

COL (b)(3), (b)(6) Battle drill execution and CCIR are those requirements that you expect the battle captain to be able to do?

LTC (b)(3), (b)(6) expect the battle captain to be able to identify and manage, i.e. a MEDEVAC battle drill; I have a medic on the floor, not on the floor obviously when we get indications that there is a TIC. We bring in the right amount of people, and go into the drill. The battle captain is the synchronizer there. When a nine line comes in I should have at least three people jotting that down, so everyone can compare notes.

COL (b)(3), (b)(6) Anything else you think you need to be able to do? I just want to capture it.

LTC (b)(3), (b)(6) He obviously needs to train, either the enabling functions, he needs to train the battle NCO, and he needs to be able to train as we go.

COL (b)(3), (b)(6) Okay. Train as we go, I got that, just so we are clear on the language, in between fights continue to train of the skills that are required of the OPSCENT?

LTC (b)(3), (b)(6) Things that we know and things that constantly are changing.

COL (b)(3), (b)(6) Now you just articulate, would you be surprised that no one else we have interviewed can articulate that?

LTC (b)(3), (b)(6) Yes sir I would be surprised.

COL (b)(3), (b)(6) Well trust me, no one can articulate that. So I go back to the original question, you were unaware, other than the right seat, left seat right program, to train the key leaders that were coming in to a united capability. And I think you told me that you're SGM, pick it up from there, on who certified or confirmed that he could do all of this?

LTC (b)(3), (b)(6) Sir this is the responsibility of the S3, I would consider my operations SGM as the key player in this because obviously he is on the JOC floor. He is the one that I have obviously trained with in depth and he knows what the standards are, so to me he is my primary on-the-spot continual trainer and supervisor.

COL (b)(3), (b)(6) Who blessed CPT (b)(3), (b)(6) was ready for the fight?

LTC (b)(3), (b)(6) My 3 was the one that obviously supervised that had to push to his right and left seat ride longer than he anticipated based on what he felt what were his weaknesses.

COL (b)(3), (b)(6) Did he share with you who gave him that input?

LTC (b)(3), (b)(6) Yes sir. We talked about it all the time.

COL (b)(3), (b)(6) Who gave the 3 that input and then ultimately he is ready? Because like you the 3 was not involved in the certification.

LTC (b)(3), (b)(6) Sir I can't recall specific conversations.

CO (b)(3), (b)(6) He told us it was the SGM, the same guy that you just laid out that was experienced and that you worked and trained with. It that what you understand it to be?

LTC (b)(3), (b)(6) Sir I consider him very knowledgeable and my lead trainer and if he's told me CPT or SGT was not ready, as he has done in the past, then I would consider that authoritative and I would certainly take his advice.

CO (b)(3), (b)(6) What you just described to us, you need to keep in the actions and event of the battle captain. What do we use other than the SGM giving the S3 the thumbs up that he is ready for the fight? What you just laid out no one else could communicate, like no one else in the command was able in about 10-15 minutes realized that this was not a great target at the time we need to do EOF. No one else at either level of command, except you. So I am wondering, what mechanism is in place that says new guy come on, new organic capability comes into the TOC, what are we doing, what program do you have in place that certifies, approves, allows them to do their job in a manner that you are comfortable with as the commander of a battalion. What is the mechanism used to say in this case, ready?

LTC (b)(3), (b)(6) I think I just gave you the mechanism.

CO (b)(3), (b)(6) You didn't give me a mechanism that is why I am continuing to ask (b)(3), (b)(6)

LTC (b)(3), (b)(6) No sir, we put guys in there and I expect them to be trained and if they aren't trained I would expect my SGM or S3 to tell me you know we have someone that cannot take on that job, as they have done.

MG: So did your SGM or S3 tell you that CPT (b)(3), (b)(6) was ready to do the job?

