

COL (b)(3), (b)(6) I understand that you gave it for other people to do, no issue with having trainers develop a skill set I got that. I understand that you had an experienced guy as one of the trainers I got that. So what is the mechanism you used to say he is ready? What metrics did you use other than asking your SGM "is he ready"? What metrics did you assess that made you say he was ready to be night Battle CPT in a Hostile environment?

MAJ: Other than asking my SGM, I didn't have one.

COL (b)(3), (b)(6) Why?

MAJ: why didn't I have a metric sir?

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

MAJ: I took the advice of my SGM, I asked is he ready and the answer that I got was yes, and I got continual feedback over the course of time that he was acting night Battle CPT and I stayed up and watched him on the course of operations do the Night Battle CPT job but I did get the feedback from various folks on the night Battle Staff that in some respects for instance in the aspect of conducting MIRC chat log that he wasn't as fast in the conduct of the log. As the day Battle CPT I asked (b)(3), (b)(6) (b)(3), (b)(6) why aren't you as...do you know what MIRC chat is? Did you have any access to it prior to coming here?

COL (b)(3), (b)(6) what skill sets do you expect the Battle CPT to be able to do? What do you think the Battle CPT needs to be able to do?

MAJ: He needs to know the operational picture, where are detachments are, what their roles and missions are for each one of the locations, what the SOPs on reporting are, what the requirements and SOPs are for just conducting a regular combo on requirements that we run, what the MIRC chat is and what the requirements are for putting data on both secret and SIPR net because we do have both at the Battle CPT JOC because we do have 2 organizations that were informing. So those would be the basic functions for night Battle CPT.

COL (b)(3), (b)(6) What about leading the function of the Battle Drills?

MAJ: Yes sir.

COL (b)(3), (b)(6) Demonstrating the ability to execute wake up criteria?

MAJ: yes sir.

COL (b)(3), (b)(6) So of those metrics, that's what I mean about metrics what did you use, anybody to determine if he could do any of what you just laid out?

MAJ: Sir I used the advice of the NCOs that are working with him. For instance SFC (b)(3), (b)(6) I asked him the day after the strike why wasn't I woken up and he was clearly on the Battle station and he did not think the circumstances met the criteria for wake up and he's one of the more experienced NCOs that I have.

MG: What were the circumstances that he didn't think met the criteria and since that time, we know the circumstances, there in the MIRC chat, So explain that so I can understand?

MAJ: He and the Night Battle CPT had been watching these vehicles for some period of 4hrs and he didn't himself feel which I talked to him later...when a TIC was declared yes, yes a Tic is a wake up criteria, why didn't you wake me up? We didn't think that they were going to strike this target. That's as simple as that.

MG: He didn't think that they were going to strike that target, what kind of dialog went on between CPT (b)(3), (b)(6) k and CPT (b)(3), (b)(6)? What kind of phone calls and dialog was going down with the Battle CPT...

MAJ: I don't think there was sir.

MG: You don't think there was?

MAJ: I don't recall, I don't know sir

MG: So now one of the guys you relied on how CPT (b)(3), (b)(6) could operate, he couldn't follow the criteria that was set up in your SOPs. Is that correct?

MAJ: That's correct sir and we are conducting retraining on all those systems

MG: You just said a few minutes ago when COL (b)(3), (b)(6) asked you what you expected of a Battle CPT, everything you ticked off was kind of a functional how they function. What did we train him in Leadership and understanding complex situations, mapping out all those different functions watching, when we have problems which is following the data on MIRC chat. What did we train him to understand the complexity of his position?

MAJ: I'm not sure I understand the nature of the question.

MG: You have a lot of functional roles that you laid out, what he could do, reports, logging and sending things, wake up criteria and all that which was failed to be done that night correct? Pretty much!

MAJ: Yes sir.

MG: But those are functional things, you see this you do this. Someone pulls that all together and leads and understands the complexities, the pictures being painted the challenge. Who sat down with him and explained that all his duties and responsibilities to understand what he has to do to help out an ODA Commander?

MAJ: Who explained the complexity of the night Battle CPT? Sir I did not... I think that is what your question is

MG: I'm asking who, who really knows that he can have the controls now, how do we determine that in your BN? Is it you or the BN Commander? Now is this true, and don't let me put words in your mouth, a Battle CPT is responsible for a BN Commander of the Operations of the BN why the BN Commander is down, correct?

MAJ: He is, but he has wake up criteria sir, he's not necessarily a decision maker, he is the person who Battle tracks and informs the Commander, the OPCENT Director, or the XO when a decision is required.

MG: But who's in charge once the Commander is down?

MAJ: he functionally is running the JOC floor if you will.

MG: What is the chain of command in your BN, what is the order of success?

MAJ: The BN Commander, BN XO, OPCENT Director...

MG: and who's the OPCENT Director?

MAJ: I'm the OPCENT director sir.

MG: and then after that?

MAJ: Within the BN itself it would be the BN Battle CPT.

MG: One the night that this went down, do I understand correctly from your testimony last time that the BN Commander, the BN XO, and yourself were all down at the same time?

MAJ: Yes sir

MG: Okay and you kind of mentioned that it's kind of like that usually, roughly. You said earlier that you are usually up for infill but on this night you were not up for infill you stated last time, is that correct?

MAJ: I think that's correct, I don't exactly remember what time infill was on this. But if I don't recall it then I was not up for infill on this on.

MG: Okay, so if we have Battle CPTs and the leadership is out and about or down and out of the way, and Battle CPTs in charge of running the BN their duties and responsibilities are to know what their decisions are, now how to run the BN in the absence to no wake up criteria. Correct?

MAJ: yes sir

MG: So who validates and who certifies this person as ready to go?

MAJ: I would do that. If I could sir, that night we had experience on the floor. We had my Fires Officer (b)(3), (b)(6) on the floor, SFC (b)(3), (b)(6) that went through our PMT...

CO (b)(3), (b)(6) let me... I got to interrupt. You telling me you had experience on the floor, the identification of civilians on the MIRC chat should have generated the IO incident Battle Drill, it didn't do it. You had experience on the floor, it should have generated the TIC Battle Drill, it didn't do it. I'm listening to you and I'm going okay, you tell me you have experience and I'm okay with that, I'm willing to accept that. SFC (b)(3), (b)(6) when we questioned him he told us how experienced he was, more than willing to accept that

on face value. So, you told me you mitigated this by putting a hero with the CPT who was not a hero yet. Yet this experienced also failed to execute directive Battle Drills that aren't optional unless you have a different organization...

MAJ: Yes sir you're absolutely right...

COL (b)(3), (b)(6) So when the conditions met the Battle Drill is executed...

MAJ: Yes sir

COL (b)(3), (b)(6) Then the Commander or whoever is involved at the 1<sup>st</sup> level, which I assume to be you, would make the decision within your rights weather it gets completed or goes or what goes next.

MAJ: Yes sir

COL (b)(3), (b)(6) I didn't think the decision was made before the Drill started...

MAJ: Yes sir

COL (b)(3), (b)(6) So when you keep telling us this experience. I would just caution you "Experience doesn't mean time in the Military, Experience means competent performance over time."

MAJ: Yes sir

COL (b)(3), (b)(6) Where looking through this snapshot and you're walking us through experience these are the same experienced individuals that said CPT (b)(3), (b)(6) was ready for the job.

MAJ: Yes sir

COL (b)(3), (b)(6) Now that you look back, how was that experience assessment?

MAJ: Sir I think the short comings that we had was the continuing and the revalidating of our training over time as you indicated...

COL (b)(3), (b)(6) Hear you... you had 75 days from when he showed up to when he deployed, you go through the 10 day PDSS, 75days he's on the ground. You're all working, he got here in November you guys deployed in the middle of January or he deployed in the middle of January. No training was done, he showed up into theater and he's identified as the Night Battle CPT. He gets somewhere between 7-10 maybe up to 14 days of training with the team, where there's no certification, no JRTC, no MRE, nothing. He's going take over the operations during the highest risk to the formation. So MG Mchale's questioning, I would take it as coaching by the way, what was the play, what was the mechanism? Your answer keeps coming back as "we have these experienced people", the same ones who missed the drills, the same ones who told you he was ready we he definitely wasn't.

MAJ: Yes sir, and it's not all falling on deaf ears sir. What your saying is...since the first interview we relooked over our entire systems, we've conducted training on a routine bases everyone is going

through the same validation process by no means do I want to give them the impression that this event is not weighing heavy on how we look at our training etc.

LTC (b)(3), (b)(6) Do you have an intelligence person in your JOC?

MAJ: we do

LTC: Who's on during the day?

MAJ: On during the day, I share the office with the S2, we have our normal Battle rhythms which includes an INTEL sharing...I'm not sure if...

LTC: is there someone in the JOC at all times, an intel guy?

MAJ: we put SFC (b)(3), (b)(6) on the floor, I don't know if he was there on that day but I believe his function is on the floor.

LTC (b)(3), (b)(6) Does the JOC have an intel function when a ODA is out and they identify a target. Is there something that your intelligence S2 shop is suppose to do regarding that target?

MAJ: The INTEL for that target is generated when the CONOP is being processed, so the target is generally intel driven.

LTC (b)(3), (b)(6) But what if something actually occurs during the operations, like if they spot a convoy that they didn't aspect to encounter is there some function that your S2 shop is suppose to perform with regard to developing that target?

MAJ: The intel functions of the target area are handled by the 18F of the detachment. There's an intel SGT under the detachment that knows the area...

CO (b)(3), (b)(6) Let me help out with this question... When you guys are executing the TIC, when you guys are executing the IO Battle Drill, when you guys are seeing other Battle Field Activities that the already declared formation is executed that's inconsistent with enemy activities. Who's the guy whose suppose to be providing the intel hat and prism to that activity?

MAJ: we have a skip that runs the SIGENT architecture that comes generally back to us from the Fires NCO or OIC because they're the ones who are generally if it's a AC130 that has intercept capabilities and the ability to translate, that will come from that perspective. There generally is (b)(1)1.4c that has intel pacific pieces to it that will come back on the Fires Net. If there's an analysis or an analytical requirement for them, which will generally come through the skip. For instance if a JPEL or selector pops up within the target are itself than that information will come from the skip down to the floor, and be directed down to the detachment. Typically who would either exercise that is an Intel NCO or even a S2 if he's on the floor. Even the questions for me to the skip if there's any pictures that are being generated on the ongoing part of the mission.

CO (b)(3), (b)(6) So the Intel NCO and Intel Officer in the S2 are assigned to your HHC?

MAJ: They are sir

CO (b)(3), (b)(6): Are they part of the JOC?

MAJ: No sir there part of the OPSCENT.

CO (b)(3), (b)(6): The OPS center, are they manning 24/7 in the OPCENT?

MAJ: yes they are although sometimes I think there light depending on the requirements, but if there working on a project for me and I serge them in a particular area. Were sometimes it's were there's either marsha for some instance or post marsha analysis. We don't have a lot of...we push out are analyst down to the Companies. So that kept us at one Analyst per AOB back at the OPSCENT so if I were to serge an analyst or an analyst products for a particular case then I have to pull requirements... I don't recall on this night if I had somebody on the floor.

CO (b)(3), (b)(6): I'm a little confused with that particular answer, why are you pushing them down to the AOB if they don't, you guys have decided that they're not going to Command and control when the formation leaves the wire?

MAJ: they develop targeting, missions, and requirements. They also interface with the Battle Space owners on a routine bases.

CO (b)(3), (b)(6): Okay. Going back to the JOC... how many people, how many S2 guys do you have in your S2 shop that are currently working there 24/7, in your HHC right now that is not (Inaudible)?

MAJ: Are you talking about personnel sir?

CO (b)(3), (b)(6): Yeah

MAJ: I know we have at least one Asymmetric Warfare Contractor, we have one analyst per operational area, so that's 4 analyst, I think we have a \*Masent\* Contractor, we have a Intel all-source NCO, we have 2 SIGNETs, and then I have my OCE human elements that is a part of the 3X2X function that don't functionally reside in the...

CO (b)(3), (b)(6): Then you have the 2?

MAJ: Then I have the 2, yes sir. I also have the MID Commander who runs the task the Intel folks and the 2 functions and staff representative to the command.

CO (b)(3), (b)(6): So who did you have in the JOC this night...the OPSCENT this night?

MAJ: Sir I don't recall...it would've been SFC (b)(3), (b)(6) unless he had for some reason been pulled to other duties. But generally he's are night Intel Officer are Intel NCO.

CO (b)(3), (b)(6): MG McHale eluted to this but you got to tell me the thought process to this. The 3 field Grades to the JOC are down at the same time and HHC is down at the same time. Your 4<sup>th</sup> Field Grade is out with TF Leatherneck. This isn't hindsight you just walked me through...this is not a new Battle Rhythm

that was created. All 3 of you said it was about the same, so can you walk me through the rationale not to have a Field Grade in that JOC in the OPSENT during the highest risk hours of the formation that your 2 the CJ-SOTF 2, the CJ-SOTF Commander, your Commander, and I think you understand to be before and after dawn. Can you just educate me as to why during the highest risk period we don't have one of the highest experienced persons aligned with that high risk period, just your thoughts?

MAJ: During high risk missions for instance

COL (b)(3), (b)(6) didn't say high risk mission, I said high risk periods.

MAJ: We felt that the wake up criteria would provide us enough time, and I am not that far away from the JOC maybe 30 meters, to be brought in to the JOC during any requirements that would require a field grade. That would be myself, LTC (b)(3), (b)(6) and the XO MAJ (b)(3), (b)(6) are all within walking distance of the JOC floor.

COL (b)(3), (b)(6) Maybe that would make sense in 5 or 6 months after your night BTL CPT has been a proven trained commodity. Maybe that makes sense when your only mitigation is SFC (b)(3), (b)(6) with an inexperienced BTL CPT because your ISR manager on an outgoing is an E3. Maybe that makes sense when you don't have an officer or NCO representing the intelligence community in the JOC during this particular mission. I am just struggling with the linkage and the thought process. I heard what you said. Can you just connect that for me?

MAJ: I have an experienced FIRESO in there that went through PMT with us named (b)(3), (b)(6) If experience is not relevant then I understand that. I think it is relevant to....

COL (b)(3), (b)(6) Don't confuse experience and time in the billet. Experience is quality performance over time. Since you brought up your FIRESO who also knew about the civilian reference, why didn't he respond or execute the battle drill?

MAJ: I think there were multiple failures on this evening.

MG: Where did the failures start?

MAJ: The failures started with us not training or continuing to train when we got on ground.

MG: Where did the failures start that night? Who takes responsibility...

MAJ: It is my responsibility ultimately for the functions of the OPCENT. I am in no way shape or form...

COL (b)(3), (b)(6) The purpose of this line of questioning is to identify where the weaknesses are, where it started from. You referenced in other testimony and some other guys did to, that (b)(3), (b)(6) is the man and the FIRESO is experienced and all this other stuff. That's almost interesting, but when you look back on this night that we are looking at, everyone one of them either failed to perform their duty, or experience is being confused for time in billet, it is one of the two.

MAJ: I am not sure it that is a question but I will say that just to reinforce what MG McHALE said the buck stops here. I am the man who runs the OPCENT floor I mitigated risk as I thought I needed to in this instance it was not there it was lacking.

LTC (b)(3), (b)(6) In this night when they identified the vehicles originally they were north of the position of the ODA. The vehicles start moving west and south. Whose job is it to figure out the most likely course of action that the enemy formation is going to take? Does that fall on the 18F on the ground with the ODA or is there someone in your OPCENT that is supposed to do that?

MAJ: Who determines imminent threat?

LTC (b)(3), (b)(6) I didn't ask that. Who is evaluating the actions that the convoy is taking to determine what their most likely and most dangerous actions are?

MAJ: I think that is a shared function of the BTL CPT the BTL NCO and the FIRESO amongst themselves to whether or not there is a perceived threat in conjunction with the GFC and what he is receiving. My most likely most dangerous is in a counterinsurgency environment. That is sort of like the imminent threat definition where you take data points to build a picture of what the likely hood is.

LTC (b)(3), (b)(6) Do you know after reviewing all of that information that was gathered throughout the night, do you know if anyone from within your JOC was pushing that kind of information back down to the ODA CDR.

MAJ: No I do not know if anyone pushed that down to him to provide guidance as to the SOTF staff assessment was of the threat.

LTC (b)(3), (b)(6) Do you know if the ODA CDR was sending his assessment up to the SOTF staff?

MAJ: I know that he was receiving (b)(1)1.4c traffic that was reported, I know there were reported movements to the ODA CDR through real time from (b)(1)1.4a the predator. We are just watching the picture and mIRC chat we are not necessarily hearing the JTACs conversation with the predator. I do not believe we were pushing down assessments to him, but I think it was a shared understanding..... I know that we knew what the GFC knew, but I do not know if the GFC at that time told us what his evaluation of it was.

MG: How would you find that out?

MAJ: We would have to call down to him, which I don't think was done.

MG: Tell me what you know about the GFC and his background.

MAJ: I know he has multiple rotations here I do not know how long he was in the detachment. We picked up (b)(1)1.4a as an AOB shortly before coming to theatre. I do not personally know the GFC.



CO (b)(3), (b)(6) How about if you execute a battle drill, I am going to keep coming back to this also on the next set of questions, because the battle drill ends with talking to lower and higher. So if you execute a battle drill isn't that a mechanism to find out what is going on as well?

MAJ: The battle drill wasn't followed. That would have required the wake up and the calling of TIC....

CO (b)(3), (b)(6) Followed would imply that it was initiated.

MAJ: The battle drill should have been initiated upon the initiation of a TIC which has specific wake up criteria associated with it. Then the battle drill follows.

CO (b)(3), (b)(6) I am going to ROE unless...

LTC (b)(3), (b)(6) Is this the first time that you know of that a TIC was called and the wake up criteria was not initiated?

MAJ: Yes, this is the first I am aware of. A lot of our TICs happen during the day, the ones that are at night will occur generally as a consequence of an operation that I am usually there for or the CDR is there for. Most of our TICs are daylight TICs so I don't know of another one where the battle drill wasn't followed.... Not that I am aware of.

CO (b)(3), (b)(6) You wouldn't have been aware of this had we not been doing this investigation.

MAJ: I certainly would have been aware of it after the fact when I came in and was briefed and I would have then known that the wake up criteria wasn't followed. The reason I would have known is because the CDR was in the OPCENT prior to me which tells me that I should have been woken up immediately upon a TIC occurring.

LTC (b)(3), (b)(6) If the Brigade CDR calls the BN CDR then you would know it, but only by the grace of God nothing would have happened that night that doesn't mean that anyone would have known.

MAJ: There is a TIC light that goes on. The TIC light is seen before you enter the OPCENT so if a TIC is ongoing then you know it before you even enter the OPCENT. When I entered the OPCENT I saw the TIC light on and I didn't know about it until I knew about it until I walked in. I asked how long this TIC was going on and they say that it has been for some time I am a little irate about that.

CO (b)(3), (b)(6) What was the training you did on ROE?

MAJ: The JAG provided us a ROE class; think one to the Battalion Staff and one to each of the AOBs prior to coming into theatre.

CO (b)(3), (b)(6) What do you mean by class?

MAJ: A discussion of the ROE and particularly the ROE and the tactical directives of GENERAL McCHRISTAL.

CO (b)(3), (b)(6) What were the mechanisms to confirm acknowledgement and understanding of this class?

MAJ: Do you mean a test or a quiz?

CO (b)(3), (b)(6) I am just asking what mechanism was used to ensure acknowledgment and understanding, because otherwise it was just a briefing.

MAJ: A briefing then.

CO (b)(3), (b)(6) So there was no training provided, only a briefing. In training I teach you and you demonstrate competence or you demonstrate that you don't know it. So was it a briefing or did you actually conduct training on ROE?

MAJ: I know there was a question and answer period afterwards particularly on the tactical directives.

CO (b)(3), (b)(6) So to be clear there was no vignette training or battle drills training associated with the ROE. There was no oversight training that was used against a matrix.

MAJ: We did the BCTP training and the JRTC training which I know the BCTP training had ROE type scenarios involved in it.

CO (b)(3), (b)(6) The night BTL CPT, what training has he received prior to the first interview with you on ROE? He has been in the unit since about the first of November, he was identified as the night BTL CPT and did a right seat left seat with the Chief. Now in this case it is February 21st what ROE training has he participated in, the guy who is running the night battle the guy who is running the OPS?

MAJ: I do not recall any specific ROE training.

CO (b)(3), (b)(6) What ROE training did A1C (b)(3), (b)(6) go through or did your other three nonorganic....

MAJ: I cannot answer that question I am not sure.

CO (b)(3), (b)(6) All these guys work in the OPCENT. These are the guys who are executing the end of the battle drill. These are the guys who are making these initial determinations of the elements of target identification, PTD declaration, declaration of TIC, coordinating resources to deliver ordinance. I want to know who would ensure that.

MAJ: Ultimately I would ensure that.

CO (b)(3), (b)(6) Who did since you didn't?

MAJ: I don't know who might have done that. Their internal chain of command may have but I have not validated that.

CO (b)(3), (b)(6) What internal chain of command does the BTL CPT have other than you?

MAJ: I was talking about the other enablers.

CO (b)(3), (b)(6) How often do you guys in theater do sustainment training? I want you to think about this hard. I mean daily or weekly. From battle drill to ROE training to CCR and linking this to wake up criteria. How often have you guys if you have?

MAJ: Since this event...

CO (b)(3), (b)(6) From January when you guys took the helm up to the event date of 21 February.

MAJ: We have been conducting operations the entire time. I know that is not sustainment training but it is validation of our systems.

CO (b)(3), (b)(6) Let me help you out. Everyone else has said there has been none.

MAJ: that is true.

CO (b)(3), (b)(6) Then say that.

MAJ: Then none.

CO (b)(3), (b)(6) Look I cannot read between the lines, just say it so that we can get to the facts. Let's talk about the TOC battle rhythm. What is the TOC battle rhythm?

MAJ: There is a shift change that occurs between 0745 and 0800. I do an OPCENT huddle with both BTL CPTs and some of the primary staff to include the 2, the 3-5, the OCE warrant, the effects warrant, at 0900 to do a shift change piece.

CO (b)(3), (b)(6) 0745 to 0800 to do a shift change. At 0900 you do a shift change with both of them. You have realigned that since the first interview?

MAJ: My SGM does the morning shift change and I do the evening shift change. There is a shift change at RC-S that both BTL CPTs attend immediately following the original shift change and that is how we are running it now.

CO (b)(3), (b)(6) Keep going with your battle rhythm I didn't mean to interrupt.

MAJ: From 0900 I do an OPCENT sync, at 0930 we do a sync with the BC, at 1330 we do a CONOPS brief with the BC that goes over any CONOPS that we will have the BC approve, at 1930 we do a CUA, at 2000 I do a battle handover with the night and day BTL CPT. The rest of the night is any other particular requirements that I might have.

CO (b)(3), (b)(6) I thought I missed it last time but I think I got it this time, so all three field grades are down at night. You guys get up and the first time you do a CUB is, not you the field grades with the staff is in the evening?

MAJ: My 0900 talks about all the operations...

COL (b)(3), (b)(6) know your meeting. I know your meeting at 0900. The first time the three field grades come together as one muscle to get SA is 12 hours after you wake up?

