side, the individuals on the east side of the river are closer to compounds and uhh have to ability to get away; with (b)(1)1.4c tracking individuals on the west side we feel comfortable to keep chain of custody
 (0052Z) (b)(1)1.4c getting (b)(1)1.4c, and the maneuvering of these personnel and we believe their ultimate intent is to come down in this area and engage friendlies at this point, the current rules of engagement don't fit* (b)(1)1.4c
 (0057Z) (b)(1)1.4c additional (b)(1)1.4c that they are getting on the vehicles and moving to our location, sounded like it was in conjunction with what you are looking at.
 - My primary observation on these comms is that the MQ-1 crew arrived on station and spent 30ish minutes trying to raise their situational awareness, and much of the chatter between the JTAC and (b)(1)1.4a centered on striking the vehicles (based on (b)(1)1.4c and previous maneuvering). All indications were that they (b)(1)1.4a were getting ready to action the target. This would significantly focus the actions of the crew toward supporting a kinetic op; however, this does not mean that information showing civilians in the convoy would be discounted.

- Viewed in its entirety, there were only two children/adolescents called out throughout the time prior to the strike (multiple times around the black-topped SUV); the screeners modified their original call of 2 children and verified that they were adolescents (final verification in MIRC to SOTF-SOUTH 0407-0408Z). In the conversations with the JTAC, the crew related this information; 1.4(c) understood and acknowledged, regardless of definition of "adolescent".

- Discussion of "adolescent"

-- (0308Z) Screener calls out an adolescent, and Pilot passes to (b)(1)1.4a "We're thinking early teens."

-- While the screeners do not specify an age, I think the common reference is puberty, which matches with the call. In addition, (b)(1)1.4c acknowledges "But like I said, 12-13 years old with a weapon is just as dangerous."

-- I have looked through the 1.4(c) chat a number of times, but I cannot find a screener definition of "adolescent"

- Concerning the callout of human shields:

-- (0111Z) Brief scuffle called out by the pilot, who said "potential use of human shields". Pilot passes to (b)(1)1.4c that the screener confirmed there was a definite scuffle in the back of the truck.

Understand that this was the pilot's interpretation of the significance of the "scuffle", but wouldn't "human shields" make everyone (including the JTAC) be more cautious about shooting?

-- At 0121Z, crew discusses implications of there being human shields and that friendly forces would have to be taking effective fire to shoot, which indicates they understand the more restrictive requirements needed to employ weapons.

- Further indication that the JTAC believed an attack was imminent:

-- (0238Z) (b)(1)1.4c: "Roger. If you could let me know if those vehicles turn *south* (garbled). It appears that they're either trying to flank us or they're continuing to the west to avoid contact, and uh, we definitely want to, want to know where they're headed."

-- JTAC passes words to the crew that they appear to be flanking friendly location, which would further lends itself to the crew considering the vehicles hostile.

- Concerning the situational awareness of the safety observer (as discussed this morning)...safety observer did not actually state that something was amiss until vehicles were already destroyed.

-- (0416Z) (Sensor on intercom): "Roger. And, oh ... and there it goes" (this is the first splash on the lead vehicle - actually at 04:16:14 per video. Second vehicle then starts to back up).

-- (0416Z) (Safety Observer on intercom) "I see squinters on the first one"

-- (0417Z) (Sensor on the intercom) "Looks like they're surrendering"

-- (0417:40) (Pilot on intercom) "In the turn. (unintelligible, middle vehicle is struck by missile) set you up ... Oh!" (This is the next observed impact, and very shortly after the sensor's comment.

However, at this time all 3 vehicles had been destroyed - the trail vehicle was hit by the helos outside the sensor field of view)

-- (0418) (Safety observer via the intercom) "Dude, this is weird" (This is the first statement that something is truly amiss)

-- (0418:57) Helos make rocket attack on remains of convoy.

Intercom chat reflects surprise.

-- (0419Z) (Sensor on intercom) I don't know about this. This is weird

-- This entire exchange happened in approx 3 minutes...from the first impact to the last rocket attack. The safety observer did not make his comment (concerning something being weird) until all 3 vehicles had already been destroyed; by the time significant doubt had been registered within the crew, all of the vehicles had been destroyed.

- We discussed the sensor's comments about the individual wearing the burqas (0423Z); however, all players still believed this was a valid strike... (b)(1)1.4a was still calling out possible weapons on survivors at 0429Z.

-- In addition, the crew has a conversation about weapons and the individuals looking like they are surrendering, and 15 minutes later

(0443Z) the sensor states "Yeah, at this point I wouldn't...I personally wouldn't be comfortable shooting at these people" and "Uh, esp...especially just on DGS's...If I couldn't tell with my own eyeball that they had weapons, I wouldn't just go off of DGS's, uh, (another crew member: Yeah.) assessment...for this reason". Just a counter-observation on the sensor's mindset.

These are just some observations concerning the crew's mindset both during the attack and in the hours leading up to it. While you discussed the crew's attitude and desire to strike these targets (and hence inferred that it might cloud the support to the grnd CC and would tend to disregard evidence of civilians), the crew also arrived in the middle of a situation in which the JTAC was already leaning extremely far forward (with the AC-130) and - what seems to me - a predisposition to shoot. Again, I'm not trying to point the finger; the ultimate goal is to ensure that this NEVER happens again. I just wanted to give a different perspective on a couple of the things we discussed earlier.

VR,
Lt Col (b)(3), (b)(6)

DRONES / CENTCOM / 961-962 DIF