LTC (b)(3), (b)(6) Sir they felt he was ready to do the job, yes. Did we know he needed some assistance, he was paired with a strong SFC in there, I have an artillery officer, senior captain on night fires? So that was, the S3 nighttime package and the SGM is a flex guy, so I was aware that CPT (b)(3), (b)(6) was struggling to keep up with the demands and we going to continue to train him.

MG: What kind of professional training did MAJ (b)(3), (b)(6) provide to CPT (b)(3), (b)(6)

LTC (b)(3), (b)(6) Sir I cannot to the details of what MAJ (b)(3), (b)(6) gave to CPT (b)(3), (b)(6)

MG: Who does the battle captain represent when on duty?

LTC (b)(3), (b)(6) Sir he represents me.

MG: So who's responsible for the overall training of the battle staff?

LTC (b)(3), (b)(6) Sir that's my responsibility.

MG: How engaged were you in ensuring the battle captains have the skills they needed to run the operations center?

LTC (b)(3), (b)(6) Sir, obviously I am here today because we had a figure in that organization, so I am not going to quibble about what was or was not done. That was my responsibility. It was not done to standard and had consequences on the field, but I accept that responsibility. I felt like we had an outstanding train up, quality people on there, what I think the issue is when we rotated people, as a commander I did not supervise the continued quality and understanding of that action in there and while I certainly expect my S3 to own that, I am the commander and I accept responsibility for everything the unit does both success and failure.

MG: How would you rate CPT (b)(3), (b)(6) as a battle captain?

LTC (b)(3), (b)(6) I would rate him as strong; he has trained on the task for six, six months. (b)(3), (b)(6) is an excellent officer, he is probably a future battalion commander, I trust his judgment, he makes, that battle captain and NCO has very, or has relationships with the teams. When teams call in, it is nice to know who you are talking. He built the confidence of teams that he has talked to, I speak for every team. How he developed things according to my intent. I have seen me make mistakes. At time his attention to detail has led to me to question things but as far as managing all those systems, I would say he is strong.

MG: How would you rate CPT (b)(3), (b)(6) ?

LTC (b)(3), (b)(6) I would rate him as adequate, barely adequate. When I come in to engage him, he is knowledgeable of current operations. He has an understanding of how we operate, how the enablers have delivered. He has an understanding of JOC operations, his crisis management skills are certainly in question and in fact when I am in there, obviously, and we go through TIC and MEDEVACs it is the SNCO or OPSCENT SGM that really does the Alpha male work. Our intent of course is to bring (b)(3), (b)(6) up to that position where he is comfortable to doing that.

COL (b)(3), (b)(6) Well what are you doing to bring him up to that position, what is anybody doing? Cause look, MG McHale has just asked a couple questions and you are telling me he is adequate. How many battle drills do you have because no one has been able to answer that.

LTC (b)(3), (b)(6) Sir we rehearsed eight battle drills in our train up and some of those may have bled into others, as far as negative IO event, is that a CIVCAS event.

COL (b)(3), (b)(6) You tell me your SGM gets it, senior trainer. You got SGT (b)(3), (b)(6) was the mitigation was the mitigation to bring CPT (b)(3), (b)(6) up to speed, and then just looking, there is a TIC no battle drill, there's the report of Civilians at the target sight, no battle drill, which should have at least generated the IO, and the identification of the potential of civilians on the target sight, while he is still on, no battle drill. And so I am looking at SGT (b)(3), (b)(6) your mitigation, the Alpha male, no battle drill, none. I am looking at your fires guy, no battle drill, no identification to the staff no execution of anything, nothing. What mechanism do you have in place, for us to get there, these guys that you have entrusted misses these three things. How does that no mechanism, how does that happen if they are trained, adequate?