MAJ: I usually brief the BC and XO at the 0930 meeting with all of the staff that is there. So if there is any additional information that I need to talk to the Commander about and obviously through the day I update him on any ongoing missions. So the three field grades, the BC, the XO, and myself we do the 0930 huddle and the rest of the staff is there as well.

COL (b)(3), (b)(6) I hear you correctly, the day and night BTL CPT, they both go to RC-S for a briefing?

MAJ: That is not required; not to keep (b)(3), (b)(6) on the same... situationally aware of what is transpiring. Generally they are both going to the morning CUA at RC-S.

COL (b)(3), (b)(6) Do you remember if (b)(3), (b)(6) when with CPT (b)(3), (b)(6) that morning?

MAJ: I do not think he went that morning, I think CPT (b)(3), (b)(6) went by himself.

COL (b)(3), (b)(6) I am a (bangs on the desk three times) follow the rules kind of guy. You have battle drills that people determine whether they are or are not going to be executed vs. at the end state where it really comes to the field grade. Now you just walked me through your battle rhythm that your BTL CPTs choose when they are or are not going to participate. What are the rules...? What does (b)(3), (b)(6) know his duties and responsibilities are, or is he allowed to pick and choose what he does?

MAJ: No, I think he stayed to continue monitoring the ongoing mission and situation while CPT (b)(3), (b)(6) went to the morning which is delayed on Sundays, typically that would happen earlier in the morning this particular morning on Sundays I believe they are at 1000 I have only did change it recently. So CPT (b)(3), (b)(6) went to that particular brief.

COL (b)(3), (b)(6) So the other captain didn't stay on much longer?

MAJ: No he didn't.

COL (b)(3), (b)(6) What are the requirements for the day and night BTL CPT following your shift change, 0900, and 0930 staff meeting you then told us that the BTL CPTS go to RC-S.

MAJ: On this day it did not happen.

COL (b)(3), (b)(6) Why?

MAJ: I think this particular event...

COL (b)(3), (b)(6) He didn't stay in the TOC. This goes to the bigger piece. If I am CPT (b)(3), (b)(6) in your command, I am just trying to figure out why he doesn't know much, he doesn't get trained is one, he doesn't have a mechanism to confirm if he is ready for certification, you got a battle rhythm that he is not required to execute or there is not a control measure that makes him execute, and you tell me that we got this experience in the TOC. I am looking at this with pure clean eyes and I am seeing failures on this event

that we are pulling apart from your experience in the TOC. I am looking at you and I appreciate that you said it is your responsibility and that is great. I am confused, no kidding, how your TOC is running if there are battle drills that are cleared and not executed, if there are rules and responsibilities for folks to do and they are not doing it. I am confused as to what your role is in running that OPCENT. Is it working? Does your OPCENT work?

MAJ: Clearly on that day it didn't work. Before that we were running operations in a very deliberate and smooth manner. I had no indications before this event occurred. I take that back I did have indications that (b)(3), (b)(6) required additional training and oversight, which is why I moved some additional capability and additional experience to him. At that point I was paying more attention to CPT (b)(3), (b)(6) and his level of experience.

CO (b)(3), (b)(6) If your ODB was in the fight and C2ing would you have more time to dedicate to training your operations staff?

MAJ: I don't think that is an easy question to answer.

CO (b)(3), (b)(6) Sure it is I will make it even clearer. If you had less responsibility because you had a C2 node that was picking up more of the ground coordination would you by default have more time?

MAJ: I think so.

CO (b)(3), (b)(6) If you had more time would you dedicate it to training your Battalion staff?

MAJ: I think so.

LT (b)(3), (b)(6) Someone described your OPCENT as being passive during operations, in a receive mode rather than actively managing an engagement.

CO (b)(3), (b)(6) Not just for this mission.

MAJ: I can see where that perception may be there and the reason would be because the GFC is making the deliberate calls on the ongoing operation and we are in support of his decision making.

MG: When we are in support of his decision making, at what time does the Battalion step in during the operations?

MAJ: It would be when the decisions that the GFC would be maybe not the best decisions or we have indications of something ongoing that we would step in at that point.

MG: What you just laid out requires some very active engagement to know what decisions are going to be made don't you think?

MAJ: Yes it would, it would require knowing what the GFC is seeing on the ground concurrent with his assessment.

MG: To do that, to have that insight what would you have to do with the GFC?

MAJ: You would have to be in communication with him, and we do that through a couple different mechanisms. We can do that over our SAT 102. I don't want to give the impression that we don't do that we have done that since the day that we arrived. For example: One of the first missions that we did we came across what was described as something like 300 50KG bags of ammonium nitrate. So in a discussion of ammonium nitrate, eurea, dap etc, we communicate with the GFC to determine whether or not the next step in reducing the ammonium nitrate or getting a battle space commander to conduct a link up with the GFC. Those discussions occur pretty routinely.

MG: Who is we?

MAJ: Myself, the BC, and (b)(3), (b)(6) have done these types of communications.

MG: What you just laid out for me we have two field grades that got engaged in that.

MAJ: In the one incident?

MG: You said many instances but yes in this one. You as a field grade engaged with the GFC and so did the BC. This goes back to battle rhythm when all three field grades are down at the same time during the windows of the greatest risk to the force, and those are your words from the last interview correct?

MAJ: Yes.

During window of the greatest risk to the force both by the enemy and through transition when we are transitioning. We have three field grades down at the same time. We have a BTL CPT on duty that does not have the skill sets, by your admission rudimentary. He is not having a dialogue with (b)(3), (b)(6) He was called up twice on iridium to get aircraft of the target so they wouldn't burn the target but that is about it. The rest of the time that evening talking to others and their testimony that was a pretty passive kind of watching what is going on. So what would that tell you?

MAJ: That we need to have decision makers on the floor around the clock.

MG: What did you want to say?

MAJ: Over the course that I have been here and you spoke of the number of rotations that you have been here which weighs heavily on me as you describe the times....

CO (b)(3), (b)(6) That information came from your 2 shop just so you know.

MAJ: I will have to look back into that. The engagement times and the times that stick out the most in my mind are the late morning; in remain over day missions the enemy seemed to build towards looking for a disposition, assessing disposition, assessing numbers of forces, and rallying their forces etc. We see a lot of our remain over day missions that the early afternoon, late morning, so 1200 and beyond seem to be when the most of the violence occurs. That violence happens fairly rapidly. I can point to a

number of objectives that we had including the last mission we did in ?SOFWIAK SUL JAKI? Two days ago "COLD STEEL" which was in NAHTALI region in support of MARJAH that these events occurred. That does not in any way reduce the fact that...

COL (b)(3), (b)(6) This is painful I have to tell you that. You need to talk to your CJSOTF intelligence community and talk to your intelligence community. You have to be careful to use an example then attractive. The fact is that 0200 to 0700 is the highest density of risk and threat in kinetic activity from your intelligence community. So if you are going to use the example of a daylight operation fine. That is not the highest risk to the force by your intelligences assessment, which oh by the way is consistent with the theatre assessment. So be careful to back yourself in to say that we are up when we need to be up. The coaching you have been given is to spread out the leadership so someone is up. Spread out the leadership so someone is at night. Spread out the leadership so your most inexperienced guy has a coach until he is no longer inexperienced.

COL (b)(3), (b)(6) I have looked at this particular mission keeping in mind that you are extremely busy during the day. Even though I am not SF I am looking at this as you have a small group on the ground from 0255 until 0605 which is about first light that day just waiting extremely vulnerable. Then they are initiating this cordon and search in known insurgent infested area at 0605 in the morning. Yet even when they initiate that there are still no field grades up. I would have an easier time if you said we have a field grade up at 0600 because we know the mission is kicking off at 0605. But you don't that is what I struggle with.

MG: Ten minute break.

(Reminded to be under oath)

MG: The line of questioning that we are looking at now is to get to the reporting part. We are trying to get to the truth about this.

COL (b)(3), (b)(6) When we had this at the initial interview we had to dig to get the answers. I appreciate the loyalty concern, but with everyone else we have had a lot of input from other people and we have to clear up some stuff. It is not with you, however I would appreciate it if we didn't have to dig and that you don't confuse loyalty with sworn testimony. Just to get you back on your train of thought. About what time did you come on duty? If you don't remember it is ok just give me the about time.

MAJ: LTC (b)(3), (b)(6) had already been on the floor for some minutes, it was after the strike. I think it was around 0940ish.

COL (b)(3), (b)(6) The strike happened at 0840.

MAJ: I was being conservative. It would have been about 0850 then because it was right after the strike.

COL (b)(3), (b)(6) Were you present for the phone call between the BC and the BDE CDR?

MAJ: No, but I know that it occurred.

COL (b)(3), (b)(6) Can you characterize that phone call.

MAJ: To my understanding the CJSOTF-A CDR was inquiring about what the BC was going to do with the target.

LTC (b)(3), (b)(6) Where did you get your understanding from?

MAJ: Either (b)(3), (b)(6)

COL (b)(3), (b)(6) Let me clarify. Tell me what you believe the conversation was.

MAJ: My understanding is that he wanted to know if we were going to strike the target or what the intentions of the BC were, but I don't know more than the nature of what they were talking about.

COL (b)(3), (b)(6) WE believe that the ODA CDR called the TOC when you should have been there. Were you there when the ODA commander called the BC?

MAJ: I do not recall such a call. It was described to me after the fact that the BC was trying to put together an AVI COA.

COL (b)(3), (b)(6) That COA occurred before the strike and then the strike happened. Then you were on station before 0900. Then an iridium phone call was placed at or around 0900 from the ODA CDR to the BC. I want to know what you believed that phone to be.

MAJ: I believe that phone call was to get BOG to the GFC and that we were going to set up air to move the ODA CDR to the target area, but that is speculating.

MG: Were you in the area?

MAJ: No I believe I was either forward on the JOC floor or in my office looking at emails.

MG: We have this event going on. What were people saying in the TOC? We have a lot of testimony of what was going on around the TOC. You are the OPS guy shortly after what is the event, what is being talked about on the JOC floor about what was on the objective?

MAJ: I believe the concern was that there were civilians on the site.

MG: Ok. I don't want you to part your words about I believe and that. You are a Major in the US Army, you are an operator, you are in a fight, there is talk going on. What was going on when you guys were reading the mIRC chat and predator feeds?

MAJ: The only reason I say I believe is because you are asking me to describe what others may be doing and I don't recall necessarily...

MG: What do you recall?



MAJ: I recall the phone call that the Group Commander had made, and that the CDR was required to get BOG for the BDA. I do not recall any conversations that were going on between those directions. I know the BC was on the phone near the both the iridium phone and the radios that we would operate down to the detachment commander. Myself I do not recall what the discussions are. I know after the fact that we were concerned about civilians on the target and that is why we needed to get BOG.

MG: Why was the SOTF concerned about getting BOG because of potential civilians? What was going on with the predator feeds and being said on the mlRC chat?

MAJ: There were indications in the earlier part of the evening that there was one child viewed I think. The requirement from the tactical directive requires if tactically feasible to put BOG in an engagement where potentially civilians could occur. The discussion was that we needed to get BOG to determine if we had civilians on the target or not. That is why the BOG were required and that is what I remember.

LTC (b)(3), (b)(6) When was the first time that you heard that there were women and children at the engagement site.

MAJ: When we got BOG I heard that we had 3 women and 3 children on the ground uninjured. That was the first I heard about women and children on the engagement site.

CO (b)(3), (b)(6) In the TOC at 0900ish after you came on and the strike goes down, are you telling us that you personally do not recall any discussion about potential women and children based upon what was on the predator feed and the phone call between the ODA commander and the BC? You are telling us that you don't recall that?

MAJ: I know that we had to put BOG, I don't recall at that point whether or not there was a discussion of that. I was actually catching up to the events that were transpiring. I knew that the BC wanted to put BOG, I knew that he was concerned at that point of reports earlier that there may have been women or children on that. I think that we thought they had been dropped off (multiple ramblings) cause there was several stops and washing of the hands. It was being described to me what the events were that led up to the decision to strike the target. That is what was being relayed to me. For instance, why is this a valid military target, because they had stopped to cleanse themselves before going in. Those are the conversations that I was having with the FIRESO and the SGM etc. as the BC was pushing the requirement of getting BOG. It was being described to me as the rational for the strike I do not recall at that point talking about women or children.

LTC (b)(3), (b)(6) Do you recall the in the first time you were interviewed stating "we first learned of the possibility of women and children on the objective during the engagement based on a call from someone but not in time to stop the subsequent missiles"?

MAJ: Did I say that? I do not believe I said that. I did not say that. I did not say that we received in time to stop the subsequent missiles. I know for a fact I did not say that is because LTC (b)(3), (b)(6) was trying to work an AVI to do the interdiction piece as an escalation of force for the target. There was no discussion

that I know of from the GFC back to us that described women and children on the target. For instance I know that (b)(3), (b)(6) didn't know that a strike was going to happen.

COL (b)(3), (b)(6) This is post strike this after the first strike. This is as you were watching the predator feed.

MAJ: I wasn't there for that piece. I wasn't there for the actual strike event. So I couldn't have said. That wouldn't have been me that said we were trying to stop the missile.

COL (b)(3), (b)(6) Were you referencing it to someone else?

MAJ: No, because I wouldn't have said we were trying to stop the missile. I might have said, and I continue to believe that a call to the GFC to simply ask what are your intentions. I think that would have precluded us from striking it because I think at that point we could have just followed the target or allowed the AVI to occur. I know for a fact that I wouldn't have said that we could have stopped the missile because there were women or children on the target for instance.

LTC (b)(3), (b)(6) At any point did anyone inform you that the OH-58s saw brightly colored clothing on the target site?

MAJ: I knew that after the fact. I knew that report was stated after we started looking at the mIRC chat logs.

MG: What time was this?

MAJ: That would have been a day after when we started getting all the mIRC chat logs together and developing all of the subsequent background. That evening it was simply attempting to push up the first and second look etc. Then we consolidated all of the mIRC chat logs in the subsequent day or two.

COL (b)(3), (b)(6) Who is watching the mIRC chat log?

MAJ: As you probably know there are a bunch of windows in the mIRC chat. The FIRESO looks at mIRC chat log there is a mIRC chat log for the ISR manager and there is a mIRC chat log for the BTL CPT.

COL (b)(3), (b)(6) At 0911 the predator screener reports, in the mIRC log, at least three females and one child near the second vehicle. That didn't send up a red star cluster to anybody? You got multiple people watching this. I don't think there was a more important event going on at the time so.

MAJ: Is that after the strike?

COL (b)(3), (b)(6) 23 minutes after the first missile went down.

MAJ: I think that might have been reported by (b)(1)1.4a if I am not mistaken.

COL (b)(3), (b)(6) The screener reports.

MAJ: Then it would have been the predator which would have immediately required the launch of the BOG. I think we were going to launch the BOG anyway.

COL (b)(3), (b)(6) were you aware of the potential CIVCAS following the strike before 0930.

MAJ: I personally did not know of the potential..

COL (b)(3), (b)(6) Potential possible report someone any indicator?

MAJ: Me personally no, I knew that we were pushing BOG to do the BDA. I was only aware of civilians when the commander conducting the operation indicated that there were three women and three children in the target area who were all uninjured. At that point I was like holy shit... I am sorry, excuse my language. That's a miracle or they had moved up after the strike.

COL (b)(3), (b)(6) Did your commander indicate to you that he got a phone call from the GFC that there was a potential that an incident occurred potential women and children potential noncombatants or something along those lines and the Commanders response was that it was a good target?

MAJ: I do not recall that, I am not saying it didn't happen I just don't recall him telling me that. My attention was not necessarily at that point...

COL (b)(3), (b)(6) Well where was it? It's not on the mIRC chat it is not on, I mean where was it?

MAJ: My attention was to get the helicopters and get the rest of the stuff lined up to get the BOG piece going and to start looking at whether or not... we were looking at getting the ground force to the target area.

COL (b)(3), (b)(6) This is now the A-Team on. This is now your experience leadership on right now. So the indicator that COL (b)(3), (b)(6) just read on the mIRC window didn't generate the IO battle drill and didn't generate the CIVCAS battle drill. I think we have determined that the B-Team isn't that good and now we are going to the A-team. Can you walk me through how that particular entry if missed?

MAJ: I think we were going through the requirements... I think that there was an idea that we hit a valid military target and that we were going to conduct OBG to assess the BDA, which would have included the beginning of potential CIVCAS.

COL (b)(3), (b)(6) Say that again.

MAJ: I know that we were going to put BOG. I think that we thought we had a valid military target. I did not know that there were civilians, quote unquote civilians although it looks like they all could have been civilians in hindsight, and that the target included women and children at that time. So we were going to do BDA on the target regardless but we thought at that time that it was a valid military target.

COL (b)(3), (b)(6) I am going to go back to this because you didn't answer it. You have your A-team on now, your experienced team, because you guys are organized for whatever reason to put your key players on

during hours of visibility. Now it is after 0900 and that entry comes across that describes civilians, women and children, on the objective sight. How does that get missed by you're a-team, your primaries, your more trained individuals?

MAJ: I don't know that it was missed. I think that we were acting upon it... I can't say whether it was missed. What I am saying is that I think we were acting upon it by putting BOG to confirm or deny whether there were civilians on the target.

COL (b)(3), (b)(6) So answer me this, it's one or the other so if that is what we are doing. The possible civilian casualty report why doesn't that go up as a possible? If you believe, or you just communicated that was a link, you're the leader of the OPCENT. Where is the FIR that is to accompany this for either suspected which is in the tactical directive, or alleged which is in the CJSOTF Commander's confirmed and alleged CIVCAS. Why is there reporting delta, and second where is it?

MAJ: I think the reporting delta came from the push to get the BDA to confirm that in fact that we did have civilian casualties.

LTC (b)(3), (b)(6) What is your impression of CPT (b)(3), (b)(6)?

MAJ: I think he is an aggressive young Captain who is well trained and I have confidence in him.

LTC (b)(3), (b)(6) So he is a pretty honest guy in your opinion?

MAJ: Yes.

LTC (b)(3), (b)(6) He says that he believes the first report of the brightly colored personnel was from the CCA or ISR that recorded it.

MAJ: I wouldn't say that it is not true. I agree. Looking back on it now that is my understanding as well.

LTC (b)(3), (b)(6) But you weren't aware from the predator feed or the OH-58s that they reported brightly colored clothing.

MAJ: I personally was not. What I am saying is that my understanding and looking back is that the boots on the ground was going to confirm or deny whether or not there were any civilian injuries, and then we would generate the requirements post that and it took us a long time to get to that point.

LTC (b)(3), (b)(6) The question was whether or not there was any reason to suspect that women or child were in the area hurt or not hurt immediately after the strike.

MAJ: I think from the predator feed and the reporting that I have seen is that they saw women and children previous to the strike. That is my understanding.

COL (b)(3), (b)(6) We just read to you what the mIRC chat said and we're reading to you verbatim what your BTL CPT said. I am telling you that you have two of your ten battle drills that are associated with CIV CAS and IO.

MAJ: That is why we were pushing out the BOG piece and we were going to confirm or deny....

COL (b)(3), (b)(6) That is not what it says. It says suspected. Two of your ten battle drills, IO problem, this is an IO problem no matter how you cut it, suspected civilian casualty no matter how you cut it, you have a hard entry, you have your smart stud experienced BTL CPT who you have trust and confidence in communicating that. For some reason you don't know any of this and we are moving forward.

LTC (b)(3), (b)(6) In the actions of the command post at that time, once they were alerted that potentially there were females in brightly colored clothing actions at that point within the command post that we have potential CIVCAS. What actions were taken based on that were "we notified our chain of command", that would include you correct?

MAJ: Yes.

LTC (b)(3), (b)(6) The report that we received were 15-18 EKIA and some women and children were unhurt.

MAJ: That would have been generated after the BOG piece.

COL (b)(3), (b)(6) No, this is all the same time frame.

MAJ: From the predator feed?

COL (b)(3), (b)(6) Predator feed, CCA, OH-58 all coming in to the BTL CPT.

LTC (b)(3), (b)(6) When he says immediately following the strike or soon thereafter he sent up a report to CJSOTF.

MAJ: The first look or FIR.

COL (b)(3), (b)(6) Were you aware of that?

MAJ: Yes I was.

COL (b)(3), (b)(6) What is an FIR?

MAJ: A suspecting of CIVCAS.

MG: What time was that about?

MAJ: I do not recall the time.

MG: Before noon?

MAJ: My recollection was after but it may have been before.

LTC (b)(3), (b)(6) How do you suspect CIVCAS before?

MAJ: If you are constructing this for me. We probably suspected CIVCAS I just don't recall.

CO (b)(3), (b)(6) We are not constructing anything. We are trying to find out when the TOC as the OPCENT guy when do you believe that you no kidding suspected not known I got it everybody in your TOC started figuring it out around 1400. I got that. We are trying to figure out when you guys suspected it. We have indications that you guys suspected it as early as 0900, but you didn't act on it until around 1400. We are trying to just figure out why. That is it. Help us understand why.

MAJ: My only to that is that I think we were trying to confirm it with the BOG BDA, we did not think it was going to take that long.

LTC (b)(3), (b)(6) What generated the suspicion? You said you don't know anything. Some people say they heard brightly colored clothing, that generates a suspicion, but you are saying that you didn't hear any of that.

MAJ: I remember the target being talked about in the details of being a valid military target. Those are the recollections that are foremost in my mind. I do not know when the FIR was generated. I know that after the fact that there were suspicions of civilians being in the convoy prior to the strike. If there were suspicions of civilian casualties on the objective or during the strike, that would have generated an FIR and a first look.

CO (b)(3), (b)(6) In your CJSOTF operational guidance it says you will get BOG and SSE as soon as possible if you can't what is your fallback?

MAJ: Full Motion Video.

CO (b)(3), (b)(6) You got FMV, you can't get BOG, and I am reading entry after entry where FMV is telling you three females one possible child and female holding a child. It is all right there continuous in the mIRC I have a hard time.... Yet I see entries from SOTF SOUTH FIRES and from SOTF SOUTH ISR so I know they are monitoring that is the reason we are having a hard time figuring out why....

MAJ: Why wasn't the FIR generated earlier?

CO (b)(3), (b)(6) First of all why no one is acknowledging this except for the BTL CPT. How everybody else for some reason doesn't know except for the BTL CPT who everyone says is a stud. There are bits and pieces and I am having a difficult time recollecting. I meant what I said in the beginning so I need you to really try to bring this together and I don't want you to fabricate or make up anything we just need to know why at 0900....

MAJ: The only thing I can tell you is that we must have failed in recognizing because of the thinking that it was a valid military target and we could not confirm that we must have group thought our way into thinking.

CO (b)(3), (b)(6) Understand that. But we have an ISR manager, we have a CPT FIRES, and we have a BTL CPT who was all aware of this, but no field grades is aware or suspects civilian casualties, not even suspects. Yet we know that we are sending out an (b)(1) and doing it in a quick manner which could only indicate, as you alluded to, CIVCAS potential. Confirm or deny?

MAJ: We would potentially do on this case or on any case we would potentially do a BDA after any air to ground mission.

COL (b)(3), (b)(6): That is not the context you said it in. So let's keep it in your context. I understand the tactical directive and following up on strikes. So we have every field grade out of it no tracking or suspecting this. We have the mIRC that is pretty clear. We have a BTL CPT that knows it. We have an ISR manager that knows it. We have a FIRE SO who knows because he is reading the mIRC chat. We have a battle drill that is not being executed. We believe we have a phone call from the ODA commander immediately following explaining the concern that an incident occurred. Somehow none of this is getting to the OPCENT director.

COL (b)(3), (b)(6) CPT (b)(3), (b)(6) says that he was aware of the potential CIVCAS 15 minutes after the strike.

MAJ: I wouldn't say that is inaccurate. In my mind I must have been looking at the potential of this being a good target with no civilians.

COL (b)(3), (b)(6): I got that. I got that you guys believe it was a good target. I got it that it was the BC assessment. We understand that. Because civilians are there does not mean that it was not a good target. Proportionality and all of that. What we are sucking with is that even if it is a good target we still execute CIVCAS report and we still execute the IO battle drills.

MAJ: We failed to do that in this event.

COL (b)(3), (b)(6): Who failed? Who knew and failed? Does it strictly stop at the BTL CPT level? Is that what you are telling me?

MAJ: I don't recall in my own mind. Trust me if I could recall and tell you right now that I knew and stop the reporting I would tell you all. That is not what happened. I think I am undoubtedly one of the most honest people you will come to meet. I can tell you that I don't remember knowing that there was a potential for CIVCAS until I thought until as I recollect it now that we got BOG confirming that it wasn't. I don't recall discussion of it before that. Between the strike and the time that we launched the BOG piece, I wish I could tell you that so that you could point to me and say that guy failed.

COL (b)(3), (b)(6): Why in this case, as you explained earlier, if you said we were sending out the (b)(1) to confirm there wasn't CIVCAS. Why did you say that?

MAJ: I am suspicious of how I am recollecting things. I am assuming that someone in the TOC must have made the assessment or somebody knew but I do not recall who that was. I do not recall the phone call between the GFC and the BC. I am not saying that it didn't happen, I just wasn't around when that occurred so I can't say that that indeed happened. I am sorry for raising my voice, I apologize.

LTC (b)(3), (b)(6): WE will get into the BDA reporting in a second, but when you first heard that there were women and children BOG are you shocked?

MAJ: Yes, because they are alive. They said there were three women and three children on the target area and were uninjured. I am thinking to myself that it was a freaking miracle that there were women and children and the males were all killed which means that it was all males on the objective that is what I was thinking. That is why I distinctly remember that and I distinctly remember 7 MAMs on the helicopter and 15 MAMs killed at no time did I think at that point that there were women and children injured because the BOG confirmation was that they were uninjured.

COL (b)(3), (b)(7) We will come to that in a moment. Let's go to the storyboard for a second. This storyboard that you explained to us that CJSOTF offered to do because you were busy. They did the storyboard and sent it down for you to chop on. What were the discrepancies in that story board?

MAJ: The discrepancies were the three women and three children that CPT (b)(3), (b)(6) put on story board and sent back to them. They sent it back and asked us to take it off, directed us to take it off and I told you that the last time and you asked me why I would allow that to occur. Because in my mind the three women and three children were uninjured and it didn't go up as part of the original story board because I thought that we had confirmed that no women or children were injured. I assessed that it was a valid request to remove them from the story board because we had confirmed with BOG that no women or children were injured.

COL (b)(3), (b)(7) Was there any changes from 7 to 12 that would have attempted to be made by the BTL CPT?

MAJ: 7-12

COL (b)(3), (b)(7) being evacuated to 12 being evacuated.

MAJ: I think that only occurred after the birds landed at TK and we got the number of 12. Then we were wondering who they were.

COL (b)(3), (b)(7) Did the BTL CPT share with you that the number was originally 7 but that 12 were actually evacuated?

MAJ: He might have and I am not saying that he didn't. He might have.

COL (b)(3), (b)(7) What was the genesis of the five additional injured personnel? What generated that information that the BTL CPT knew?

MAJ: I do not recall where he got it from. It probably came from (b)(1)1.4a who were the birds moving the injured to the care facilities. That would be where it would come that would be the most accurate because they would know who they had on their birds.

LTC (b)(3), (b)(6) Did you review the story board?

MAJ: I had a quick look at it and had an overview from (b)(3), (b)(6)



LTC (b)(3), (b)(6) (Handing a copy of the story board to interviewee) Does that look like the original one that was sent down from CJSOTF?

MAJ: yes it does.

LTC (b)(3), (b)(6) CPT (b)(3), (b)(6) made corrections in red right? (handing another copy of storyboard to interviewee) do this look like what he made in red? ..... Can you show me anywhere in there that is says women and children?

MAJ: I don't see it.

LTC (b)(3), (b)(6) What was the change that was made regarding the number of injured?

MAJ: In my mind recollecting

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

MAJ: The change was that it was later updated to 12 EWIA.

LTC (b)(3), (b)(6) You just said that you got from 7-12 based on the MEDIVAC correct?

MAJ: I said I was not sure the origin of that report. I was assuming that it was from the birds themselves or whether it was from the ground forces receiving them at TK. For instance if the GFC said I put seven on the bird I don't think it came from the GFC. It would have come from the people on the birds or the people receiving them at the point of care.

LTC (b)(3), (b)(6) So the only way to update from this to this was that you had some information from the MEDIVAC?

MAJ: Potentially yes. If the CJSOTF is getting this it may have come to them from WOLFPACK and we may not have received it for instance so I am speculating at that point.

LTC (b)(3), (b)(6) This is the one that CJSOTF made correct? This is the one your BTL CPT made correct? And your BTL CPT changes the number of wounded from seven to 12, Is that correct?

MAJ: Yes, I am assuming that is correct.

LTC (b)(3), (b)(6) Are you assuming or do you know?

MAJ: I am taking your word for it that this is the document. I have no reason to believe that this is not the document.

COL (b)(3), (b)(6) It is the document.

LTC (b)(3), (b)(6) But the only way that he would know that would be by talking to someone associated with the MEDIVAC.

MAJ: Yes.

LTC (b)(3), (b)(6) So at that point you know. You don't know three women and three children are not hurt.

MAJ: We don't know who these are. We thought we knew from the GFC, now the numbers we thought at this point. This is probably what brought up most of the questioning from our part. We knew that he put MAMs and that the women and children were uninjured. That is the report that we got. If the discrepancy of the number of personnel on the aircraft we probably defaulted to that it was an increased number of MAMs but no women and children.

LTC (b)(3), (b)(6) Who in your mind from CJSOTF told someone to take information off of the story board?

MAJ: To my understanding it was MAJ (b)(3), (b)(6) the JOC chief. That is what my recollection was.

LTC (b)(3), (b)(6) Did you know that from the JOC chief or did the BTL CPT tell you that?

MAJ: I recall that CPT (b)(3), (b)(6) told me that.

LTC (b)(3), (b)(6) There is the response that CPT (b)(3), (b)(6) sent to the CJSOTF JOC Chief when he sent that up. Is there anything about I took it off like you asked me too or anything to that effect?

MAJ: My understanding was that it came as a phone call after he made the changes.

LTC (b)(3), (b)(6) I made some changes in red. So you believe that after he made some changes that are not reflected on .....

MAJ: After he made the changes in red he sent it back up. Then he made the phone call to change.... but I thought it had something to do with the women and children on the objective. Meaning that there were women and children on the objective and that they were uninjured was my understanding as to what he was removing. The 12 is a different matter. The 12 in my estimation now is that we got from the GFC that there were no women and children injured. If there was a discrepancy in the number of people on the bird I think we would have gotten that from (b)(1)1.4a and that is what we were trying to determine once the birds landed on the ground and who exactly was on the birds, which we in fact found out to be one woman and one child on the bird when it landed.

CO (b)(3), (b)(6) How did you get that from the GFC?

MAJ: Get what?

CO (b)(3), (b)(6) EKIA how did you get that from the GFC?

MAJ: We were calling on the ground.....

CO (b)(3), (b)(6) Don't say we just give me a name.

MAJ: I believe CPT (b)(3), (b)(6) or LTC (b)(3), (b)(6) was talking to him while he was on the ground. I distinctly remember that CPT (b)(3), (b)(6) was shook up about with what he saw on the ground. I think it was just the number of bodies and that he was conducting a deliberate (b)(1)1.4c

CO (b)(3), (b)(6) CPT (b)(3), (b)(6) or LTC (b)(3), (b)(6) was talking to him?

MAJ: I believe it was LTC (b)(3), (b)(6) and I know that CPT (b)(3), (b)(6) had talked to CPT (b)(3), (b)(6) to get information of what was on the objective area.

CO (b)(3), (b)(6) LTC (b)(3), (b)(6) talked to CPT (b)(3), (b)(6)

MAJ: I believe at least once and I know that (b)(3), (b)(6) was also talking with him.... LTC (b)(3), (b)(6) was relaying information to look for .... Actually we were receiving guidance from CJSOTF to look for weapons, ammunition, or chest rigs anything to indicate that this was what we thought it was. CPT (b)(3), (b)(6) I know, was a little taken back by what he found on the objective. He was conducting a deliberate SSE of the objective area to look for any of these to see if the target had been disturbed between the strike and the time that he got BOG. I know he was calling in ANP to do a hand over of the deceased on the objective. So he had a lot of tasks including reporting to us. The reports we received were the three women and three children uninjured, the 7 MAMs wounded, and 15 casualties that he assessed to be part of the BDA. Over the course of the BDA it became increasingly evident that we weren't finding military paraphernalia or military gear amongst the deceased, but that didn't indicate to us that right now that the site hadn't been sanitized. That is a TTP that we are aware of so the (b)(1)1.4c was even more refined in looking for ammunition or ammunition that may have been blown to another location etc. I also..... that was coming from CJSOTF to me to give to CPT (b)(3), (b)(6) to get down to the GFC because I was on the phone with the CJSOTF to get guidance from.....

CO (b)(3), (b)(6) who were you on the phone with?

MAJ: LTC (b)(3), (b)(6) his is the J3 on make sure they are looking for this and this.....

CO (b)(3), (b)(6) it is not found.

MAJ: It is not found. At about the time we are receiving that it is not found.....almost concurrent to ..... it is starting to dawn on us that there is no chest rigs ammunition guns and the birds are landing at TK and we are starting to get reports of civilians and that is what initiates.....

CO (b)(3), (b)(6) what does it initiate? That is what we are trying to figure out. We haven't seen what it initiated.

MAJ: The FIR I believe from us that (b)(3), (b)(6) pushed up that we were told to push back down because (b)(1)1.4a had already initiated a suspected on was already in the hopper by that time.

CO (b)(3), (b)(6) Were you aware of a phone call from the ODA commander on the ground to the BTL CPT that provided information of 7 being evacuated, 15-16 being killed, 3 women and 3 children unharmed, and one women and one child were injured?

MAJ: No it was described to me that 15 MAMs EKIA, 7 MAMs on the bird, and 3 and 3 uninjured on the objective. I did not know about the 1 and 1 until the bird reached the ground. If that in fact occurred I did not know about it and it would surprise me if that phone call occurred.

LTC (b)(3), (b)(6) How did CPT (b)(3), (b)(6) communicate back to the TOC?

MAJ: he could of used SAT 102 or Iridium phone.

LTC (b)(3), (b)(6) Which one did he use?

MAJ: Iridium. I believe.

LTC (b)(3), (b)(6) I am going to go back to the first time that we talked, you stated our next report came across the radio when (b)(1)1.4a was on the radio conducting BDA, he was coming in broken and we could not tell what he was saying all we got was that there were 3 women and 3 children but it sounded like they were all ok did you hear this report?

MAJ: That is not my words. You are not reading something I said. Those are not my words.

LTC (b)(3), (b)(6) You didn't hear a report?

MAJ: What you just read to me were not my words. I know that he sent up a report with 3 women 3 children uninjured, but that broken stuff I never said that.

LTC (b)(3), (b)(6) Who at CJSOTF said not to send up the FIR?

MAJ: My understanding is that it was the CJSOTF Commander who said it would be dumb to push an FIR when an FIR was already submitted.... I think the word was stupid.

LTC (b)(3), (b)(6) How did you hear that?

MAJ: Through CPT (b)(3), (b)(6)

COL (b)(3), (b)(6) here is why I keep coming back to this line of questioning. One of two things has got to be in play here and you help me out. Your B-Team demonstrated that they are uncomfortable with executing C2 while a formation is in the fight. You're A-Team comes on, I've got the FIRESO that says CIVCAS 15 minutes after the strike, I have a BTL CPT who suspects the potential of civilians on the site, and I have an Airman an E3 who actually read the mIRC and says look like maybe be suspected. None of that gets translated? Got a guy watching the mIRC and the predator because it is still working, this is before it got the frozen frame. In there looking at what looks to be women in a burkah as it is described. Nothing clicks on? No one in the JOC knows? No one puts two and two together in the target development, in which you were all briefed that there may have been civilians or adolescents in the target site. No one, no leader, not you, not the BC, none of the guys who are responsible, make that logical connection, instead you make the illogical connection that they were beamed up or disappeared. Well, you had to

because otherwise how do you not assume the potential for civilian casualty how possibly does that happen?

MAJ: I described this as we failed to....

CO (b)(3), (b)(6) got that, I got the battle drills fail, and I got the people on the objective. I am now going inside your head and we are going to go into some of your other guys' heads. You knew that there was at least some description that there was a potential for children in that target. How do you just drop that out? You, not anybody else, you. How do you drop that out and go forward no possibility no potential. How does that happen?

MAJ: I don't remember being told that there were civilians on this target at all until I was looking at it in the back with the ISR feed had seen the before. When I came on the floor and the target was already hit, I was very surprised that we hit the target with civilians potentially on the damn thing. I did not know that civilians were even reported on the target until after the BOG and they reported three and three. At that point....

CO (b)(3), (b)(6) Maybe I misheard, you were not aware that there or were you briefed that there was a potential....

MAJ: No, I did not know that it strikes me as crazy to have known that there was a potential for civilians on this target 15K away from the objective area and somebody made the decision to strike it and not let it develop.

CO (b)(3), (b)(6) asked you earlier how you thought your TOC center was and you told me except for this piece with the night guys wasn't good. Now let me complete what I was saying. Your night guys failed, your day guys failed. Explain to me how you think your operations center is running, what grade do you give it, and how competent is it?

MAJ: On this morning the BC was present I had come onboard. I don't know why it wasn't discussed amongst everyone what this freaking target looked like. I think we must have gotten in our heads that we had just killed a bunch of bad guys that were barreling down on our folks down in the vill and that we had concentrated on that. We didn't think at this point that there were civilians on that .... Looking back on it now that it was reported that there were civilians intermixed in there and knowing the distance that the target was from the objective I wouldn't have hit the damn thing, but unfortunately I wasn't involved in that chain of events. I am telling you as honest as I am sitting here to the best of my recollection .....

MG: Should you have been involved?

MAJ: Hell yes I should have been involved in this. To this day I just don't understand for the life of me that I wasn't woken to be there. I honestly don't know why that didn't occur it's freaking.... OH-58s are on the objective, there is an ODA that is conducting a level 1 in a vill in bad guy country. Nothing was

occurring no shots were being fired, but surely the potential was there and why the BC and I weren't told about it until after the Group Commander is beyond me.

COL (b)(3), (b)(6) You said earlier that after the strike that you started working (b)(1)1.4c I am looking at this and whether you are aware of potential CIVCAS or not. You said this was a high visibility mission we think we killed a bunch of bad guys. Yet it is still four hours, who made the decision to wait .....

MAJ: That four hours is a resource constraint, we don't own helicopters. We have to go through RC-S and RC-S has to resource them they have to de-conflict and push it back down to us. My understanding of the delay between the time the decision is made to get BOG and the time of the helicopters.....

COL (b)(3), (b)(6) You said you were the one working it.

MAJ: Yeah. I am telling you that this is a resource constraint to get the helicopters in a timely manner.

COL (b)(3), (b)(6) We have had a couple of reports from people in your command center that you had a different ODA 1132, but it was a conscious decision not to use them because they were planned to do something else.

MAJ: The decision to put the GFC on the objective vice the QRF was made by LTC (b)(3), (b)(6)

COL (b)(3), (b)(6) Why?

MAJ: I don't know what his calculations were on that. I think it was because he knew what the target, and he would have been best to get there. I don't know....

COL (b)(3), (b)(6) It was 13K away I don't think he had any better visibility on the target than 1132 to be able to watch.

MAJ: I don't know the answer to that question; I just know that it was made.

COL (b)(3), (b)(6) This is what bothers me, potential CIVCAS, we have potential innocent people hurt seriously and yet we took four hours when we had another force ready to go. We waited until this CDR was done with a cordon and search in bad guy land four hours.... I guess conceptually I have a hard time with that part as well. I am just trying to understand the rationale for some of the decisions that were made that day. That one I do not understand. I would like you to tell me why it wouldn't be.... Whether or not you knew of CIVCAS but still reports of 15 bad guys doesn't happen every day or every week. Yet we decided to delay BOG BDA.

MAJ: I believe it is because they were continuing mission; you will have to ask PTC (b)(3), (b)(6) that because I do not know his decision cycle on that.

COL (b)(3), (b)(6) We will.

MG: A little while ago we were talking about the story boards that CJSOTF sent down and CPT (b)(3), (b)(6) wanted to make a couple of changes on. These are pretty important documents aren't they?

MAJ: Yes.

MG: You said that you scanned them what do you mean by that?

MAJ: I looked at them to see if they were in the correct format, whether they contained some basic information such as EKIA and description of the event etc., the pictures themselves.

MG: If you are looking at the pictures would you be bouncing them off of the predator feed?

MAJ: I think at that time the predator feed was gone. If I am not mistaken. One of the things that you asked and COMB asked earlier was "why did you allow someone else to make the determination for you?" I guess the assumption that I had was that they had additional information that we weren't privy to for some reason. They have a ?COMSWEEP? and access to lateral units and higher units. In my opinion my assumption was that they must have had some greater fidelity than what we were getting so that they would be able to report best. That is a failing on my part for thinking that.

MG: When you first found out about females and children at the objective. When would that have been?

MAJ: It would have been during the BDA process when CPT (b)(3), (b)(6) was on the ground.

MG: About what time?

MAJ: I am thinking around 1300 or somewhere around there.

MG: So at that point we knew there were some women and children?

MAJ: Yes.

MG: your TOC knew before that, shortly after the event by watching the predator, your FSO and intelligence knew indications that there were women and children on the site. What are the reporting requirements from CISOTF?

MAJ: Confirmed or alleged CIVCAS.

MG: Wouldn't this fall under alleged or possible?

MAJ: Yes, I thought that the BOG denied...

MG: You got confirmed or alleged or possible that is what you said in your battle drill. Waiting for confirmed is one thing, but what would be if it's confirmed or alleged, possibility or in the tactical directive what does GENREAL McCHRISTAL say in the tactical directive?

MAJ: Suspected.

MG: Suspected. Are you telling me that your whole TOC operations in SOTF, all that what was going on we were going to confirm it then. What would that tell you before that why we are going to confirm what would that lead you to believe when we were getting all these indicators? Alleged or Suspected?

MAJ: We should have reported it. We should have started the initiation of the report and if in fact the confirmation mission was a denial of CIVCAS then we could have certainly pulled it back.

MG: Why is GENERAL McCRYSTAL's tactical directive talk about suspected, what is the reason why he wants to know suspected?

MAJ: He wants to get ahead of the information cycle in order to get clarity on what happened or what is suspected to have happened so that we can potentially respond to allegations of CIVCAS.

MG: what cycle is he, are we trying to get ahead of?

MAJ: I don't meant o be a new cycle or anything but I think he wants the earliest possible indications from the ground of suspected so that we can be aware that a report will come up through another mechanism either local or district governments etc. He wants to be informed of a suspected that we are working towards so he can answer questions concerning potentiality.

MG: It is deeper than that, you have not got the point of that. What happens after an incident like this?

MAJ: Its reported

MG: By who

MAJ: Media

MG: How do you think the media in the middle of nowhere gets that? How fast do they get that?

MAJ: As fast as we report it. I don't know the mechanisms

MG: What capabilities do the Taliban have?

MAJ: They definitely have IO capabilities.

MG: How do they get that IO capability?

MAJ: From being on the ground.

MG: How do they relay it so fast?

MAJ: Through phone calls cell phones messaging, whatever electronic mechanisms they have internet.

MG: So if it takes us 14 hours after an incident who has the jump on the opportunity?

MAJ: They do and that is what I meant by cycle, anybody is reporting cycle.



MG: So why do we have in our battle drills on CIVCAS, why do we use the term possibly, alleged, and suspected?

MAJ: To get ahead of that information.

MG: Did we do that on that day?

MAJ: No.

MG: What did we do collectively at the SOTF we did what?

MAJ: We failed to get ahead of that and inform the chain of command on the potential of

MG: The potential and then in fact we failed overall because once we confirmed it took us quite a few hours to confirm it correct.

MAJ: The answer to that is yes. We had thought we did a denial of CIVCAS on the BOG at least that is what I thought. Then when we said 3 women 3 children uninjured and MAMs who turned out themselves to be civilians we thought that at that time we had confirmation that there were no civilians killed on the battle field on that particular strike.

MG: What have we found out since?

MAJ: We found out at least..... We found out that potentially they were all civilians, we found out that a women and a child were evacuated during the BDA piece and that a huge mistake was made in both the actual strike and the reporting.

COL (b)(3), (b)(6) You that it was a resource constraint that you couldn't get BOG. If you would have reported possible CIVCAS guess where you would have went for resourcing? Right to the top.

MAJ: Yes.

COL (b)(3), (b)(6) Here we are 15-18 whatever days later its 1 woman 3 kids not 1 and 1 that was part of the....

MAJ: 1 woman and 3 kids?

COL (b)(3), (b)(6) Yes, and that was part of the 7-12 group. I think we are ready to wrap this up.

MG: Yep. Now after all this questioning in the spirit of making recommendations and trying to make this better and to improve our procedures mitigate something like this happening. The floor is yours Why don't you tell me your recommendations.

MAJ: We are conducting ongoing training to include all of our battle drills. They are not only put into a standard and repetitive nature, but they are reinforced by the change of command. I know that we are relooking the field grade and decision maker cycle that is on the floor between myself the XO and the BC and looking at there is at least one of those three on the floor 24 hours a day. We will incorporate this

lesson learned and I have had CPT WOMACK generate this vignette for us to rediscover what we failed to do to inform the chain of command and catalog our failures and we are re-briefing that to ourselves. I have a draft of that is you want to see it. Provide that not just to the day and night but to the group as a whole we will take that vignette and incorporate it into the battle handoff to our unit that is following us. That is just some of the early ones that we are doing to ensure that this doesn't happen again.

MG: Anything else?

MAJ: My personal failing as you officers described them to me are not falling on deaf ears. I am a little ashamed of my own lack of focus on these areas pointed out to me. I will endeavor to reenergize myself on looking at systems and looking at potential failures and not just looking at what actually works but looking at what doesn't work. I think I was looking at ok this is in place I have done this and this is good and not looking at the points of failure in our systems which are evident in this particular instance. I continue to look for those even now in our training. I continue to look for ways in which decision makers are readily available during these periods out on the floor not just readily available but there.

MG: A couple things. We talked last time that LTG(R) Hal Moore when he was in Vietnam in the book "We were soldiers once and young". Have you read that?