LTC (b)(3), (b)(6) Sir we're running operations 24 hours, we are performing these functions, consistently and persistently as obviously, you have identified I have identified my codified training plan was not good

enough. I didn't have certification in place. What I did have, I had these events occurring persistently on the battle field which I had knowledgeable members handling these things, day in and day, successfully. I had a three week overlap in addition to our training and you know. Every single situation on this battlefield is a thinking problem and I obviously perhaps put too much stock in the thinking side than the battlefield side. My guys can't say that these are specified battle drills then that is a failure on my part.

MG: Explain to me that thinking side that you stressed, so I know how these battle captains are thinking?

LTC (b)(3), (b)(6) Here is an example I went to JRTC and we did live fires, I deployed my TAC up there and I had APB C2, and ODAs doing live fires. We used the tactical directive to guide those live fires, so my guys went through what was supposed to be 45 minute live fire lane, took them four hours. Because every time they hit a target, they stopped maneuvered on to the live fire range, to do BDA in accordance with the tactical directive as directed by my SOTF. So when I get done with that JRTC said hey you are the first guys to ever use the tactical directive on this live fire range, we have never seen that before, but we cannot have everyone purported for four hours, so we need to get people through on time. That is an example of how, when we talk about thinking, from the ODA through the AOB to the SOTF on what the tactical directive meant, understanding the battlefield and what our guys meant. You know I have spent a lot of time with my team and leaders on the tactical directive. The communication between the teams, the AOB and the SOTF is critical in understanding how the tactical directive actually looks when it comes to the science. I felt like I did that well with the companies organic to me. This company that is up in Uruzgan, I simply did not have the inner operability with as they were given to my task organization very late in the game.

COL (b)(3), (b)(6) That does not sound to me thinking, that sounds to me, like we are following the instructions and directive of the commander. You gave an instruction and your staff complied.

MG: On that example you described, CPT (b)(3), (b)(6) was not at the JTRC you speak of correct?

LTC (b)(3), (b)(6) Correct sir.

MG: So when all these new people, not organic to your unit a senior person that you rely on as the battle captain, how do you integrate that kind of training in? Now that you are in the fight here, how do you engage those leaders to say, these are some of the things we have learned in support of the tactical directive?

LTC (b)(3), (b)(6) When those guys come on to integrate on the floor that is part of their left and right seat ride they are trained up in all aspects of responsibility, understanding and experiences. I do not have a certification plan for those guys that are a short coming.

MG: In the tactical directives, what does it say about CIVCAS?

LTC (b)(3), (b)(6) It say when you have suspected CIVCAS you should report that. The tactical directive focuses on compounds but I have heard JOC lawyers talk about convoys versus compounds, but I understand the

commander's intent. So I don't subscribe to that. I think to me, it was never convoy versus compound; it's about what civilians are innocent versus bad. That's what I think the tactical directive is about.

MG: Why does it say report suspected, it doesn't say report confirmed?

LTC (b)(3), (b)(6) says report suspected so we can be the first with the truth, so we don't let either, GRoA or information get out. I understand GEN McChrystal's intent, killing civilians makes his job difficult, makes President Karzi, able to.

MG: Makes your mission difficult.

LTC (b)(3), (b)(6) Sir, I like the tactical directive. I am an advocate of it, I have sat with many people who feel it is bullshit, and put our soldiers in harms way. Certainly it puts a constraint, but I've never adopted that position. My soldiers know that I believe in it. I have conducted OPDs and discussions, and I have felt that a four star General issuing a directive that changes the behaviors of privates is extremely affective. If we had something like this in Iraq, we would have been a much better force. I know obviously I have had breakdowns in my systems but philosophically my guys know that I have trained with that I think this is the right thing.

COL (b)(3), (b)(6) I want to get your response to the following. We talked to CPT (b)(3), (b)(6) and I will give it the best estimate that I can. In about a minute we collectively realized that this officer was inexperienced and untrained to be doing the job he should that he was doing. In about 3 to 4 minutes into it, I asked him how comfortable he was in his job. He said he was very uncomfortable, he said he was untrained and unready. What is your assessment and response to that?