MAJ: Yes.

MG: He talks about in there trying to understand what is going on in the fight and what is happening and where he should be in the fight and what decisions should he be making in the fight. Where should he be influenced. Those are the questions we as leaders need to know at any process. Where should we be in the process, where should we be to make a difference in there. It is clear from your testimony both last time and this time, that there were several leaders of your Battalion who weren't where they needed to be at that time, and that the senior leaders were not ready for this type of situation. I need you to think through that. We are in the business that we make strong decisions that are lasting decisions that influence many people's lives. On this night because of lack of decisions, poor decisions, and a passive approach many people got killed on that strike and there were innocent women and children who were killed on that strike which we all have to live with now. This is serious business now. With the new COIN doctrine and what we are trying to say and what GENERAL McCHRISTAL is giving us guidance on, we do not need a superficial understanding of it. We need a deep understanding not just rote memory or say that we read the tactical directive. We have to understand and internalize it, he asked us to do that and to make those tougher decisions. A lot of the decisions that led up to this were not tough decisions, they were a lack of strong will and fortitude, a lack of interest, a lack of training and the list goes on before this event ever started. Do you agree with that?

MAJ: I do.

MG: We need to internalize this not just because of this event but as professional Soldiers that deal with heavy tasks and we have the opportunity to make decisions in the right vain when the right leadership is engaged. When we have an ODA CDR out there when it is getting busy in the fight that is

why we have Battalions working the OPS not in a passive way but in an engaged way. That is why we have Brigades and a chain of command to help out. It is clear to me from your testimony and the testimony of others that we were not engaged that evening and that morning correctly to understand the decisions that needed to be made and what reporting had to be made. Is that a fair assessment?

MAJ: I think so.

MG: COL (b)(3), (b)(6) gave you some good guidance the last time we met about doing some training of ROE, understanding imminent threat, immediate threat PID battle drills, leadership training. I am glad to hear that you are putting some of that into practice, but it is deeper than that it has to be internalized and understood. We have to have leaders everywhere along the chain of command that are engaged at the right level so that is very important. Do you have any questions of me?

MAJ: No.

CO (b)(3), (b)(6) Can I get a copy of the training packet from you?

MAJ: Yes.

Warned and excused

STATEMENT OF

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

TAKEN AT

DATED 2010/02/28

STATEMENT (Continued)

INITIAL STATEMENT WAS TAKEN 28 FEB 2010.

ADDITIONAL QUESTIONING OF MAJ (b)(3), (b)(6) OCCURED ON 8 MAR 2010 AND IS INCLUDED.

AFFIDAVIT

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

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 46. 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 46 OF 46 PAGES

(b)(6)

Hospital. Patient with Broken Elbow

MG: Does he know where everyone was from?

M: There were from the same village or villages close by.

MG: What is the name of the village?

M: BAGHJAN

MG: What is his name?

M: (b)(6) he is from BAGJAN, KAJIRAN district, DAY KUNDI province.

MG: What vehicle was he in?

M: First vehicle. He was not the one driving the truck.

MG: Where were they headed?

M: He said because of the bad living conditions he has no money or land so he was going to work in IRAN. While passing an area called CHOWZAR between 0900 and 1000 the helicopters showed up. He said when the helicopters rotated three times and then struck the vehicles. After that he doesn't know what happened.

MG: How many people and were in the vehicles and where were they from?

M: In the first vehicle there was 13 people including him and they were all from different districts, but if he could sit with that man over there (pointing to (b)(6)) he could tell you everyone and where they are from.

MAJ: Who were they and are they related?

M: He can remember 8 names right now and all of them but one were in the first vehicle. He is referring to KANDU two guys one was Son of \_\_\_\_\_ and the other was his nephew. The driver was from KANDU.

MAJ: What tribe or how many tribes were there?

M: They belong to MOJULLAH tribe but they also belong to different sub-tribes. DOGMESH, KATCHAL, and SAID.

MAJ: Where they all relatives?

M: (b)(6) and (b)(6) are brothers (b)(6) and (b)(6) are cousins.

MAJ: Are they part of HAZARAH?

M: There was no one from the HAZARAH in the vehicles

MAJ: Was there a MULLAH with them?

M: (b)(6) son of (b)(6) But he is not an imam in the area.

MAJ: Did the MULLAH also have a son with him?

M: The MULLAHs son was not in any cars but his brother was in the first vehicle.

MAJ: What was his brother's name?

M: He doesn't know.

MG: Where were they coming from?

M: From close to BAGJUAN.

MG: What time did they start moving?

M: Started from BAGJUAN, ate dinner, left, and then spent the night in KANDU and that was early before prayer time. He wants to know if anyone is going to get into trouble.

MG: Tell him I am here investigating the accident to make sure it doesn't happen to anyone else.

MAJ: Since they left that early, did they stop to pray or eat around the time of the helicopters?

M: When they started to move from KANDU they stopped by CHOWZAR to pray. They continued to move and did not stop for breakfast.

MAJ: Is CHOWZAR close to the rive

M: They went through KAJIRAN and then to CHOWZAR.

MAJ: Did they take a bath or cleanse themselves in any way?

M: He said that everyone stayed in the same room overnight and that there were two vehicles. He said a third one joined them and when the third one joined then they moved from the KANDU location.

MG: Where was the third vehicle from? Where they friends or did they know each other?

M: He said he is feeling dizzy and that he cannot concentrate.

MG: Does he know anyone who was in the third vehicle?

M: The third vehicle was carrying (b)(6) and the MULLAH.

MG: Did he know anyone personally or was he related to anyone in that vehicle before the trip?

M: He knew some people that were from the villages around him. He remembered three names: (b)(6) and his son.

MG: Did he recognize any of the other people in that vehicle he may not have known them but had he seen them before?

M: He is feeling dizzy.

MG: Does he know where the dead were buried? We need to know so that we can find their families.

M: He said that he doesn't remember anything after he was hit. He said that he thinks they would have been taken to their villages to be buried.

MG: Does he know what villages?

M: He said that he had a talk with (b)(6) and that (b)(6) knows some of the dead. He said that if him and (b)(6) can be close to each other that they could get all of the names and the villages of everyone that was there.

MAJ: Does he know how many men, women, or children were in the vehicles?

M: He says three women and no children in the vehicles.

MAJ: How old is a child to him?

M: 3-4 years old.

MAJ: So where all of the men over 15 years old?

M: He said yes. They were young and that is why they were going to IRAN. He said that he has a mom, a wife, and three children but they were not in the cars with them.

MAJ: How old was the youngest person in the vehicles?

M: The youngest was 15 year old (b)(6) and the rest were older.

MAJ: Is there a village elder that we can contact for him to let them know that he is alive?

M: He said if you contact KAJIRAN that there is a government there and that they will contact my village elder.

MAJ: Does he know who helped him after the strike?

M: He said that he couldn't see anything because he was soaked in blood, but he does remember being put into helicopters.

MAJ: Does he know who helped him after the blast and before the helicopters?

M: I know that after the blast there were some helicopters but that he doesn't remember anything else.

MAJ: Is there anything else that he would like to talk about?

M: He said that he shared everything that he knew. He does have one wish, if I am alive or dead please carry me back to my village KAJIRAN because the only one left back there is my mom and she is too old to come all of the way here to see me or pick up my body.

MAJ: Did he have a chance to stop and pray that morning?

M: The way he described it was that at a border near KAJIRAN where there was water they cleansed and prayed.

MAJ: Did the women get out as well?

M: Yes they did as well.

MAJ: Why do they cleanse before they pray?

M: That is cultural and they have to cleanse before they pray.

MAJ: Did the women ever get out of the cars?

M: They only got out of the vehicle for the prayer.

MAJ: Did they make any other stops? Bathroom breaks, food, gas, maintenance?

M: They stopped for a breakdown in CHOWZAR for about 90 minutes.

MAJ: Who had the AK-47's in the vehicles?

M: He said there were no weapons.

MAJ: What about the other vehicles?

M: He says there were no weapons in the cars at all.

MAJ: Did he see any weapons when they stopped for the breakdown?

M: No.

MAJ: Were there any Taliban or anti coalition forces in the vehicles?

M: No.

MAJ: How is he feeling now? Tell me about his injuries.

M: He has pain when he breathes.



MAJ: What about his arm? He said it was broken where is it broken?

M: He is explaining the elbow area is broken and he lost a finger.

MAJ: He mentioned passing word to his mother. Do the village elders know his mothers' name? Will they know who we are talking about?

M: His village elder is (b)(6) but if we contact KAJIRAN they will contact the elder that lives in my neighborhood and he will let my mom know, just tell them to tell (b)(6) mom, they don't like to mention the female names, and he will know who to talk to. He said to tell the Doctors that if I need any operations or medicine to feel free to do those things for me so that I can get better sooner and he asked if we minded doing this for him.

MAJ: Thank you for your time and heal quickly.

(b)(6)

Male Afghan Patient (Recall)

Interviewer:

MAJ (b)(3), (b)(6) You still can't hear out of your left ear?

(b)(6) I can't hear anything out of my left ear but my right I can still hear. I have to turn my face to expose my ear to the sound.

MAJ (b)(3), (b)(6) How is your arm and hand feeling today?

(b)(6) I have pain but I can move my fingers.

MAJ (b)(3), (b)(6) How's your chest doing today?

(b)(6) I feel a stinging pain on the skin that has been scared/burned on my chest, is there anything going on inside of it.

(b)(3), (b)(6) I don't know but we can ask your doctor.

MAJ (b)(3), (b)(6) There are a few more questions we wanted to ask now that you're feeling a little better. We wanted to see if you had a chance to remember more names, or if you talked to anybody about more names of who was on the convoy with you that day?

(b)(6) Thank you and God will protect you because I have received a lot of help from you since I've been here. I have no brother or father down here to take care of me and I know that I've been hit by somebody else and I'm very thankful, you people took care of me.

MAJ (b)(3), (b)(6) Thank you for that, were trying to fit together all of the pieces of the puzzle. Similar to painting the picture, we're trying to fill in the whole picture so we have the whole view of what was going on. One of the things that we still have to paint and fill in is who was in the convoy, who lived that may have been wounded anything like that, that's what we're trying to fill in. I also want to give you the opportunity to talk to us by ourselves without having the whole hospital ward to be able to hear and talk to you as well. Is there anything that we haven't talked about so far that you thought of since we've come back that you would like to add before I start asking specific questions?

(b)(6) I've lost \$6,000.00AGHAN that equals almost \$220.00 that was lost in the whole incident. We were traveling and we heard the Helicopters closing in. I was in the 1<sup>st</sup> vehicle and I lost conscious, after I awake I found myself close to the vehicles tire. When I looked around I saw 3 women beside the other vehicle, they were intact and not injured. I started to walk towards them from one side to the other. When I got close to them I started to feel cold there were people screaming and crying. One of the women lost a son and her husband was wounded. The women were crying that some other helicopters might show up and hit us again. We heard the helicopters closing in on us again and later on a few people were passing by from the nearby houses. They asked us where we were from, call somebody to help you? When the helicopters got close and we all looked and said I think they found that there is not anybody militant here and they started to help us. I was picked up from the place I was and I was carried

close to the helicopter there I asked about my money. I told them that I'm not sure if my money is still with my clothing or not. I'm sure no one from the convoy that we were traveling with took my money. I lost my conscious again and when I woke up I was in the hospital.

MAJ (b)(3), (b)(6) We will try and find out about your money as well as your other items today.

(b)(6) Can I get an eardrop so I can hear well?

(b)(3), (b)(6) I told him that we will talk to the doctors about that.

MAJ (b)(3), (b)(6) We want to find more about who was in the other vehicles, not necessarily your vehicle but the people you all picked up this morning.

(b)(6) When we have 10-20 houses together we call it a neighborhood, we had people from all different neighborhoods but we all knew each other. We were friends, relatives and some were neighbors from the same place. I can assure you that there was no opposition or insurgents in those vehicles. We have a lot of foreigners/ Americans that can come down our roads and they help us. Our neighborhood has no opposition of insurgents... there were about 30 people in the convoy and about 13 people were from the same neighborhood, 12 were traveling in one vehicle and the other 1 was with us.

MAJ (b)(3), (b)(6) Specifically talking about the people that you all picked up in the morning that wasn't a part of the neighborhood. I know the villages and the towns were you all came from are very much a strong partner and a strong friend.

(b)(6) There was nobody

MAJ (b)(3), (b)(6) How about that morning, there were a couple of people that were not a part of your neighborhood?

(b)(6) The number of people that were traveling to the destination of Iran was about 13-14 people and we road on the pickup truck from Balhbon. When we got to the drivers house we stayed there over night and out of those 3 vehicles 1 was carrying the people that was traveling wanting to go to Iran. One of the ladies plus her husband and son they were going to Harrod Kabul and their destination. So all 3 vehicles we got together so that if anything happens we can help each other, after that nobody what so ever got into the vehicles.

MAJ (b)(3), (b)(6) Early in that morning when you started up in the mountains north of Kanduz, is that correct?

(b)(6) Yes we were coming from the north through the middle of upper and lower Kanduz.

MAJ (b)(3), (b)(6) There's a road that goes directly into Kanduz from where you guys were. But you said that you came around, stopped at the river and then went around right in between the ridge or the pass were ya'll got hit with the helicopters where the accident happened? Do you know who received the phone call telling them that there was Americans in Kanduz?

(b)(6) We were on a place that was surround by two sides of mountains and we were traveling in \*Mazeer\*. We were traveling about 4-5hrs from are primarily destination until we got hit. When the 1<sup>st</sup> one was hit the ladies came out from the other vehicles and was crying and screaming. They were running towards the road crying, yelling, and screaming. I couldn't see anything because my face was covered with blood. I heard the helicopters coming.

MAJ (b)(3), (b)(6) I'm trying to back up until right here, when you 1<sup>st</sup> started out that morning. I understand that you didn't come directly through Kandou. There are several roads that lead this way into Kandou. (Referring to map) Trying to find out if you tell me, why did you all go around Kandou instead of going through Kandou which is the shorter route?

(b)(6) We had are car here, the other one came from Kandou, and the other one came from a \*crossway\*. We all got together at the same point and we drove out. But before the Morning Prayer very early in the morning the car broke down and we stopped at a Pashton leaving place where there were house. We topped there for an hour or 2 so the car could get fixed, then we started again on our way. We traveled another 2 or 3 hours until we got hit.

MAJ (b)(3), (b)(6) The car that came from Kandou's shortest travel was here, why didn't they want to go through Kandou?

(b)(6) There wasn't any other way, we didn't know the way very well. The car that came from Kandou was son of (b)(6) and he knew the roads and the way to travel. We were only following him. Will I ever get better and get healthy again and go to my family where I have a farm and 3 kids. I know somebody's were taken to my place and my neighborhood and I don't know what's going on with my family. I'm worried about what's going on there.

MAJ (b)(3), (b)(6) We've already actually talked to the Chief of Police in your District and I think he is passing word back to the villages already. I want to talk more about the vehicle that came from Kandou. From my understanding is that earlier in the morning there was a call that went out that the Americans were coming into Kandou and were already in Kandou, is that correct?

(b)(6) The car that came from Kandou I knew all of them and there were no strangers among them.

MAJ (b)(3), (b)(6) Did you know that the Americans were in Kandou that morning, when they were leaving?

(b)(6) No, I didn't know the Americans were in Kandou. The Americans are like my brothers.

MAJ (b)(3), (b)(6) If not you did the vehicles that came from Kandou know that the Americans were in Kandou that morning?

(b)(6) There were no Americans in Kandou.

MAJ (b)(3), (b)(6) I'm still trying to figure out... I know the roads up there and have been up there... This route comes directly through Kandou and would have saved 2hrs of time to go all the way around.

(b)(6) He's not sure because there was a high level of water at that place so they didn't want to cross. Everybody came from the place and started to move because the water was low. The people from

Kandu came to our place and woke us up and we stated the vehicle. The 3<sup>rd</sup> one was waiting beyond the river so we all got together and started traveling.

MAJ (b)(3), (b)(6) Kandu is safe, but the way you all went is into Taliban country.  
(He's starting to explain everything all over)

MAJ (b)(3), (b)(6) Even the place where the place where the mountains are is a Taliban controlled town. How did you directly go into the Jaws of the lion, how did you expect to make it past the Taliban? This town has a road that goes this way and there's a small little town right here and this is where the accident happened. (Referring to map) This whole town was Taliban controlled town, was he aware of it?

(b)(6) Once again there were no strangers travelled with us. But this town that we mentioned here is the government controlled area on the Government side. The other side is the Taliban controlled area is on the Taliban controlled side.

MAJ (b)(3), (b)(6) I understand the person that led the convoy said something about making it through the Taliban controlled area; do you remember what he said?

(b)(6) He was leading the way and we were just following him. The two other vehicles were saying that they were following him any place he goes.

MAJ (b)(3), (b)(6) We were told that there was a conversation about going into the Taliban Country, do you remember that conversation?

(b)(6) No

MAJ (b)(3), (b)(6) Do you know that person's name...

(b)(6) I don't know that person's name but his father is called (b)(6)

MAJ (b)(3), (b)(6) Was it (b)(6) the person that that women said lead the convoy? (Talking to someone else in the investigation team)

(b)(6) I don't know his name, only his father's name.

MAJ (b)(3), (b)(6) Were you there for that conversation? Were you physically present for that conversation?

(b)(6) Since we moved until the time we got here I was together with him and he didn't say these words.

MAJ (b)(3), (b)(6) Did anyone receive phone calls from the people inside the town of Kandu? Did anyone receive phone calls when they were traveling that morning?

(b)(6) No, nobody received any phone calls. If they would have received any it would have saved us from going to the danger. The guy that was leading us said he was taking us to Iran. If he would have

made it he would have made a lot of money out of us. He has also been killed. The son of (inaudible) has been killed; (b)(6) is the son of that lady. But his uncle that would be that guy's brother is alive. Nobody wants to hurt anybody.

MAJ (b)(3), (b)(6) This will probably be the last time you see me, is there anything that you would like to tell me or the General before I go?

(b)(6) The incident that happened was something that came from God but I just have a request. When I leave from the hospital I have no money or no place to go. My request is that when I'm released take me to Kazran by a helicopter or something. Kazron is a safe place and the Government is ruling.

MAJ (b)(3), (b)(6) I will definitely talk to the General and the Doctors about doing that. Also I will talk to someone about the money. The villages and town where you are from are strong partners and we thank you for being strong partners with the Government of Afghanistan as well as the Government of the United States. We hope that you feel better, and we pray for your safe return.

(b)(6) Thank you and may Allah protect you.

(b)(6)

Male patient

Interviewer(s):

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

MAJ (b)(3), (b)(6) Has the MG already spoken with you?

(b)(6) No

MAJ (b)(3), (b)(6) What's his name?

(b)(6)

MAJ (b)(3), (b)(6) (b)(6) who were you traveling with, do you know the names of anybody else?

(b)(6) I was traveling in the last vehicle, the 3<sup>rd</sup> vehicle. (b)(6) was the driver and there were 12 people in the car. In the front car I think they're were 15 people. There were 4 ladies in the car, 1 injured. In the middle car was my cousin, (b)(6) was traveling Iran with (b)(6) and also another cousin of mine named (b)(6) who have also been killed.

MAJ (b)(3), (b)(6) Any other people that he knows the names of inside of the vehicles?

(b)(6) In the front vehicle it was (b)(6) the other gentleman on the side. (b)(6) son of (b)(6) he was the driver. (b)(6) son of (b)(6) son of (b)(6) son of (b)(6) There was another (b)(6) that was a child about 10-15yrs, his father's name was (b)(6) In front of him was (b)(6) son of (b)(6) son of (b)(6) In the middle vehicle was (b)(6) that is this gentleman's uncle. (b)(6) son of (b)(6) plus 4 with (b)(6) is his cousin plus his 4 kids. Four ladies, one ladies name was (b)(6) other ladies name was (b)(6) and the other lady is down there taking a nap. In the front vehicle...

MAJ (b)(3), (b)(6) You said there were four ladies?

(b)(6) The fourth ladies name was (b)(6) but I'm not sure about the name. In the front vehicle was (b)(6) son of (b)(6) son of (b)(6) son of (b)(6) son of (b)(6) son of (b)(6) son of (b)(6)

MAJ (b)(3), (b)(6) Were there only 4 women traveling on the convoy?

(b)(6) Yup only four ladies

MAJ (b)(3), (b)(6) Any children below the age of 10yrs old?

(b)(6) Yup there were children under 10yrs.

MAJ (b)(3), (b)(6) How many children under 10yrs?

(b)(6) Between 3-4 children

MAJ (b)(3), (b)(6) Do you know their names? And what cars they were in?

(b)(6) The one kid I knew his name because he was in the hospital, his name was (b)(6) But I don't know the names of the other children; they were traveling in the middle vehicle.

MAJ (b)(3), (b)(6) Does he know if any children were killed on the day of this incident?

(b)(6) I don't know of any children that were killed, but it's because I was injured too in a lot of pain and trouble myself. But I saw the one child in the Hospital that was alive.

MAJ (b)(3), (b)(6) Does he know what happened to the other children?

(b)(6) No I don't know what happened to the other ones.

MAJ (b)(3), (b)(6) There were 2 men that left after the accident and never came back; do you know who those people are?

(b)(6) interrupts)

(b)(6) There were two guys from a village called Myhnraba, they went to get us some help.

(b)(3), (b)(6) (b)(6) was trying to say they were Taliban, and the other man butted in and said "we don't know who they were".

MAJ (b)(3), (b)(6) The reason why I'm asking is because the Taliban knew about the strike before the American's were even there so we're trying to figure out who these people are and if they were Taliban.

(b)(6) That is because the incident took place in the Taliban controlled area.

MAJ (b)(3), (b)(6) Does he think these two people were Taliban?

(b)(6) I don't know, I didn't see anybody and I don't know if they're Taliban or if they were Civilians.

MAJ (b)(3), (b)(6) Those two males... we'll get to that later... One of those guys was picked up by a car and just left everyone there and never came back.

(b)(6) No car came at that time to the incident site.

MAJ (b)(3), (b)(6) It was on the other side of the hill.

(b)(6) No vehicle showed up.

MAJ (b)(3), (b)(6) Does he know where those other two people are, if there in need of help? Or has he heard of anything?



(b)(6) No I don't know about them

MAJ (b)(3), (b)(6) Did he already give us the names of those people.

(b)(6) These two guys that left were (b)(6) son of (b)(6) and (b)(6) son of (b)(6) They were injured in the legs but they were superficial. We told them to go and get some help or some vehicles to take us to another place.

MAJ (b)(3), (b)(6) Where were they coming from that morning, can you walk me through the time you woke up to the time the incident happened?

(b)(6) 0200 that I moved from my house in Jullyah village, after walking 2hrs I got to Kandu village that is close to Kazran district. We were only in one vehicle, we planned to drive to the river and the other two cars would come up from the other side. Then everybody would get together then we would move out. At 0400 we stopped by the river and did a prayer. Then we started to move out and we were struck in the Halzad area.

MAJ (b)(3), (b)(6) That morning was there a fight about someone trying to get on the convoy that they didn't want there?

(b)(6) There was nobody that wanted to get in the car.

MAJ (b)(3), (b)(6) Everyone that was in the cars, did they know each other?

(b)(6) Yes we all knew each other.

MAJ (b)(3), (b)(6) Where were they going to?

(b)(6) We were going to different destinations. They were going to Harraad, some people were going to Kandahar, and some people were going to Iran including myself.

MAJ (b)(3), (b)(6) When they were going to Iran did they have bags that they were taking because they were going there for a while?

(b)(6) No we didn't have any bags

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

(b)(6) we don't carry any bags when we go to Iran. When we get to Nuhmaras that is on the border Providence by Iran, there we buy bags and put our stuff together.

MAJ (b)(3), (b)(6) Tell me about the accident, about the strike?

(b)(6) The helicopter showed up at 0900 and then they left, after a short while they came back. While they were gone we said lets drive slower they might think we're Taliban and they might hit us, so let's drive slowly. Next time they showed up they hit the front vehicle 1st, then the 2<sup>nd</sup>, and then the 3<sup>rd</sup> Vehicle. We didn't know what happened. Once we got are conscious back we saw that people were injured and after a while the ISAF showed up and surrounded the area. They were trying to find out if

we were Civilians or Militants. They took us to TK and the dead bodies were taken back to their families by the villagers.

MAJ (b)(3), (b)(6) How many men were killed in the incident?

(b)(6) Between 10-15 males were killed.

MAJ (b)(3), (b)(6) Does he know who the Militants were and who were Civilians?

(b)(6) They were all Civilians

MAJ (b)(3), (b)(6) The reason why I asked this question is because I looked at the gun tapes from the Helicopters and it looked like two people in the 3<sup>rd</sup> vehicle when they got out were carrying AK 47s.

(b)(6) The 3<sup>rd</sup> vehicle, I go to God as a witness that there was nothing in the 3<sup>rd</sup> vehicle.

MAJ (b)(3), (b)(6) The people that came to help afterwards and allowed the bodies to be taken, did he know any of those people from the police or from the ANA?

(b)(6) ISAF Forces

MAJ (b)(3), (b)(6) Do you mind if we take pictures to document your injuries?

(b)(6) Go ahead and take the picture, I don't have anything else to say. Thank you

(Re-attack, 1 day later)

MAJ (b)(3), (b)(6) I'm giving you the opportunity to talk to you a little bit more, we were interrupted a little bit yesterday and this is probably the last time you will see me. Is it anything that you would like to tell me that you didn't tell me yesterday?

(b)(6) I don't remember anything more than what I told you. What I seen and what I knew was exactly like I told you.

MAJ (b)(3), (b)(6) We're trying to paint a picture of everything that happened. In painting that picture we are trying to figure out what that picture will ultimately be, and you're the one that can help us with that. I wanted to ask you about the people that came from the Village of Khod that morning.

(b)(6) 10-15 people came from Kanduz and the rest of the passengers were from my neighborhood and there were no strangers.

MAJ (b)(3), (b)(6) Did you hear that the Americans were at Kanduz that morning?

(b)(6) There were some people that came from Kandahar from the place we were deciding to move and we had asked them about the roads. Asking them if the roads are secure and if there was Taliban and they told us that there was nobody and that the route was secure. But they told us about this pass

that they call Khuni, in that pass robbery is normal. We were told by those people that were coming from Kandahar that Khuni pass was where the Americans have landed, but we didn't make it to that pass it was the Chazar path that was ahead.

MAJ (b)(3), (b)(6) I'm trying to figure out why they didn't go through Kandou that morning.

(b)(6) The people that came from Kandou a place he calls Rotchara. Those people told us that there was fighting and it's not that secure and good to go. So we chose to go through Chazar path.

MAJ (b)(3), (b)(6) They told them that the Americans were in there fighting?

(b)(6) We were told that there was a fight between the Americans and the Taliban.

MAJ (b)(3), (b)(6) That was going on that morning?

(b)(6) Yes, that night through the following day, the following morning.

MAJ (b)(3), (b)(6) Do you remember who told you that?

(b)(6) The driver that came from Kandou

MAJ (b)(3), (b)(6) Does he remember the name?

(b)(6) He's from Kandou but I have forgotten the name. I can't remember it now.

MAJ (b)(3), (b)(6) What vehicle was he in?

(b)(6) He was in the 1<sup>st</sup> vehicle.

MAJ (b)(3), (b)(6) We talked yesterday about people that he thought were Taliban. Is the driver the one that you thought would be Taliban?

(b)(6) I knew he was not Taliban; He was only a driver doing his business, carrying passengers back and forth.

MAJ (b)(6), (b)(3) The reason why I'm asking is because the only people that knew the Americans were in Kandou that morning was the Taliban.

(b)(6) The driver told us that there was a fight going on between ISAF and the Taliban and he provided us with few options to go through Chazar or Lhuzar, and we chose Chazar. We were told that when you pass there's Americans and normally they search people and let them go through.

MAJ (b)(3), (b)(6) In the route that ya'll went you went directly through Taliban Controlled area.

(b)(6) We passed the Taliban Controlled area and we were between the Taliban Controlled area and a place where the Americans were, where it was all secure, past the Taliban. We were on our way to the place where the Americans were.

MAJ (b)(3), (b)(6) How were they expecting to get through Taliban country?

(b)(6) When the Taliban stop people for searching they don't find any evidence that connect our people to the government, like voters registration card, those would have been issued by the government. If they don't find those things when they do a search they just let people go. We didn't bring all those things with us.

MAJ (b)(3), (b)(6) Is there anybody he suspects based on the conversations yesterday, you don't have to tell me the names, do you suspect that there were people from the convoy that are from the Taliban?

(b)(6) Swears to God that there was nobody that was Taliban.

MAJ (b)(3), (b)(6) The reason why I'm asking is because do you know that when you guys were traveling that someone was calling and saying that the Americans were in... and giving a status of the Americans fight in Khod?

(b)(6) When we traveled out of those 30-40 passengers nobody had a cell phone and we didn't see any Taliban.

MAJ (b)(3), (b)(6) This will be the last time that you'll probably have a chance to talk to me, is there anything that you would like for me to take back to the MG or to express on your behalf?

(b)(6) Will I get an artificial leg for me and how will we get back to our Villages?

MAJ (b)(3), (b)(6) I can tell you that what they plan on doing is transporting you back to that area. Up to the TK area and probably assist you in getting back to your location.

(b)(6) What about the leg?

MAJ (b)(3), (b)(6) I will talk to the doctors first thing about the leg. The village that you come from is a strong partner of the Americans and a strong friend.

(b)(6) I think of Americans as brothers and since the United States has been to Afghanistan nobody ever has shot at them anytime they come to our place we will treat them like brothers.

MAJ (b)(3), (b)(6) They have been a very strong friend and I want to thank them for that, thank them on behalf of the Americans for being a true friend. That's all that I have.

(Close)

STATEMENT OF (b)(6) ASG COMMANDER

Interpreted by SPC (b)(3), (b)(6)

SPC (b)(6) I am ready to answer any questions and tell you what I have seen because a lot of the casualties are where I am from.

MG: What is your name and how old are you?

SPC (b)(6) [Shows ID Badge] That is his name and he is (b)(6) sir.

MG: Where are you from?

SPC (b)(6) From Kity District, Dykundi Province, Quinzo village.

MG: Can you read a map and show us?

SPC (b)(6) No he cannot read a map.

MG: How long have you worked with the Special Forces team?

SPC (b)(6) About 8 years.

MG: What do you do for the team?

SPC (b)(6) The main job is providing security around the perimeter; I have 150 personnel under my command.

MG: Where are the majority of your personnel from?

SPC (b)(6) They are from my village.

MG: What, how often do you get to go home to your village?

SPC (b)(6) Normally we go home every six months and we stay for 1 month. I walk to my village for 12 to 14 hours, I don't go as often as my guys.

MG: You walk home 15 hours?

SPC (b)(6) I walk for 14, 15 hours to a place I can get some transportation, and then they drive me home for 4 hours, then I get to my hometown. In the course of 8 years I have lost 40 people that were killed and 35 injured. Some have been captured by the Taliban and decapitated.

MG: You were on the mission on the 21, in the town of Khod?

SPC (b)(6) I was there in that operation based on the request from the police chief of this district. I was present in the mission.

MG: When you went into the town of Khod how did you get there?

SPC (b)(6) Helicopters.

MG: What happened when you got there, that night?

SPC (b)(6) That was 3 am that we were transported to the vicinity. We stayed there in a camp area. It was between 9 and 10 in the morning that the police chief district. He told me three vehicles were struck and for us to go there.

MG: Was he in the town of Khod at that time?

SPC (b)(6) Yes sir.

MG: Where he and the police chief at that time?

SPC (b)(6) We were in the vicinity on Khod.

MG: Did the police chief get a radio call or something?

SPC (b)(6) The police chief called me on the radio. He told me that 3 cars had been struck, from there we got into helicopters and were taken to the strike. We landed, and went to the cars. The police chief asked me if I knew any of these people. I said yes I know them they are from the same place that I am.

MG: All of them?

SPC (b)(6) Out of those people, 7 or 8 of them. But I could not recognize the rest. When I saw that I called the police chief of Kazaran district to tell him the incident had taken place. The wounded were put into helicopters and taken to Tara Khod. There was four women one was wounded and the rest were in tack. I told him to send cars to pick of the 8 dead.

MG: Were these people from Kazaran or Dykundi?

SPC (b)(6) They were all from Karazon district, lower Kundu villages.

MAJ (b)(6) Are any of those villages occupied by Taliban?

SPC (b)(6) No.

MG: How many dead people on the scene that you saw?

SPC (b)(6) 16 people.

MAJ (b)(6) You got to scene all 16?

SPC (b)(6) Yes sir.

MAJ (b)(6) Did you recognize any of the dead?

SPC (b)(6) I recognized 3 to 4.

MA: (b)(6) Where were they from?

SB: (b)(6) Four names, three from Kundu village and one is from Bung.

MA: (b)(6) Why do I think I heard Kundu, there is Taliban in that area?

SB: (b)(6) Kundu is in the vicinity of Gorhinu, they have a boarder. So sometimes they go from the Gorhinu and the boarder, but there is an agreement between the Taliban the village. In the winter the path is snowed in. So for emergencies if someone needs to pass through the Taliban allows them to pass through their territory. If the Taliban needs to pass through Kundu than they can do so unarmed.

MA: (b)(6) How many people were loaded on the helicopter?

SB: (b)(6) We loaded 8 people, 1 woman and 1 children, the rest were males.

MA: (b)(6) Did they say where they were going in those three cars?

SB: (b)(6) They were going to Kandahar. I was shocked and was trying to help them get care. That is a tradition sir. To take them to a place to get taken care of. The Taliban was on the radio planning an attack on the helicopters.

MA: (b)(6) Were any of those people were Taliban?

SB: (b)(6) There were not any Taliban people. But those I couldn't recognize I don't know about them.

MG: Were they relatives and friends?

SB: (b)(6) They were relatives, cousins form the same tribe. Because they were all from the same place they knew each other.

MG: So you believe that the strike was a bad strike, an engagement on those vehicles?

SB: (b)(6) I don't know what basis the strike was done, but they all were civilians.

MG: Was (b)(6) on the scene at the time?

SB: (b)(6) Yes.

MG: Did you two talk about this?

SB: (b)(6) Everyone was in a very bad mood.

MG: Did he (b)(6) talk about this and that they were all civilians?

SB: (b)(6) We didn't discuss any issues because the scene was a horrific scene.

MA: (b)(6) We saw many running from the scene before you got there, why would they run if they were all families?

SBC (b)(3), (b)(6) When he got to the scene he was told that two passengers ran away but he doesn't know why.

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

SBC (b)(3), (b)(6) When he called the police chief as Kazaran to send means to carry dead bodies, he said he could not send any governmental help or vehicles. But about ten vehicles from the village people showed up and carried the bodies.

MAJ (b)(3), (b)(6) From Kazaran?

SBC (b)(3), (b)(6) From Kazaran, and the three villages, because there were dead people from all these villages.

MG: And that is where they would be buried?

SBC (b)(3), (b)(6) Yes sir, in these villages.

MAJ S: Would you like water?

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

MAJ (b)(3), (b)(6) The two people that ran away, do you know where they came from?

SBC (b)(3), (b)(6) When I got to the scene they didn't know where they were from.

MAJ (b)(3), (b)(6) I'm asking does he know where they were from.

SBC (b)(3), (b)(6) It is a long distance, like 10 kilometers from the place I was to the place they were.

MAJ (b)(3), (b)(6) It sounds like you are a very powerful person with 150 people under your command.

SBC (b)(3), (b)(6) I am not a powerful man, I am just providing security. I don't have rank, I am not a very important person. I just pay and do my job.

MAJ (b)(3), (b)(6) But 150 people, he knows all the people in this area and the surrounding areas.

SBC (b)(3), (b)(6) These are all men under him from Kitty. Kazaran and Kitty are together but separated into two separate districts.

MAJ (b)(3), (b)(6) But he talks to his men as well? He's the man who can hear the wind in the mountains wherever it may blow?

SBC (b)(3), (b)(6) We have casual conversations but about this incident, everyone that had a radio, heard the Taliban saying this.

MAJ (b)(3), (b)(6) Saying what?

SBC (b)(3), (b)(6) Taliban was saying on radio that helicopters had struck cars and it was 45-50 civilian casualties.



MA: About what time did that start?

SBC: I don't remember what time it was.

MA: Was it in the morning?

SBC: Yes in the morning.

MA: Was it before he went out there?

SBC: We heard them on the radio when Taliban was on the radios during the morning hours.

MA: About how long after the strike, did everyone start talking about it on the radios?

SBC: We did not hear it, he says sir.

MA: The Taliban were not talking by the time it had happened, but it was 1000.

SBC: Who was talking, can he hear them on that type of radio?

MA: Yes when go out, I put it on the Taliban frequency channel and I can hear the traffic.

SBC: Is that on right now, the radio?

MA: Yes sir it is.

SBC: Shut it off.

MG: What frequency is the Taliban on?

SBC: The frequency I don't. But when I put it on search it captures it.

MA: Before he went out to the scene the Taliban had already began talking on the radio that the strike had happened?

SBC: Yes we heard it from the Taliban. They were saying it on the radio.

MA: He heard the chatter on the radio before he went to the scene, yes or no?

SBC: Yes.

MA: Did he hear that it was third person that ran away but was picked up by four other people?

SBC: No I don't know about it.

MG: I just want to confirm, he said he recognized 8 or 9 people from the scene, is that correct?

SBC: I recognized 4 people.

MG: Dead or alive?

SPC (b)(6) recognized 3 dead bodies and 1 injured.

MG: Do you know their names?

SPC (b)(6) He gave me three names; [unintelligible], [unintelligible] was the father of the injured one. The injured one's name is [unintelligible]

MG: Did we meet him?

SPC (b)(6) I don't believe so sir.

MG: Any women among the dead?

SPC (b)(6) No.

MG: Any children among the dead?

SPC (b)(6) Two children.

MG: How old?

SPC (b)(6) 3, 7, 8, or 9.

MG: Deceased or injured?

SPC (b)(6) Killed sir.

MG: Does he remember which truck the children were in?

SPC (b)(6) No sir.

MG: Did he see the two children or did he hear about it?

SPC (b)(6) I saw them.

MG: Where did he see them?

SPC (b)(6) On the incident sight.

MG: Where on the incident sight, the exact location?

SPC (b)(6) Right here on the side of the vehicle and their mom too.

MAJ (b)(6) Presuming they were traveling this way, there was the mother and two children, where were they?

SPC (b)(6) saw one dead child with the mother but the second I found when all the dead bodies were collected at this point.

MG: The mother was still alive but the child was not here?

SPC (b)(6) Yes.

MG: Was that the woman that was injured or one of the uninjured women?

SPC (b)(6) It was one dead child in that place with one woman. All the women were here on this site and they had the children. He indicates 3 -4 alive children.

MG: The mother wasn't dead was she?

SPC (b)(6) No.

MA (b)(6) Has he heard that there was a Mullah in the convoy?

SPC (b)(6) I don't know if there was a Mullah everyone's appearances were the same. They had turbans and beards.

MA (b)(6) The police chief sent people from Kazaran, it's it about two hours away by car?

SPC (b)(6) Yes.

MA (b)(6) How did they get there so fast?

SPC (b)(6) It was like two hours that we waited for them to arrive on the scene.

MA (b)(6) Two hours from when they heard it on the radio or when they arrived on the scene?

SPC (b)(6) Two hours from when I got there on the scene.

MA (b)(6) He said he was listening to the Taliban traffic in the morning and heard about the strikes. Before the strikes had he heard Taliban traffic that said they would come from the north to crush the forces in the south in Khod?

SPC (b)(6) No I didn't hear anything before the strike.

MA (b)(6) Did he hear anything on the radio?

SPC (b)(6) I didn't hear anything before.

MA (b)(6) How would the Taliban know that the strike happened?

SPC (b)(6) I don't know how they find out about things.

MA: (b)(3), (b)(6) Danny said he had a lot of chatter of the Taliban coming to crush the American, had he heard anything like that?

SPC: (b)(3), (b)(6) My radio was turned off from the time we landed until 9:00 the next morning.

MG: Has anything changed in the community after the strike?

SPC: (b)(3), (b)(6) The people back in Kazaran and my villages they say that the Americans did not have any bad feelings towards us, that it was just a mistake and incident. The people in this area however, that we are in right now because the Americans killed the Hazara's, and they became very happy when Hazaras are killed. But at the sight of the incident, they Taliban have hit their own people. It means the Taliban consider the Hazaras as the American people. But the people in the surrounding villages, they are very happy with the captain here running the base.

MA: (b)(3), (b)(6) What captain is that?

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

MA: (b)(3), (b)(6) Is that a nickname is a different name, the captain that brought us in here?

SPC: (b)(3), (b)(6) It's not appropriate to ask his name.

MA: (b)(3), (b)(6) We will let the record reflect CPT (b)(3), (b)(6)

MG: What is that CPT doing correct and what are your recommendations for us in the future?

SPC: (b)(3), (b)(6) They don't have a problem with CPT (b)(3), (b)(6) and this is a mistake. They just needed some care, and compensation by giving their condolences to the village elder and families. They 100% believe that it was a mistake.

MG: Thank you very much.



**BOOK 4**

**21 FEBRUARY 2010 – URUZGAN PROVINCE CIVCAS**

**TABLE OF CONTENTS**

**STATEMENT P-Z**

<u>TAB</u>	<u>NAMES</u>	<u>DATE</u>
1.	SGM (b)(3), (b)(6) DA 2823, page 1-8	26 Feb 10
2.	LTC (b)(3), (b)(6) DA 2823, page 1-	28 Feb 10
3.	SSG (b)(3), (b)(6) DA 2823, page 1-4	04 Mar 10
4.	PO2 (b)(3), (b)(6) DA 2823, page 1-13	02 Mar 10
5.	MAJ (b)(3), (b)(6) DA 2823, page 1-18	26 Feb 10
6.	BG Edward Reeder, DA 2823, page 1-13	14 Mar 10
7.	LTC (b)(3), (b)(6) DA 2823, page 1-5	26 Feb 10
8.	MAJ (b)(3), (b)(6) DA 2823, page 1-7	03 Mar 10
9.	CPT (b)(3), (b)(6) DA 2823, page 1-8	26 Feb 10
10.	COL (b)(3), (b)(6) DA 2823, page 1-11	03 Mar 10
11.	MAJ (b)(3), (b)(6) DA 2823, page 1-12	03 Mar 10
12.	Special Forces Meeting, page 1-33	26 Feb 10
13.	A1C (b)(3), (b)(6) DA 2823, page 1-14	28 Feb 10
14.	CIV (b)(3), (b)(6) DA 2823, page 1-13	25 Feb 10
15.	SrA (b)(3), (b)(6) DA 2823, page 1-12	25 Feb 10
16.	LTC (b)(3), (b)(6) DA 2823, page 1-7	25 Feb 10
17.	MAJ (b)(3), (b)(6) DA 2823, page 1-4	04 Mar 10
18.	MAJ (b)(3), (b)(6) DA 2823, page 1-13	03 Mar 10
19.	CW3 (b)(3), (b)(6) DA 2823, page 1-11	26 Feb 10
20.	CPT (b)(3), (b)(6) DA 2823, page 1-14	04 Mar 10
21.	MAJ (b)(3), (b)(6) DA 2823, page 1-20	03 Mar 10

- 
- 22. TSGT (b)(3), (b)(6) DA 2823, page 1-21 26 Feb 10
  - 23. SFC (b)(3), (b)(6) DA 2823, page 1-10 28 Feb 10
  - 24. SSG (b)(3), (b)(6) DA 2823, page 1-7 26 Feb 10
  - 25. CW2 (b)(3), (b)(6) DA 2823, page 1-7 26 Feb 10
  - 26. CPT (b)(3), (b)(6) DA 2823, page 1-20 28 Feb 10
  - 27. CW2 (b)(3), (b)(6) DA 2823, page 1-9 26 Feb 10
  - 28. (b)(6) page 1-2 01 Mar 10
  - 29. (b)(6) page 1-5 01 Mar 10

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 air to ground fire incident in the vicinity of Shadia-e-Hass, Kuruzga District 21 Feb 10

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

Signature

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	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
-------------	---	-------------------

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)  
CO AOB 3120

Interviewer:

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

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

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

(Sworn in and read privacy act by MAJ (b)(3), (b)(6) consented by SGM (b)(3), (b)(6)

COL (b)(3), (b)(6) Where were you at during this mission?

SGM (b)(3), (b)(6) I was in the AOB TOC Sir.

COL (b)(3), (b)(6) At FOB?

SGM (b)(3), (b)(6) FOB (b)(1)1.4a Sir.

COL (b)(3), (b)(6) I'll be honest, I'm not a SF Soldier but we've discussed it for the last couple of days. What does the ODB do during a mission such as this?

SGM (b)(3), (b)(6) I don't know what the ODB typically does, but what I have my guys do because we don't command control them is once they call kick off and do their mission I have a COMMO guy or someone on arm radio watch all the monitor SATCOM traffic for all my teams that are out there, they record that in the notebook. After a 3hr shift I have them type up a COMMO Log that every word is being said by all 6 teams out there. Other than that besides monitoring the SAT 12 COMMO Traffic the only other things I can effect is if they need an emergency resupply due to my position out here in TK with (b)(1)1.4a over there and they have the mission birds. I can throw some speed balls up there and help the team out that way sir, but I have to wait until the SOTF tells me. Other than that we just monitor traffic on what the teams are doing mission wise sir.

COL (b)(3), (b)(6) So you have a Log of the traffic you monitored through this specific mission?

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

COL (b)(3), (b)(6) We will need a copy of that log.

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

COL (b)(3), (b)(6) During this particular mission on the morning of the 21<sup>ST</sup> of Feb was there anything note worthy that occurred during this mission based on your Battle tracking and your Command post?

SGM (b)(3), (b)(6) No Sir. I mean we were listening to the SAT 102 as the entire...from kick off...as the entire mission was transpiring but we lose a lot of situational awareness especially when the SOTF stops calling on SAT 102 and say call me on a radio and so basically were getting our picture painted to us by SAT 102.

COL (b)(3), (b)(6) Who is normally talking on SAT 102 that your monitoring, who to who?

SGM (b)(3), (b)(6) (b)(1)1.4a which is SOTF and then whichever my teams are sir. So it will be like (b)(1)1.4a or (b)(1)1.4a

COL (b)(3), (b)(6) So the ODA is talking to the SOTF (b)(1)1.4a or the BN, on SAT 102?

SGM (b)(3), (b)(6) Roger Sir.

COL (b)(3), (b)(6) Was there any point during this particular mission when your RTO that is monitoring SAT 102 called either you, or to the best of your knowledge the MAJ in to discuss this mission?

SGM (b)(3), (b)(6) Well Sir, let me just back up and make things clear. We have a CONOP level one or two going on, either me or the MAJ unless we get pulled away are in there. We're trying to monitor Sat 102 the whole time. That particular morning we had a meeting at 0900 which we usually have at 0900. The only other time I got pulled away was later when we got a call from I think TF (b)(1)1.4a or whoever they are, they had an AG Team that was touching down in TK. Another time we got called in there was when (b)(1)1.4a wanted to know when 24 was going to get the XFILL for them to get the BDA site.

COL (b)(3), (b)(6) At what point did you realize or were you notified about civilian casualties?

SGM (b)(3), (b)(6) Well sir when the TF (b)(1)1.4a or the AVI team...when they landed at TK they came over to our TOC and they were saying they suspected something of that from their ISR platform. They were explaining the situation to me and the MAJ and that's the first we heard about, but it wasn't a for sure thing...it was like a suggestion.

COL (b)(3), (b)(6) Do you remember approximately what time the AVI team landed at TK?

SGM (b)(3), (b)(6) I do not sir, I can't remember off the top of my head.

COL (b)(3), (b)(6) Was it before or after ODA (b)(1)1.4a was conducting (b)(1)1.4a at the site?

SGM (b)(3), (b)(6) It was before, because at that same time SOTF had called. We didn't have any situational awareness of what was going on actually on the ground from what 24 was doing and the BDA site. We got a call from SOTF out of the blue saying that they wanted our guys to launch the QRF. We didn't know why we were launching the QRF and at the same time MAJ was out there talking to (b)(1)1.4a He had been called out by (b)(1)1.4a. I don't want to give my time all mixed up but uhh....I lost my train of thought there sir...I apologize.

COL (b)(3), (b)(6) Well let me ask you this, you said you were called from SOTF to launch you're...

SGM (b)(3), (b)(6) Yes Sir, we were called to launch our QRF and to conduct BDA. I called CPT (b)(3), (b)(6)..I had one of my guys call on SAT 102 and we got a hold of him on the radio. CPT (b)(3), (b)(6) wanted to conduct the BDA himself and he was at PG posture ready to go...so... I called the SOTF because we're getting a whole bunch of phone calls at this time. We didn't know why we were getting all these phone calls so we called the SOTF and asked them what the emergency was and why CPT (b)(3), (b)(6) couldn't do this BDA himself. They said Roger go ahead and send him in. So, I got a hold of (b)(1)1.4a and they just sent those two

mission birds out there to pick him up and do the BDA at that point in time Sir. We stood our guy up, the team the KAU down for the QRF Sir.

COL (b)(3), (b)(6) The original question was when were you first notified of the civilian casualties? You said you started getting questions with the AVI, but go ahead...

SGM (b)(3), (b)(6) I forgot about that, there was a ... we were getting initial reports that there might be women and children on field when the AVI team was there. There was nothing confirmed, and once CPT (b)(3), (b)(6) got down on the ground for BDA we'd lost contact with them. Because, I guess from the story I was getting, they landed at the... and WOLFPACK dropped them off at another spot and then they had to haul ass about 20Ks or 20mins to get to where they actually had to go. Then they called in the MEDEVAC and said that there might be women and children on the MEDEVAC. The 6 wounded that are at our SF camp, Camp (b)(1)1.4a for FST Role 2 guys at our camp and it was all males. Just from a quick look they all looked like fighting aged males. I sent my medic, my 18D over to the Dutch to confirm if there were any women and children over there and they wouldn't let him in but he did a little peak around and he said all he saw was males. Somebody called on the phone, I can't remember who it was and I said there weren't any women and children over here at TK I don't know what you're talking about. That was after the MEDEVAC had gone into work Sir.

COL (b)(3), (b)(6) So he was not allowed in the Dutch, but he peaked around the corner and all he saw was MAMs.

SGM (b)(3), (b)(6) Roger sir, at that point and time it was later in the afternoon or maybe early evening. I sent him back over there again because at this point in time we were getting calls like every 2sec at the AOB. They still didn't let him in, but the Dutch FST over there said there is a woman and a child over here in addition to those males. That's when we finally got confirmation that there were woman and children that we MEDEVAC out. That was hours after the MEDEVAC landed Sir.

COL (b)(3), (b)(6) Let me go back to the, I guess the Battle tracking here. Are you able or was your RTO able to monitor the traffic and I think you said yes or some of it anyway between the SOTF and the (b)(1)1.4a?

SGM (b)(3), (b)(6) Yes Sir, but once they hit the ground to do the BDA there was no traffic between the SOTF and 24. The only way I got a hold of the team is because (b)(1)1.4a was asked and once (b)(1)1.4a dropped them off he was asked how to XFILL so I tried to call on SAT I tried to call them on the radio and get a hold of them because apparently they were moving. Especially during a mission like that and your ass up to the SATCOM right away, there JTAC was talking to Predator and the Predator was in the chat room recording everything. So I had one of my guys jump on there and ask Predator to ask them when they want to be XFILLED. The only communication I had with them was when they were conducting the (b)(1)1.4a on the target sir.

MAJ (b)(3), (b)(6) Who is the ADI team?

SGM (b)(3), (b)(6) The (b)(1)1.4a I'm assuming Sir

MAJ (b)(3), (b)(6) Did you ever have any type of communications with the group...

MG: You got the ANA guy here yet?

(Another conversation about when the ANA guy was coming, going on in the background)

MAJ (b)(3), (b)(6) With the Aviation guys that actually took the shot and the kill, did you have any type of communication with them at anytime that morning.

SGM (b)(3), (b)(6) Negative Sir.

MAJ (b)(3), (b)(6) What about during the afternoon?

SGM (b)(3), (b)(6) Negative Sir.

MAJ (b)(3), (b)(6) Up until this time, have you had any conversation with them?

SGM (b)(3), (b)(6) When they were, when MG McHale and the IJC assessment team came in that's when I first meet them Sir. They were standing in my TOC and I had them monitor the VIP for Commodore (b)(3), (b)(6) I didn't talk to them about the incident.

MAJ (b)(3), (b)(6) Is this a group you never known before?

SGM (b)(3), (b)(6) This is the first time I ever meet them.

MAJ (b)(3), (b)(6) I also want to clarify some of the words you utilized, you said there was going to be a BDA, was that a correct assessment?

SGM (b)(3), (b)(6) Roger Sir.

MAJ (b)(3), (b)(6) I'm just going to go through a whole series of terms. (b)(1)1.4a who is (b)(1)1.4a ?

SGM (b)(3), (b)(6) (b)(1)1.4a is the Air Assets BN we have at FOB (b)(1)1.4a sir.

MAJ (b)(3), (b)(6) XFILL?

SGM (b)(3), (b)(6) xfiltration Sir.

MAJ (b)(3), (b)(6) I'm just going through all the terms...TK?

SGM (b)(3), (b)(6) Tarin Kowt Sir.

MAJ (b)(3), (b)(6) (b)(1)1.4a site?

SGM (b)(3), (b)(6) (b)(1)1.4c

MAJ (b)(3), (b)(6) You also mentioned that (b)(1)1.4a

SGM (b)(3), (b)(6) (b)(1)1.4a is a call sign for SOTF (b)(1)1.4a Sir.

MAJ (b)(3), (b)(6) Let me back up just a little bit...with regards to the timing, You said that at one point in time that the first time you heard of women and children were possibly apart of the strike was that there were several phone calls and that came from whom?

SGM (b)(3), (b)(6) Well I might have mis-said it...the first time I heard anything is when the AVI team came to our TOC. I think it was there head guy, but he was explaining that from there ISR Platform they thought that they had seen women and children, but they had been talking to the SOTF back and forth.

MAJ (b)(3), (b)(6) That was when they were physically present at TK?

SGM (b)(3), (b)(6) He had landed at TK, Roger.

MAJ (b)(3), (b)(6) Did you have communication with the GFC at anytime during the entire morning?

SGM (b)(3), (b)(6) Negative sir, we just monitor the radio traffic, that's all we do.

MAJ (b)(3), (b)(6) and monitoring the radio traffic was there any traffic going on saying that women and children were a part of the strike?

SGM (b)(3), (b)(6) Negative Sir, matter of fact they were saying 0% incident with CIVCAS was the initial BDA I believe in the morning.

MAJ (b)(3), (b)(6) With the regards of the actual reporting up to SOTF or CJ-SOTF, do you know who did that and when it was done?

SGM (b)(3), (b)(6) By reporting...what are you referring to Sir?

MAJ (b)(3), (b)(6) That's exactly...tell about what reports are done and was there any type of reporting.

SGM (b)(3), (b)(6) At the AOB level we don't typically do any reports from the missions. The ODA will do all the reports straight to SOTF, all we do is monitor the...once they call "Kick off" all we do is monitor the SATCOM traffic. Now for whatever reason after this incident everything got dumped in our lap so we started doing reports on the casualties, but they were there so it's kind of understandable. We reported on casualties from the Dutch and stonewall from seeing or whatever and finding things about them Sir. It took 2 days to figure out what their last names were. I think SOTF did the first impression report for CIVCAS and between AOB and the team on the ground we did the 2<sup>nd</sup> impression report. So the official reports that just went up are just the impression reports and whatever question that COL (b)(3), (b)(6) and his staff were having.

MAJ (b)(3), (b)(6) Did you have a sit down with the GFC after the mission was complete and did a debriefing with him?

SGM (b)(3), (b)(6) We had him XFILL back to TK because we got a call that the IGC assessment team was... or there is somebody coming to talk to him so we figured it would be best to get him over to TK instead of decompressing back to their FB. We brought them and then at that point, of course, when he got back we talked. It wasn't a formal debriefing or anything like that, No Sir.

MAJ (b)(3), (b)(6) Was there any type of notes or recording taken of that brief?

SGM (b)(3), (b)(6) Negative, negative.

MAJ (b)(3), (b)(6) Was there any reports made in conjunction with that debrief?

SGM (b)(3), (b)(6) Negative Sir, the main thing we were focusing on was right then everyone was having us on the 2<sup>nd</sup> impression report and the status of the casualties. That was about 95% of the focus of the AOB at that point and time sir.

MAJ (b)(3), (b)(6) On the 2<sup>nd</sup> impression report the numbers that were reported on there came directly from the GFC?

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

COL (b)(3), (b)(6) You alluded earlier to popping into the (b)(1.4(c)) chat room to ask a question.

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

COL (b)(3), (b)(6) Does the ODB have the capability to monitor the (b)(1.4(c)) traffic between the Screener the SOTF and in this case (b)(1)1.4a the Predator?

SGM (b)(3), (b)(6) We have (b)(1.4(c)) chat Sir but we would have to know that call signs and who all the players were to get on there. The reason why I knew what the Predator was on because we have a (inaudible) called Scan Eagle and he kept looking and looking and researching up. He figured out that the Predator was talking to our team and he found the chat room because we were trying to get a hold of them anyway, but we couldn't get SATCOM, we couldn't get a radio or nothing it was way out of range. So he found the chat room and that's when I handed him the...because I was trying get in touch and get all of them, that's why I asked about the XFILL.

COL (b)(3), (b)(6) I understand.

MAJ (b)(3), (b)(6) Do you have any idea of the community assessment after the strike or what the community feels about this situation?

SGM (b)(3), (b)(6) I don't have any firsthand knowledge sir. The only knowledge I have is from what the team wrote up from the 2<sup>nd</sup> operation report. That's it, that's all I have sir.

(MAJ (b)(3), (b)(6) closed out the 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 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 \_\_\_\_\_

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



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>KAF</u>	2. DATE	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [Redacted] (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS		
6. SSN [Redacted] (b)(6), (b)(3)			

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army MG Timothy McHale  
of USFOR-A and wanted to question me about the following offense(s) of which I am  
 suspected/accused: False official statement

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR <u>MG Timothy McHale</u>
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

**Section C. Non-waiver**

1. I do not want to give up my rights  
 I want a lawyer  I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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	Signature	Date

**RIGHTS WAIVERING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION New Kabul Compound	2. DATE 9 Mar 10	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS CPT		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army USFOR-A and wanted to question me about the following offense(s) of which I am suspected/accused: Making a False Official Statement in violation of Article 107, UCMJ and or False Swearing in violation of Article 134 UCMJ  
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) (b)(3), (b)(6)		(b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR MG Timothy P. McHale	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	

**Section C. Non-waiver**

- I do not want to give up my rights  
 I want a lawyer  I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

WARNING - Inform the suspect/accused of:

- a. Your official position.
- b. Nature of offense(s).
- c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

- a. "You do not have to answer my questions or say anything."
- b. "Anything you say or do can be used as evidence against you in a criminal trial."
- c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

- 1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions

- 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

**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 LTC/AD	

8. ORGANIZATION OR ADDRESS

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

INITIAL STATEMENT WAS TAKEN 28 FEB 2010.

ADDITIONAL QUESTIONING OF LTC (b)(3), (b)(6) OCCURED ON 17 MAR 2010 AND IS INCLUDED.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 67 PAGES
-------------	---	--------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

MG: How long have you been the commander?

LTC (b)(3), (b)(6) 19 Months

MG: Had you deployed your unit to Afghanistan or Iraq before this?

LTC (b)(3), (b)(6) Not as a Battalion Commander however, I deployed for 8 Months to OEFP. Where I had my serve minus set up as an actual special operations task force.

MG: And where was that and when?

LTC (b)(3), (b)(6) That was June 2008- January/February 2009 that was on Mindanao, U.S. Southern Philippines, Operation Enduring Freedom Philippines.

MG: How long has your staff been in place, the staff you have now your XO, S3, your Battle Captain?

LTC (b)(3), (b)(6) I would say probably be say we reset them in May, my S3 MAJ (b)(3), (b)(6) I think maybe a little earlier. My XO was probably closer to June. Battle Captain, Captain (b)(3), (b)(6) I would say Spring Sir. Yes sir I pulled him off his team I think May. May, would be a good guess. So that's really the crux of the team.

MG: And your night Battle Captain.

LTC (b)(3), (b)(6) My night Battle Captain, Captain (b)(3), (b)(6) fairly new, he came into the unit probably in November. And he has been echeloned in we've trained him. I have W2 that was my night battle Captain when we came in during transitioning so Captain (b)(3), (b)(6) has taken that job over from him.

MG: What was the mission of the ODA team the night of the incident?

LTC (b)(3), (b)(6) Sir Operation Noble Justice, the ODA was the 50 ANSF were essentially going after known Taliban location. That locations potential cache, in objective vicinity of KHOD, north of Shahidi Asas, possibly northwest.

MG: The mission was to?

LTC (b)(3), (b)(6) Sir the mission is to take the intelligence from the mission that the team had gathered over time, take the ANSF over there essentially conduct a cordon and search, attempt to get a clear in that area, to look at suspected enemy, Taliban. C2 to infrastructures at that location.

MG: So was it clearing operations?

LTC (b)(3), (b)(6) Well I wouldn't say clearing in the doctrinal term clear probably not but I think any time we do a day over away mission, it's essentially with the force package that went up there it's the aware clearing small targets and small compounds. So I think yes, but clearing in a way that a Battalion clears, then no. This is more specific intelligence.

MG: And how does this fit into RC-South's Commanders campaign?

LTC (b)(3), (b)(6) RC-South has of course (b)(1)1.4a, (b)(1)1.4c battle space (b)(1)1.4a, (b)(1)1.4a, (b)(1)1.4a, (b)(1)1.4a battle space is Kandahar and Central Helmond, Highway 1 and Highway 4, about there. He has a ruthless concentration force against those areas. This is where he wants to win. Anything not in those areas is (b)(1)1.4a, (b)(1)1.4a battle space. Our task form Com RC-South is to disrupt, deny, and interdict the (b)(1)1.4a, (b)(1)1.4a Battle Space. I think as look at the way we relayed forces we are excepting risk in those areas, we don't think we have enough ANSF to employ a Doctrinal Coin Strategy, we are just trying to keep the place from having a Taliban Flag run strait up the flag pole. And that's quite frankly what we are doing in places like Fire Base Cobra, Fire Base Anaconda, and some of the other locations we are in at Zabul. How we support his campaign plan, those safe havens obviously provide the enemy to organize spectacular attacks, IEDs, and those types of things. So I don't see us winning those places out right, I see us trying to keep those places from going to the Taliban, and really keep the Taliban from using those locations in which to spring into General Carters priority areas.

MG: On the day of the event, what was the last thing you did before the Operation when down. How much were you involved in the operation on the 21<sup>st</sup>?

LTC (b)(3), (b)(6) Sir what we do is we have a roughly 96-72 hour Con OPS process, so you're talking about 96 hours prior, I would have to check, I'm sure but I would have to go through the CON OP slide by slide with my entire staff, fires, air, and IO. Then we actually staff it. Looking at everything from what weapons we're caring, whats their IO plan, what's the Intelligent, which is of course significant. So I approved that CONOP roughly 72-96 hours prior. Then normally what I do is (unclear what was said) all kind of review the key pieces of the CONOP two or three days prior. Then of course what new intelligence, what's the weather like, where are we now and I will usually do that with the battle captain before infill are we still on time for infill? What does weather look like? What is the status of the aircraft? What has ISR told us today about the target? That is really our MO, is to take that CONOP, which gets a little stale after a few days and to make sure what we plan is still applicable on the ground. That is the system that we have.

MG: Going in to the operation, can tell me about the operation that night?

LTC (b)(3), (b)(6) normally stay up for infill then I normally go to bed. This one was really considerable remain over day operations. So the infill took place over early morning hours. I was not present for the infill. My first wakeup call was from the battle captain, coming to grab me around 0400 Z. I have it in the notes. My group commander was on the phone and so his Battle Captain had woke him up. He and I had a conversation first thing in the morning as this was developing. That is when we had our first conversation about what was developing on the ground at that time.

MG: With your battle rhythm, you are normally up during INFILL but you were not up for this one. About what time was INFILL?

LTC (b)(3), (b)(6) I am thinking INFILL was around 0200Z, but I would have to go back and look.

MG: What is your battle rhythm?

LTC (b)(3), (b)(6) Sleep from 0100 until about 0700 or 0800. I usually catch a 45 minute nap in the middle of the day when I am not feeling at my peak. Do PT 3 times a week. I believe as the BC most of my work is during the day. I run a CUB at 1930L and that would be when we review the CONOP for the night.

MG: What is your XO's battle rhythm?

LTC (b)(3), (b)(6) I would say he is about the same as me. He does go to bed a little bit later but other than that he is roughly the same.

MG: What is your S3's battle rhythm?

LTC (b)(3), (b)(6) He has an erratic battle rhythm. He is up later than I am and gets up a little later than I do but other than that it is pretty much the same.

MG: So if I understand correctly you, your XO, and your S3 are all down between 0200 and 0700 in the morning?

LTC (b)(3), (b)(6) That is a fair assumption. That may seem odd, but we do have wake up criteria. So if we have particular missions going on or INFILLS based on our judgments all three of us could be sitting on the floor at the same time. Based on our judgments and risks associated with certain operations we normally decide who needs to be there for INFILL based on the thought of necessary approvals or directions to give and at what level they need to be given from. Based on the totality of the mission that we have which is controlling (b)(3), (b)(6) OODAs and (b)(3), (b)(6) AOBs which makes for a pretty hefty logistics requirement. My S3 is much more tuned in to the operations and the details and the management. My XO is still the 2IC and will make decisions in my stand but generally in regards to operations the guy that I expect to be the first with the decision making process is normally the S3.

MG: What is your CCIR?

LTC (b)(3), (b)(6) I have 7 PIR would you like me to run down them?

MG: I want to know your CCIR.

LTC (b)(3), (b)(6) I have certain wake up criteria. Loss of life, loss of aircraft, anything that presents a threat to the SOTF, and any O5 level decisions that I have to make are parts of those criteria, and of course you know I don't think I have it spelled out specifically, but that is a key piece there. Obviously if my boss calls or anybody that is in my chain or in my SOTF RC-S chain I am woken up. My FFIR probably looks a lot like my wake up criteria.

COL (b)(3), (b)(6) When you say wake up criteria what do you think the battle captains understand? This does not need to be memorization.

LTC (b)(3), (b)(6) The key one is the release of ordinance.

COL (b)(3), (b)(6) Stop and elaborate on that a little bit.



LTC (b)(3), (b)(6) My battle captains are talking directly to teams, and that is how our C2 architecture runs when they are outside. They are commanded by AOB's so the day to day tactical directives are from the SF MAJ or the NAVY LCDR and that is the day to day C2. When they roll out of the wire then SOTF Central is the provider of CAS, MEDIVAC, and ISR so it is really almost a pseudo TACON shop from the AOB who does local command and control, to the SOTF that controllers the enablers that will enable the guys in a fight or save their lives. That is the architecture of the C2. So once the guys roll out of the wire and have a game on for anybody from a level zero to a level two the battle captain and obviously everyone else in the OPCENT has to be notified and our battle rhythm is of course ummmm at least two or three game on and everyone repeats it so we know that we have a unit outside the wire and awareness of how many patrols we have going at a time. Most of the frame work decisions that take place on those the battle captain can handle the reporting and SA routine requests game on time out standard OPSKIZ??? Obviously when we have a TIC, Troops IN Contact, we turn on our light and all key leadership is woken up including myself or if I am gone somewhere then the S3 and the XO are woken up. When a TIC comes on we are all called in and assess it at that time, I meet with my leadership give my guidance then go to normal business, but I did not stay for five hours or so. We will let the OPS SGM and the battle captain make their initial development. Basically we stand there, watch and listen to what they are asking to ensure they are asking the right questions and that they are seeing what we are seeing. So basically I will sit in an over watch role as I watch the battle captain talk to the FIRES and the ISR. Then I sit there with the 3 and the XO and if I don't like where things are going or I think we are asking the wrong questions. Normally I try to think to the next terrain feature.

CO (b)(3), (b)(6) am looking for what you think your battle captains need to know about when they need to wake you up or wake up the OPS officer.

LTC (b)(3), (b)(6) TIC's, catastrophic actions, if they believe a decision is over their head to make and that should rest in the SOTF CDRs authority:

MG: what would be those types of decisions?

LTC (b)(3), (b)(6) The obvious is if our guys are in a firefight and want to use any type of delivery system to reduce insurgents in a compound, that is an easy one, obviously that decision cannot be made by the GFC so the SOTF CDR has to make that decision and that is a key one there. A change in mission, here is the example, the guys are out on a patrol for one stated purpose and then they get intelligence that they have a J PUB target. So they want to do an in stride change to move toward that target. So the battle captain would say "hey go get the CDR because this was a combat recon patrol now it is changing into something else". I will then come in make the assessment and then either that captain to get the data or in some cases I will talk to the GFC myself and I will pull in my team to make those decisions to either authorize it, restrict it or just give direction.

MG: So do you have a list or checklist with the battle captains on these criteria or decisions?

LTC (b)(3), (b)(6) do not think I have a prescribed list of events that are reserved for my decision making. If that is sitting in front of the battle captain I am obviously not tuned into it because I am not in the JOC all day, but I am in there every two to three hours throughout the day.

MG: When you are down you are not tuned and neither are your 3 or XO because they are down at the same time as well. I am trying to figure out what kind of guidance they can turn to get your intent where do they go for that?

LTC (b)(3), (b)(6): I do not have a codified list that says these are the decisions that I hold. As I stated we hold our CUB at 1930L and that is usually when I begin to get briefed by everyone on what is going on and that is where I give my guidance at that time. If I see that we have weather coming in, a maintenance issue, or I see that ISR is not locked in, then I will issue the final guidance for things that I think are decision points.

MG: You said something earlier about JPEL change in this case, will you explain?

LTC (b)(3), (b)(6): That was one example of a decision when the battle captain came and got me. This doesn't fall under any specific category for wake up, but I do know that in order to authorize and ODA to change from a combat recon patrol to a SOF KNOCK requires the CDR, so the guys came and got my the night of this event.

MG: What did they brief you on?

LTC (b)(3), (b)(6): They said that we have new and fresh intelligence, that there is a JPEL located at XX grid and an ODA out in this case it was the U.A.E. that we partner with, they do not have a super level 1 level 2 capability. I essentially asked what the data is and what is the plan and are we confident that we can put UAE and ROE against us and I decided that we could so we did an in stride change and it worked out well. That is going from one level to another level of authority.

COL (b)(3), (b)(6): What does PID mean to you?

LTC (b)(3), (b)(6): PID means with a reasonable certainty that some form of surveillance has made identification of a person, vehicle, or compound.

COL (b)(3), (b)(6): Of what? What do you mean by that? Is it a threat? Is it a just an identification? Is it a determination?

LTC (b)(3), (b)(6): An example is that I can PID a compound and if I am handing it off to someone else, that is a form of PID. Obviously the term comes from individuals like I have positive ID of (b)(3), (b)(6) or whoever else through some means of recognition.

COL (b)(3), (b)(6): Ok we will come back to that one. What does Hostile intent mean to you?

LTC (b)(3), (b)(6): The attitude of a person, formation or in this case a convoy is demonstrating an attitude that we ascertain to bring harm on our soldiers or formations.

COL (b)(3), (b)(6): What does imminent threat meant to you?

LTC (b)(3), (b)(6): You have some kind of threat that is within closing distance of you, and your life, formation, or equipment is in danger time now.

COL (b)(3), (b)(6) Just to clarify is it a timing piece? Is it immediate or timing or what?

LTC (b)(3), (b)(6) Certainly I do believe imminent threat does involve timing.

COL (b)(3), (b)(6) What does TIC mean?

LTC (b)(3), (b)(6) Troops in Contact means that we have a formation that is in some form of indirect or direct contact with the enemy. It could be an enemy mortar position so maybe not a direct fire situation but we know there are 82MM rounds bursting around us. Guys hit an IED they declare a TIC until they can ascertain that they just hit something or they are truly in contact.

COL (b)(3), (b)(6) Does the declaration of TIC drive a Battle Drill in the TOC?

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

COL (b)(3), (b)(6) What is that drill roughly?

LTC (b)(3), (b)(6) Step one is that our Battle NCO and Battle Captain fires and all those guys. Once a TIC is declared that becomes number one at that time. We will clear the primary sat channel to ascertain what that team needs in that TIC. If a team declares a TIC what that means for us is that we may have four operations going on at one time, that means that we move to Google earth, get the CONOP up, and focus everyone on this action time now so that we can deliver aviation support, ISR support, MEDIVAC support, or fire support, so essentially we have to have all of those systems ready to deliver.

COL (b)(3), (b)(6) Who is assembled for this battle drill for a declaration of TIC?

LTC (b)(3), (b)(6) The normal battle captain and battle NCO two at all times unless grabbing chow or taking a piss. Those two are roughly synonymous. I am sure that the Battle NCOs can run a TIC in the absence of the battle captain. I have an OPS SGM that runs during the late morning late evening time frame. He is more of an orchestra guy if a TIC is declared then that means that I have two guys fixed on data and systems so he may say "where the fuck is my fire guy or my ISR or what is the status of this" so I have a flex player there in the OPS SGM. I think that is the personnel architecture that we have there.

COL (b)(3), (b)(6) No one other than the TOC personnel is involved during the battle drill to confirm the declaration of a TIC?

LTC (b)(3), (b)(6) We do not declare a TIC, the teams declare TICs. So when a team declares a TIC we take it at face value.

COL (b)(3), (b)(6) So upon the declaration of TIC what is the TOC battle drill roughly and who comes to participate?

LTC (b)(3), (b)(6) Once TIC is declared, the battle captain owns that TIC. He owns and manages all that information involving that TIC. Then at that time the S3s office is right off the floor so he is normally in there before I am, then I will come in and ascertain the situation.

COL (b)(3), (b)(6) Does your Jag guy participate as part of the declaration of a TIC?

LTC (b)(3), (b)(6) Yes he does. Normally he is in there, but it really depends on what kind of TIC it is. We do not bring him in for every TIC declaration. Some of them are opened and we multiple TICs open at the same time, but yes he is definitely part of the team that ascertains what is happening and the use of force.

COL (b)(3), (b)(6) Upon the declaration of an enemy target does that generate a battle drill?

LTC (b)(3), (b)(6) Separate from standard TIC development I would have to say no.

COL (b)(3), (b)(6) You go from the identification for a threat force to the declaration of a TIC with the same battle drill activities, so what do you expect that battle captain to do and who he is informing?

LTC (b)(3), (b)(6) He is the conduit to the GFC at that time. The GFC is going to communicate with the battle captain in both reporting and requesting. Once a TIC happens we look at what is available as far as air support or ISR. We will go right into that without having all the data because sometimes guys get blown up and they declare a TIC and so we say ok then we look to see what resources we have for that team support wise. We use wideband SAT so the battle captain will either reach in to touch or tell them to standby and call with what the status is and in many cases we will have them call iridium so everyone can take a deep breath get on SAT 102 and say "what do you have?" We usually use the iridium for our 9 liners good communications and more clear than a SAT most of the time.

COL (b)(3), (b)(6) Was a TIC declared, and if so where there any conditions or caveats with it?

LTC (b)(3), (b)(6) As far as I know a TIC was declared but when I came in at 0800 local the light was not on and as I recall the team was not under fire.

COL (b)(3), (b)(6) What is an n Air TIC?

LTC (b)(3), (b)(6) In my mind it is an escalation of force measure when you bring in an aerial platform to present an asymmetric force challenge to your enemy.

COL (b)(3), (b)(6) When there is an identification of Civilians, women, or children, or the potential of civilians, women, and children in a previously identified threat force where a tic has been declared does that generate a battle drill notification procedure?

LTC (b)(3), (b)(6) It does, this is a TOC Escalation of Force. So when I was woken up my (b)(1.4(a)) had also been woken up and when I came in to the TOC that morning he was in there and he was ascertaining the situation at the same time that we were. When I entered the TOC I had the Battle NCO, Battle CPT, (b)(1.4(a)) guy, my FIRES officer, and my COP manager all in there that I interfaced with to ascertain what we had.

MG: What time did you get in there?

LTC (b)(3), (b)(6) It was about 0350Z-0400Z.

COL (b)(3), (b)(6) Can you walk us through who notified you, the discussion you had, and the actions you took?

LTC (b)(3), (b)(6) I do not recall who woke me up; it is only a 45 second walk to the TOC from my room. When I entered I talked to COL (b)(3), (b)(6) that is the first thing that I did.

COL (b)(3), (b)(6) Were you given a brief on the way to the TOC?

LTC (b)(3), (b)(6) I do not recall who I was briefed by.

MG: Someone came to your room to brief you and walk you back because COL (b)(3), (b)(6) was on the phone?

LTC (b)(3), (b)(6) Yes, it may have been CPT (b)(3), (b)(6) intuitively it feels right but I cannot say for sure because I was still shaking the cobwebs out when I got on the phone with COL (b)(3), (b)(6).

COL (b)(3), (b)(6) Do you remember the conversation that the BTL CPT or whomever had with you had it with?

LTC (b)(3), (b)(6) I knew enough that when I got on the phone that is was about the presence of vehicles that we believed were posing a threat to ODA (b)(1)1.4a.

COL (b)(3), (b)(6) Can you be more specific about the conversation that you had with COL (b)(3), (b)(6)?

COL (b)(3), (b)(6) got on the line and said "hey (b)(3), (b)(6) are you tracking this?" and I told him that I had just gotten woke up and he told me that he believed that this was a menacing threat they had out there and that I needed to be looking at what we had at that time.

COL (b)(3), (b)(6) I need a little more preciseness. What exactly did he tell you?

LTC (b)(3), (b)(6) COL (b)(3), (b)(6) tone ascertained that he believed this to be an enemy threat. He did not order me to strike the convoy but he did say "do you see what you got here?" and he told me that I needed to take a good look at what you are going to do. As I got off the phone I gathered all the facts and I believed that his assessment was that we were facing a threat that if it wasn't imminent that is was close to it.

COL (b)(3), (b)(6) What was his recommendation, directive, or implication to you?

LTC (b)(3), (b)(6) I told him that I would assess it at that time.

COL (b)(3), (b)(6) I said what was his recommendation, directive, or implication to you?

LTC (b)(3), (b)(6) I think his implication was that I needed to get a handle on this as a commander. I hung up the phone with him and pulled data from my key players.

COL (b)(3), (b)(6) What did your key players paint for you?

LTC (b)(3), (b)(6) I felt that we were in an imminent situation and I was a little ticked off that I came in so late in the game on what I consider decision making. (b)(1)1.4a

(b)(1)1.4a at that time I began to gather data about what is KIRK saying, what's the attitude of the convoy, how long have we been watching it, what do we think this is. That is when I gathered the information, I did a hasty consult with my (b)(1)1.4(a) and then obviously made my decision that an escalation of force was the right thing to do and at that point in time I got a call from TF South from a MAJ that I know and talked about putting an AVI package in the air.

COL (b)(3), (b)(6) What was the discussion you had with your (b)(1.4(a))?

LTC (b)(3), (b)(6) I think we were trying to ascertain the nature of the convoy and what kind of target did it present. We believed it was an enemy threat. That was the general consensus that everyone could come to is that we had a threat that was going to converge on ODA (b)(1)1.4a

COL (b)(3), (b)(6) Where did you put this on your scale of imminent threat to your formation?

LTC (b)(3), (b)(6) I felt like I had time to develop the situation. That assumption was based on the attitude and distance of the convoy from the team and the terrain features. I asked TF South to put an AVI on it because that is what I thought it needed. The MAJ said that he would call me back. He called back about 5 minutes later and said that we were a go. At that point I looked at my watch and it was about 0400Z. I asked when he could be on station and he told me that they could be there at 0530Z.

COL (b)(3), (b)(6) What was your next set of activities after making the decision to use escalation of force?

LTC (b)(3), (b)(6) I told TF SOUTH that I wanted the AVI. The MAJ said he would confirm and call me back. I told my guys that TF SOUTH was going to put an AVI on the target to stand by for confirmation. When the MAJ called back with his confirmation as we were both watching the feed VIC1 vaporized.

COL (b)(3), (b)(6) Did you call anyone else in the chain of command to inform them on the decision that you made?

LTC (b)(3), (b)(6) I think I called COL (b)(3), (b)(6) to let him know that I was going to put an AVI package on it.

COL (b)(3), (b)(6) Do you remember his response?

LTC (b)(3), (b)(6) No I do not.

COL (b)(3), (b)(6) Did you call any of your subordinate commands to let them know what you had decided?

LTC (b)(3), (b)(6) No I did not. As I look back on this I feel as if I were about 60 seconds off on this because at the point of confirmation I would have hung up the phone and keyed up the radio and informed them to wait for the AVI Package.

COL (b)(3), (b)(6) What do you expect your BTL CPTs to do when they see that evolution of a potential threat?

LTC (b)(3), (b)(6) I expect them to do as my FIRES officer did and I think the BTL CPT did this but I cannot remember exactly, and that is after I said that we had an imminent threat out there he told me that the vehicles were a good distance from the target and that we had time to let things play out a little. That is when I took a breath and gathered everything I could. I then watched the convoy for a few minutes. Then I was getting a run down on what KIRK was seeing. We then began ascertaining what everything was adding up to. One key point I really need to say is why I have a convoy at 0400L with 30 MAMs in HILUXs. I think that is suspicious, and I think I had it preloaded that this was bad.

COL (b)(3), (b)(6) How long after you had identification of imminent threat did you determine that it was something other than that?

LTC (b)(3), (b)(6) As soon as my FIRES officer told me that they were over (b)(1)(1.4) out. That is when we decided that they were not going to overrun the team that quick. I felt like I had the time to develop the situation. I then went on to make the AVI call.

COL (b)(3), (b)(6) So it took you about 10 minutes to determine that this was not as it appeared?

LTC (b)(3), (b)(6) That would be a good assumption.

COL (b)(3), (b)(6) Are you aware of anything that may have changed in the two hours before the day BTL CPT came on that others couldn't have come to a similar decision.

LTC (b)(3), (b)(6) I am not aware of any.

COL (b)(3), (b)(6) What was your first thought and response when you saw the strike?

LTC (b)(3), (b)(6) My initial thought was that the vehicle had struck an IED.

COL (b)(3), (b)(6) Who is in the ISR chat room at this time?

LTC (b)(3), (b)(6) Night FIRES CPT and possibly one other guy, but the night FIRES CPT was the one who painted the picture. I remember asking my JAG if we had women and children. There was some insinuation that there could have possibly been women and children in the convoy.

COL (b)(3), (b)(6) Did the potential position to women and children at all enter to your decision to further develop the target?

LTC (b)(3), (b)(6) It did.

COL (b)(3), (b)(6) So you had a discussion with your JAG, what were your reactions after that?

LTC (b)(3), (b)(6) The main action was coordinating the AVI.

COL (b)(3), (b)(6) After the strike.

LTC (b)(3), (b)(6) We didn't hear real time audio from the ODA and the Predator. So there was a gap in there in which we were relying on the eye in the sky. At some point we had the realization that our guys were striking that convoy.

COL (b)(3), (b)(6) Do you remember the first time that you were identified to or suspected the presence of women and children after the strike?

LTC (b)(3), (b)(6) When I was notified of the possibility of women and children I consulted with my JAG about it, because it was never confirmed and we were contacting (b)(1)(1.4) to get clarification on that report. As the convoy moved and was being tracked it had stopped and picked up many more MAMs along the way. The sense that I took away from that was that I thought I had too many MAMs that were up early and armed. The team leader and I both believed that the ICOM chatter corroborated with the actions of that convoy.

COL (b)(3), (b)(6) When did you become aware or suspect that there were women or children after the strike?

LTC (b)(3), (b)(6) I would say at some point soon after the strike I learned of this.

COL (b)(3), (b)(6) What is your understanding as to the requirement of reporting suspected civilian casualties?

LTC (b)(3), (b)(6) My understanding is that if we suspect CIVCAS that we are required to report that. Once the strike happened we said we need to talk to TF 1.4(a) I called TF SOUTH told them AVI off and asked if they would help with BDA. I was told that they would call back, and when they did they said that they were not going to do the BDA so then I told my guys that we needed to do the BDA on this thing. I will say that at that time I felt as if we had a good target. After the strike I went and brushed my teeth, took a leak and felt confident that we had a good target. I then came back in the OPCENT and spent quite a while in there trying to determine whether we had women and children. I remember that there was a question as to women and children, but I didn't feel comfortable with any of the information to determine CIVCAS.

COL (b)(3), (b)(6) Remember it is not declaration it is in what the Tactical Directive says. It is when you suspect CIVCAS. Now what are you supposed to do when you suspect CIVCAS.

LTC (b)(3), (b)(6) I am supposed to report it to my higher.

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

LTC (b)(3), (b)(6) I know that I talked with COL (b)(3), (b)(6) multiple times that morning.

MG: about CIVCAS?

LTC (b)(3), (b)(6) It was about the possibility of women and children. In an email at about 1430 local it was reporting that we had 3 women and 3 children uninjured on the target. I am trying to remember what source that came from. So at some point in time it was reported that we had women and children on the target site.

COL (b)(3), (b)(6) What was the dialogue between you and COL (b)(3), (b)(6) regarding the women and children? We are trying to figure out why it took so long to report a possible CIVCAS.

LTC (b)(3), (b)(6) I do not recall the specifics. I was not confident that women or children were part of the convoy. I was trying to figure what else was in the area as well to find out if we had other women and children in the area, or to see if any villages were around. I will say that I was crept toward the conclusion of women and children on the target but not based on hard data until the MEDIVAC arrived and BDA was conducted.

COL (b)(3), (b)(6) Were you ever directed to remove things from reports or storyboards that you believed to be accurate information?

LTC (b)(3), (b)(6) Not that I am aware of.



COL (b)(3), (b)(6) Did your S3 or BTL CPT ever approach you and show you that they were being directed to remove or omit information from reports or story boards?

LTC (b)(3), (b)(6) I sent an email at 1000Z...

COL (b)(3), (b)(6) Were you ever addressed by anyone in your TOC to remove the reference to women and children on the objective either in the storyboard or in any other written reports?

LTC (b)(3), (b)(6) I cannot recall. I know that a storyboard was done by CJSOTF that came down and my BTL CPT said that it looked good and sent it back up. It stated that GFC reports no CIVCAS and that was not true. The email that I reported was.... I hadn't made an assessment at that time, I certainly had my doubts, but I felt like this was a good strike, but the presence of women and children is a clear indicator that you have CIVCAS. I reported that at 1000Z.

COL (b)(3), (b)(6) When did you suspect that there was a potential for women and children on the objective after the strike?

LTC (b)(3), (b)(6) When the ODA Commander hit the ground and confirmed 3 women and 3 children on site.

COL (b)(3), (b)(6) On the MEDIVAC execution, whose level of the fight is that?

LTC (b)(3), (b)(6) In Uruzgan it is two tiered, we own the MEDIVAC at the SOTF, but MEDIVAC will fly out of Tarin Kowt. It is a SOTF responsibility to take the 9 line and push the aircraft out. The battle drill will call it in but it will get launched from where ever.

COL (b)(3), (b)(6) what are you aware of now that was evacuated off of the objective?

LTC (b)(3), (b)(6) I understand 12 were taken out on a bird, six with the Dutch and six with us.

COL (b)(3), (b)(6) What is your understanding of the breakup of personnel?

LTC (b)(3), (b)(6) 10 MAMs, 1 Female, 1 Child

COL (b)(3), (b)(6) MAM is defined as what?

LTC (b)(3), (b)(6) Ok let me take that first part back they did call some of them teen-ish males. Potentially adolescent.

COL (b)(3), (b)(6) do you not know right now what the composition of those MEDIVAC'd?

LTC (b)(3), (b)(6) I think there were 12 admitted in to patient care. When I got a chance to talk to CPT (b)(3), (b)(6) I felt like that is where the reporting broke down. He reported 7 MAMs MEDIVAC'd and 15 dead and 3 woman 3 children all ok. At that time we confirmed 6 males that went to our FST, and we lost real time data when the Dutch received the other patients. We still have a hard time because 6 and 6 is what we believe, and when we talk to CPT (b)(3), (b)(6) he had a hard time counting for what was on the birds. He felt that there may have been some treated with a band-aid or were in some form of shock and that they were getting on the birds not as patients but as son going with dad or brother going with brother. He

was not able to give us a good number. One bird actually touched down at the FST and the other at the Dutch. The number total number is still cloudy to me.

COL (b)(3), (b)(6) Are you aware of any reports of CPT (b)(3), (b)(6) or (b)(1)1.4a upon starting the (b)(1)1.4 before the MEDIVAC reported to your headquarters the presence of women and children?

LTC (b)(3), (b)(6) He reported 3 women and 3 children all uninjured.

COL (b)(3), (b)(6) Are you aware of any other communication about the injured women and children?

LTC (b)(3), (b)(6) No I am not. I reported that up to higher because that is what we had. I felt confident in the reporting because he had BOG. When he reported his numbers I breathed a sigh of relief as to the women and children uninjured. I felt that we had engaged a good military target and that we got lucky by not wounding women and children. That is what went through my mind at the time. I then went into putting him back on his original objective because we still had (b)(1)1.4c and I had an ODA split between two objectives. My directive to the BTL CPT was that I thought we had a good BDA, the MEDIVACs were in route and to get that ODA assembled back on their target and let's not have anything bad go on at objective noble justice. I was really focused on getting him back to his original target.

COL (b)(3), (b)(6) (reads from the mIRC chat) How many phone calls did you have with CPT (b)(3), (b)(6) Or when was the first time you were able to talk to him?

LTC (b)(3), (b)(6) I am trying to remember.

COL (b)(3), (b)(6) was it before or after the (b)(1)1.4

LTC (b)(3), (b)(6) I want to say after.

COL (b)(3), (b)(6) Did you have any communications with (b)(1)1.4a during (b)(1)1.4

LTC (b)(3), (b)(6) Not personally.

COL (b)(3), (b)(6) Did (b)(1)1.4a or the ODA commander have a discussion with you about the target sight?

LTC (b)(3), (b)(6) Yes I want to say I spoke with CPT (b)(3), (b)(6)

COL (b)(3), (b)(6) Of your best recollection was there any discussion about CIVCAS?

LTC (b)(3), (b)(6) The OPS SGM took the reporting and said that the CPT seemed pretty shook up.

COL (b)(3), (b)(6) (reads from mIRC chat) why did you make that request through (b)(1)1.4 to the ground to contact as soon as possible?

LTC (b)(3), (b)(6) I had indicators that I had CIVCAS and I wanted confirmation on the situation when the GFC was on site.

COL (b)(3), (b)(6) Did one of them call you based on this directive?

LTC (b)(3), (b)(6) I believe he did but I cannot recollect the nature of the conversation specifically.

COL (b)(3), (b)(6) Is that how you received information that you emailed about 1 woman and 1 child CIVCAS?

LTC (b)(3), (b)(6) The email that I sent at that time had no information about wounded women or children. I did not know about the wounded woman or child until I spoke to DIR OPS and DECON OPS and I was given Pegasus' FIR that had a composition of MEDIVAC folks that did not match mine. That is the first time that I felt that our reporting was incongruent. I then called my AOB commander to ask him what we had here. That is when he went over to the Dutch side to see what we had there, but the Dutch would not release the information.

COL (b)(3), (b)(6) When teams leave the wire what is the responsibility of the AOB in this environment?

LTC (b)(3), (b)(6) Number 1 the AOB has access control for information and assets available to the team. Technically SOTF has 24-7 manning to deliver all of those assets to the ODA so the AOB is not required to be time ready on location to deliver those things. Do AOB commanders talk with and work and coordinate things that are outside of the scope of the things that the SOTF do? Of course they do.

LTC (b)(3), (b)(6) Did your headquarters produce a storyboard of the incident?

LTC (b)(3), (b)(6) They did produce one and sent it to us for verification. I did not review that storyboard. The storyboard reflected incorrect information about the GFC reporting no CIVCAS.

LTC (b)(3), (b)(6) Did CPT (b)(3), (b)(6) bring this to you or discuss it with you at any time before he returned it to CJSOTF?

LTC (b)(3), (b)(6) No he did not.

LTC (b)(3), (b)(6) Did MAJ (b)(3), (b)(6) ever discuss this with you?

LTC (b)(3), (b)(6) He did not discuss the storyboard, but I think over the course of the day from CJSOTF was that this was a good target and that they just wanted the data to prove that this is what we thought it was.

LTC (b)(3), (b)(6) Where did you get that tone from?

LTC (b)(3), (b)(6) I never felt confident enough to report CIVCAS but I also didn't feel confident enough to speculate on it.

LTC (b)(3), (b)(6) None of your subordinates spoke with you about directions from CJSOTF to remove a reference women and children from the storyboard?

LTC (b)(3), (b)(6) I cannot recall that those specificities that fit under that category that the tone from my headquarters was not exploring the CIVCAS piece and that they were much more interested in confirming that this was a good target.

SHORT BREAK TAKEN

COL (b)(3), (b)(6) What do you remember about the tone from COL (b)(3), (b)(6) about why the target was still out there when he called you the first time?

LTC (b)(3), (b)(6) do not recollect COL (b)(3), (b)(6) saying anything to me that sparked an alarm in me. I do remember speaking to him about women and children. I talked to him about the BOG BDA. Those indicators were adding up that we had a CIVCAS, but when I say the tone it was perceived that CJSOTF didn't want to pursue that or drill down on it.

COL (b)(3), (b)(6) Where did you get that from?

LTC (b)(3), (b)(6) got it from two areas. One is the FIR and I felt I had all the data at 1430L to meet the FIR.

MG: What time did you have your staff put together the FIR?

LTC (b)(3), (b)(6) do not know

MG: Was it in the morning?

LTC (b)(3), (b)(6) No, it would have been in the afternoon.

COL (b)(3), (b)(6) FIR from CJSOTF was at 1200 noon.

LTC (b)(3), (b)(6) That cannot be right because we did not confirm BDA until after 1400. When I went to the VTC that is when I got the info about Pegasus MEDIVAC stats. So as I entered the VTC to discuss this that was really my first verification that the Dutch had the wounded woman and child.

COL (b)(3), (b)(6) What was the second thing that kept you from pushing a CIVCAS report up to higher?

LTC (b)(3), (b)(6) When I reported women and children I think we were at a decision point whether or not to declare CIVCAS. My Commander obviously didn't feel that was the case. We had this discussion and went through whether or not we had met our criteria have we triggered this. Of course at that time I felt that I had a good military target and that I had gotten lucky that I hadn't injured women or children. I had MAMs but no weapons were found on sight so I think that was my second indicator.

COL (b)(3), (b)(6) What else was presented from CJSOTF, what dialogues from CJSOTF or from your team why did your higher headquarters did not want you to report CIVCAS? What specifically was telling you that?

LTC (b)(3), (b)(6) cannot recall exactly, but my commander didn't actually say "don't report CIVCAS". As my indicators stacked up and as we were developing this situation I felt the tone was more about building the data to make this is considered a good target. When I got on the VTC at 1845, I walked in and got Pegasus' FIR and obviously my data didn't match theirs'. That was my first indication that my ODA reporting was bad. General READER briefed the facts that had been presented to him, which as you know looked a lot like what everybody thought in there being MAMs, what life was like in SHAHIDI ASAS, and I think he reported 15 EKIA, and 7 evacuated if I am not mistaken. He certainly characterized this as it was characterized to him, which was as a valid strike. He did not mention any women or children so I am unaware of what his level of information was, or what was filtered to him. I felt like the tone was

that this was a good military target and that we were going to prove it. I did not feel strongly enough at that time to stand up and run counter to him. When I came out of the VTC that is when I called and talked to my AOB Commander to see what we had here, to get the indicators. That he needed to grab that CPT and discuss what the indicators are. He said the guys were down on the ground and that he would debrief them and get the information from the ODA Commander.

CO (b)(3), (b)(6) : When was the first time that you talked to either the ODA or (b)(1)1.4a that you can remember after the strike?

LTC (b)(3), (b)(6) : To the best of my recollection, I want to say during BDA.

LTC (b)(3), (b)(6) : How many weapons were you told were in this convoy?

LTC (b)(3), (b)(6) : At least three confirmed, and then other reporting from (b)(1)1.4a and (b)(1)1.4a of MAMs all armed stopped to pray and we saw weapons. I did not aggregate those numbers. I felt like the presence of massive MAMs armed in vehicles at 0400L, 0500L, or 0600L was compelling.

LTC (b)(3), (b)(6) : What was said about children?

LTC (b)(3), (b)(6) : It was reported that we had potential women or children with that convoy. That data was presented to me immediately that the potential was there. We attempted to verify that throughout the day.

LTC (b)(3), (b)(6) : Do you remember any information that they provided you about the women or children?

LTC (b)(3), (b)(6) : I cannot remember specific data, but I can say that before the strike I was informed of suspected women and children.

LTC (b)(3), (b)(6) : Did they ever use the term adolescents instead of children?

LTC (b)(3), (b)(6) : I do not recall if that term was used.

LTC (b)(3), (b)(6) : If you had been told no women and two adolescents, what age would you perceive an adolescent was?

LTC (b)(3), (b)(6) : I would put an adolescent at 12 years old.

LTC (b)(3), (b)(6) : Where were you reasonably sure that you were looking at an enemy force?

LTC (b)(3), (b)(6) : I felt that is what we had.

LTC (b)(3), (b)(6) : Did you make an assessment as to what action you thought that force was likely taking?

LTC (b)(3), (b)(6) : I did. That force in my mind was collecting MAMs, armed and to mass on the ODA.

LTC (b)(3), (b)(6) : Did you think at anytime that they were trying to flee the area?

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

LTC (b)(3), (b)(6) was your JAG Officers' assessment similar to what you just said.

I think he had the same concerns that I did. I am confident that he believed this was the right decision to use the escalation of force, based on what we had with the knowable details.

LTC (b)(3), (b)(6) when you learned of the missile strikes, did you speak to your JAG again?

LTC (b)(3), (b)(6) I am sure I did, but I cannot recall the details.

LTC (b)(3), (b)(6) at any time did he ever suggest that the striking of the vehicle could have been unlawful?

LTC (b)(3), (b)(6) Not that I recall.

COL (b)(3), (b)(6) were you woken up at any time prior to the BTL CPT coming to get you during this update or to engage with anybody about the situation.

LTC (b)(3), (b)(6) was not.

MG: How many times did you speak with your Brigade Commander?

LTC (b)(3), (b)(6) would say at least four times.

MG: what was the first call assessment?

LTC (b)(3), (b)(6) I had just been woken up so he was ahead in his assessment. He was positive that the convoy was a threat and he wanted to know?

MG: What was his guidance to you?

LTC (b)(3), (b)(6) His guidance was "what are you going to do Commander?" I cannot specifically say word for word, but I think it was look at my lethal options and look at them quick.

MG: Paraphrase what he said.

LTC (b)(3), (b)(6) His guidance was to put lethal fires on them. Let me put it this way "I didn't consider it a direct order". He did not issue a direct order. I considered this as his assessment. I got off the phone and my going in position was that we were going to kill it, but I feel as if I had to say that the CJSOTF Commander directed me to kill that target. I still felt as if I had the decision in my hand.

MG: What were his words used when he gave you when he gave you his assessment and intent?

LTC (b)(3), (b)(6) would be speculating if I attempted to put words in COL (b)(3), (b)(6) mouth.

MG: That is when you worked the AVI?

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

MG: Why did you do that?

LTC (b)(3), (b)(6) had my JAG, Fires CPT, and I grabbed my BTL CPT and made a quick assessment on the data, we had a few indicators that we thought the convoy was a threat. We also had the information that there were women and children so that is why we elected to use the escalation of force measures.

MG: When was the next time you talked to your Brigade Commander?

LTC (b)(3), (b)(6) would have to say based what I normally do during TICs and such. I normally call him when I want to give him a quick assessment. I am confident that I called him after that strike and I am sure I told him that my AVI plan was too late. I asked TF (b)(1)1.4a to turn the AVI into a BDA team. When they called back they told me they were not going to do the BDA. I instantly said that we needed to spin up aircraft to go out and do a BDA. My initial thought was that we could put the other ODA or QRF or develop that course of action with the AOB. We discussed if it would be a good idea to put your QRF out there for BDA and the consensus was no. MY aviation officer was determined to take the ODA off the objective and have them do the BDA themselves. So that was the course of action that was taken.

MG: When was the next time you talked to him?

LTC (b)(3), (b)(6) am sure I talked to him multiple times that morning. This was obviously the key thing going on so I am sure I spoke to him many times.

MG: What were those discussions?

LTC (b)(3), (b)(6) update with mission planning, updates on reporting what was coming across the forums that he cannot hear such as the iridium. His JOC has SA on the mIRC chat and on the ISR feed, so I thought he had good situational awareness of the target. We discussed the possibility of women and children in the morning.

MG: After you received some Iridium calls with CPT (b)(3), (b)(6)?

LTC (b)(3), (b)(6) what we failed to ascertain was the true status of women and children on that site. I placed a high level of confidence in that ODAs reporting.

MG: so you have a lot of storyboards on their operations over the last 30 days?

LTC (b)(3), (b)(6) yes I do. I will tell you that we have (b)(1)1.4a ODAs on the battlefield. This one is the single most active ODA that we have. They have conducted more operations and have a more full-spectrum understanding than any other ODA on the battlefield. They have had 17 KLEs in 30 days. As I am sure you know they have cleared through mine fields. We have (b)(1)1.4a ODAs on (b)(1)1.4a and we lost a Soldier on 28 January 2010. This ODA is not habitually assigned to me; they are a Fort Bragg Company. So I have two companies of first group and this third group AOB.

MG: how many more calls did you have with you commander?

LTC (b)(3), (b)(6) am sure I had multiple.

MG: I need to know what went on during those calls.

STATEMENT OF LTC (b)(3), (b)(6) DATED 1 MARCH 10

LTC (b)(3), (b)(6) was providing COL (b)(3), (b)(6) as I was pulling it off of those targets and trying to paint the best picture that I could with all the indicators. I was reporting to two higher headquarters, RC-s and CJSOTF. I was reporting to DIR OPS so that they were tracking what was going on in their battle space. I gave my commander everything I had. Everything that was reported to me I gave to higher, the reporting was however incomplete. I did not hold anything back from COL (b)(3), (b)(6) or RC-S.

MG: how long did it take this information to get to ISAF?

LTC (b)(3), (b)(6) My impression was that at the 1845 VTC is when it was up there. The VTC was missing the presence of women and children.

MG: You had already reported that up the line?

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

MG: What did you think when their information was missing the woman and children?

LTC (b)(3), (b)(6) I thought that our collective position up the chain through CJSOTF was to prove that this was a legitimate military target. I had my doubts at the time and was not confident enough at that time to counter GENERAL READER on what I thought were key indicators that we could have had CIVCAS. The report he gave was correct for the information that was reported to him, he did not mention women and children in his report. I had asked my AOB commander what we were really looking at and to get me all of the indicators. Later that night I had three indicators that came to me, the first being the possibility of women and children, the second being no weapons, and the third being information that some of them were HEZARAH on the site. We had already declared CIVCAS at that point but that is how it came to my mind. I felt like there was disbelief at the ODA level that they had CIVCAS.

MG: What are your thoughts on how we improve this operation if we had the chance to do it over again?

LTC (b)(3), (b)(6) I think the first thing is that the senior leadership should be informed sooner in the situations to be informed of what we had. Being alerted from the top down is not a way I see fit to be informed of the situation. The fact that his people woke him up based on his wake up criteria and mine didn't is unsatisfactory, the specificity of reporting from all data points. I should have interrogated hard. I think I had a lot of confidence in this ODA. I had full faith and confidence in the team leader he is a prior SFC and my SGM knows him and we believe him to be fully competent. Had this been someone else I may have done some things a little different such as interrogating them for more decisive information and questioned their judgment. I was reluctant to declare CIVCAS because I feel that would have been speculating and once you speculate it is done that becomes the reality at that point.

MG: So as I take it you were trying to confirm CIVCAS before reporting in as opposed to reporting a suspected CIVCAS as outline in the tactical directive, is that a correct assumption?

LTC (b)(3), (b)(6) I think I felt that I provided the data to my higher, and obviously my commander didn't trigger me to declare CIVCAS. All the data I had did have some data gaps but we did have two missions going



on at that point, and we had heard of women and children at the site. We had the discussion that they could have come up after the strike. The reporting from 1.4(a) we felt that women and children could have been part of this. I reported the data but did not codify it as CIVCAS.

The interviewee was warned not to discuss with anyone.

**ADDITIONAL QUESTIONING WAS RESUMED ON 16 MARCH 2010**

LTC (b)(3), (b)(6) Rights were read by LTC (b)(3), (b)(6)

LTC (b)(3), (b)(6) waived his rights and agreed to be questioned.

COL (b)(3), (b)(6) When were you notified of this mission that you were coming over here?

LTC (b)(3), (b)(6) USAFIC has a playbook which is an excel spreadsheet that layers units down. 24 Months out my battalion was on there. I don't think they made a solid decision on that until maybe 4 or 5 months out. I considered this the mission until somebody waived me off. I was preparing for this mission since my return from the Philippines in February of 2009 and this was my main focus.

COL (b)(3), (b)(6) What was the training that you took on as a command?

LTC (b)(3), (b)(6) The key thing we took on as a command number one was that the Battalion hadn't been to Afghanistan since 2005. I have a tremendous amount of guys with Afghanistan experience but not as a SOTF. The first thing I did was that I sent guys into country in March 2009. I sent an officer to work as a BTL CPT or a plans guy, I sent intelligence, I sent signal, and I sent a logistician so essentially come out here and come down to SOTF SOUTH where I thought I was going and work in those functional areas and shops to really bring that ground truth to inform my PMT. I came in April 2009 for COL (b)(3), (b)(6) Commanders Conference at the time. I got a chance to sit in with all the SOTF Commanders during that period of war and listen for two and a half days. I was on the ground for probably a week. I would say that was probably my first deep dive other than reading SITREPS and reports and doing mission analysis.

COL (b)(3), (b)(6) That is information gathering, my question is what training did you and your command do.

LTC (b)(3), (b)(6) I took command in June 2008. In August 2008 I brought all of my AOB commanders into the Philippines and laid out a two year calendar of our training events and that included when I wanted the JRTC rotation which had not been programmed. I have been there four times and I love JRTC. I know to get a SOTF ready you need to go there. Also identified MRAP training and all the skills that we need to have which we call (b)(3), (b)(6) Which is CQB, to getting the medics certified, to our advanced special operations skills, to IPB training, and military working dogs. Essentially we laid out a two year calendar to take to my group commander and say, I am going to Afghanistan in the later part of 2009, here is my training plan, and here is what I would like from 1st Special Forces Group at the time, Military Working Dogs and support Soldiers to name a couple. What was not set was my task organization. What companies were going to work for me and that wasn't finalized until about October.

COL (b)(3), (b)(6) When you came back from the (b)(3), (b)(6), pick it up there with the training that occurred with your current headquarters prior to deployment.

LTC (b)(3), (b)(6) I would say the most significant kick-off event we did was the Digital Battle Training Lab that is run out of Fort Bragg. What they do is you stand up your SOTF headquarters; they take actual CONOPS, TICs, and MEDEVACS and they run a white cell at Fort Bragg and grind you through multiple TICs MEDEVACS and all that stuff. I made MAJ (b)(3), (b)(6) my S3 in May and said you have 60 days to reset the team and in July will be our SOTF validation well it was really a CPX. My intent was before was before I started training my AOBs was to have my SOTF completely and totally dominant on all the systems directives and all that so that I wasn't moving through it at the AOBs and learning at the same time. We ran that in July setup my SOTF at Fort Lewis and ran that exercise for five days. The key player on that was a CPT now MAJ (b)(3), (b)(6) that I had sent to Afghanistan to work with SOTF (b)(1)14a. He came back with very recent and relevant knowledge so he became a critical trainer as we moved through the peculiarities of being a SOTF in Afghanistan because it is peculiar on how all the enablers work. I felt that after July that we had a solid foundation and a very solid training base which to take my forces into a September JRTC.

COL (b)(3), (b)(6) Walk me through the major tasks trained as a headquarters at JRTC.

LTC (b)(3), (b)(6) I was an EOF MRX with a Brigade out of the 101st who was also going. Essentially how that works is that you tell them what you want to be trained on. What I wanted to be trained on was exercising C2 of my AOBs in an Afghanistan environment, operating with conventional forces on the battlefield achieving interoperability, and synchronization all those pieces which definitely achieved COL (b)(3), (b)(6) and his Brigade. Sustaining and supporting the force, which is something that I cannot replicate at JRTC given the environment vice this environment and conducting SOF combat operations in an Afghanistan environment. We had planned with COL (b)(3), (b)(6) and his 101st Brigade, the ones in PATIKA I think it is 3d Brigade. I sent joint planners out there probably in April or May and we jointly planned our mission with them to ensure that we had a synchronized rotation and we did have a very synchronized rotation. I think the limitation at JRTC is that I can take one AOB with me and I had two offset one at Fort Lewis and the second that was just coming out of Asia and they got short notice that they were coming here as part of the surge. So I had two offset AOBs at Fort Lewis and one with me at JRTC.

COL (b)(3), (b)(6) When did you finish this JRTC training?

LTC (b)(3), (b)(6) 28 or 29 September.

COL (b)(3), (b)(6) So you get back around the beginning of October.

LTC (b)(3), (b)(6) Yes, when I completed that I went out to Fort Bragg to have a huddle or some kind of planning conference with COL (b)(3), (b)(6) and his staff to begin to synchronize with our OPCON headquarters.

COL (b)(3), (b)(6) What kind of turnover did you have from your JRTC rotation to your deployment?

LTC (b)(3), (b)(6) didn't have a lot of tremendous turn-over. My S3 MAJ (b)(3), (b)(6) so he dropped off maybe two weeks before so I took CPT (b)(3), (b)(6) as my three, I used CPT (b)(3), (b)(6) as the BTL CPT, and I used a SFC as the BTL NCO. He did a pretty good job, but we found to be better used as a back up or an additive. My OPS SGM and SS SGM was there, so I would not say the turnover was tremendous, did I have guys like CPT (b)(3), (b)(6) no I did not. That team was ..... I had a very good ..... I think a lot of those guys are still here, but I have had some rotation in key locations since then.

COL (b)(3), (b)(6) What was the plan or was there a plan for the new key leaders who came on to your team in the nonorganic capabilities that were going to be plugged into your TOC to train them up and to bring them up to speed on your SOPs, procedures, battle drill training, TOC operations, SA updates, etc?

LTC (b)(3), (b)(6) Obviously whatever plan we had wasn't good enough, I will tell you that. I trusted the OPS SGM and the S3 to integrate those guys, as a commander of course I spot check them. I come in there all the time and I am always asking for SA and if I can't get it or if I sense someone is lacking, then that is an indicator to me that guys are not tracking. As a commander the way I involved myself was the 5, 6 or 7 times a day that I am in the TOC pulling that from BTL CPT talking with everyone in there. As for a codified training plan I did not issue one.

COL (b)(3), (b)(6) Was one developed?

MAJ (b)(3), (b)(6) obviously had plan, we had overlap with CPT (b)(3), (b)(6) that went well beyond what he had planned. The ASTs that we have in there, those are representatives from the companies, have the task to train their replacements, even though they are not key decision makers but they are providing SA. As far of a codified training plan that I had full knowledge on, no. This is something that I did not issue specific guidance on and the 3 had authority over.

COL (b)(3), (b)(6) This isn't a Division or Brigade level, this is a Battalion level where you have no peer in the organization no one is close to you in experience, abilities, or past assignments. If I got this right you were unaware of any training plan for the nonorganic assets that came in and for the new key leaders that were assigned to the staff?

LTC (b)(3), (b)(6) I am not unaware, but do I know the details of how every Soldier is being trained in there?

COL (b)(3), (b)(6) I didn't say every Soldier; I said the nonorganic capabilities that are coming in and the key leaders to the staff.

LTC (b)(3), (b)(6) Can you define nonorganic?

COL (b)(3), (b)(6) Your BTL CPT, your FIRES guy, (b)(3), (b)(6) the guys were are going to bring a unique very thin capability of ISR management, and your intelligence plug cells that you get augmented to you. Those nonorganic capabilities that you do not have organic to your when you are doing your day in and day out training at Fort Bragg or Fort Lewis in your case that are not resident or requisite to daily touch. I can ask it many different ways but I think I am asking it clearly. Were you aware, and generally what was it, of the nonorganic and the key leaders that would come into the headquarters?

LTC (b)(3), (b)(6) The key methodology of course to take an experienced guy and bring in his replacement or new guy or additive guy and begin a one on one training plan and then a left and right seat ride. We brought some guys in and they were deemed not capable or they are still in the right seats and will remain in the right seat. I think that was our key methodology which is that I got a subject matter expert a FIRES guy for example I have a CPT who is a FIRES guy and he has a FIRES NCO we train with them both, but all the training that you do when you bring in the SFC FIRES NCO on to that desk, that FIRES CPT trained him because there are specifics, changes, peculiarities, and ROEs are changing so that is the key methodology that we are using.

COL (b)(3), (b)(6) We are going to come back to.... Because I think what you are implying was experience. The answer of training was the old trains the new guy and that is the right seat left seat ride and that was the method that you use. Is that right?

LTC (b)(3), (b)(6) Certainly yes. The old guy trains the new guy. I have a BTL CPT and an OPS SGM that I consider the synchronizing and supervision and obviously they are the ones who are really in the OPCENT training, correcting, and validating those positions.

COL (b)(3), (b)(6) What do you expect the skill sets of the BTL CPT to be able to do?

LTC (b)(3), (b)(6) Sir I expect the battle captain to be able to understand the entire combat operating picture. We are obviously right across five provinces. We have unique missions from local defense initiatives to running the commandos to doing full spectrum COIN. Our partnerships arrange from an ODA with a full battalion to an ODA with seven ANA. Our locations range from the Pakistan border to deep deep up in Uruzgan. That task right there is obviously a top task which is understood what we do, how we rate and how we operate across the battlefield. The Mechanics of delivering complex enablers is the science that I expect out of those guys. We talked about that training in July and how SOF operates here. Our task is to coordinate and provide those complex enablers, in conjunction with AOBs that are out there commanding and controlling TACON like or when an ODA needs complex enablers or emergency. It is our task to deliver the ISR fires.

COL (b)(3), (b)(6) Resource the fight with war fighting functions got it, that's number two, what else?

LTC (b)(3), (b)(6) Expect the battle captain to synchronize all of the enablers in there. To pull in data and make decisions, recommend decisions; expect them to begin to anticipate decision points, anticipate things, i.e. if guys are in a fire fight in one area and are three hours into to, then my battle captain will say here's the situation. Here is what we are teeing up right now, we are going to build the riggers, and supply bundles.

COL (b)(3), (b)(6) How does he do that, how does he communicate that to you?

LTC (b)(3), (b)(6) That's verbal, me standing in front of my OPS NCO, battle captain, and the OPS SGM and essentially war gaming, what is next, what should we be looking at, reporting requirement is another task, the reporting requirements laterally in the battle field, to RC South HQ, and CJSOTF and that a significantly task as well.