LTC (b)(3), (b)(6) For one he is a captain, he has some fortitude or else he would not have a ranger SF tab, if he felt uncomfortable performing that position, I would have expected him to tell us that, and I would expect my senior leaders to recognize that. We knew he was uncomfortable and I think our position was hey this guy is not going to be, he is uncomfortable but that we keep him in there, keep the right supervision and build the right team around him and develop him.

COL (b)(3), (b)(6) Did the S3 ever tell you that he is not performing, he is struggling, that he is not making it? His skills are rudimentary, they are incredibly basic, that he is not adequate; anything along those lines did he communicate that to you once he started at the JOC prior to the 21?

LTC (b)(3), (b)(6) Yes we did have conversations, (b)(3), (b)(6) still had them up to yesterday when quite frankly after this incident we, I pulled (b)(3), (b)(6) in and said hey we had a failure and we have to retrain, I think we stopped aggressively training. We made it through TOA with a tremendous amount of TICs and MEDEVACs and decision making, which I stood on the JOC floor and said fire on this and fire on that.

COL (b)(3), (b)(6) So he told you, did SGT (b)(3), (b)(6) ever share with you that the guy didn't have it?

LTC (b)(3), (b)(6) No sir, not with me personally.

COL (b)(3), (b)(6) Did the FIRES captain, has he ever shared that with you?

LTC (b)(3), (b)(6) No sir, not personally.

COL (b)(3), (b)(6) We have the officer, sergeant and the fires guy, your two experienced guy not communicating to you, why would you think that the captain would share that with you if the two experienced mitigation strategies you had in place weren't sharing that with you?

LTC (b)(3), (b)(6) Sir I wouldn't expect the captain to share with me, necessarily, but I am unaware if he came to MAJ (b)(3), (b)(6) and said hey I am uncomfortable in this job.

COL (b)(3), (b)(6) So we did a good train up we did not have a plan, we have a procedure to bring new people in but we don't have a plan, or training program, we don't have a mechanism that says we are ready to fight. We are in the fight. What are the checks and balance in the fight, that says it ain't working that comes back to you and the SOTF?

LTC (b)(3), (b)(6) Well sir, the obviously the input my S3, and SGM and even my CSM watching JOC operations you know I obviously spend time in there with each of those individuals, we staff tremendous amount of CONOPs we have multiple mission going, MEDEVACs and TICs. I felt confident with the team we had. We had a process in place that was sufficient. Did you know that (b)(3), (b)(6) was weak, yes sir I did.

COL (b)(3), (b)(6) We a line this with weak, that you understand that he was weak. Now I will go to the battle rhythm and this is where I am really struggling with you (b)(3), (b)(6) Your battle rhythm, as I'm looking at this here, I have assessed a weak leader. I have put a SFC with him and a fires captain on the side. An assessed weak leader is the guy in charge; I don't have a mechanism over top, so my mechanism was to put guys underneath him. My S3's battle rhythm is the same, my XO's battle rhythm right in line between and the S3, somewhere in between the two of them, that gaps right over when your weak leader at the highest threat periods to the formation, can you walk me through that to explain how did we come to that battle rhythm without having an alarm go off?

LTC (b)(3), (b)(6) As I explained to you, every night we see what we have to eat up. We don't do helicopter assaults every single night, my guys are out there doing steady state COIN and FID. You have some high risks or higher risks that take place at night. At night we review what we have tonight, what time does it take place, what time is the infill, what are the decisions. That's how we architect ourselves for those really early hours. I would say who's going to be up tonight wake me up for infill or exfield, or I am doing a command visit to an out station XO or S3, so that sir was how we covered down on those periods.

COL (b)(3), (b)(6) But this is not isolated to the 21; this is the standard battle rhythm that your folks told us. In fact that is about what you all do. I think the hours you are putting into it is not the question, it's the alignment of all three, doing the hours of limited visibility when you have anything going on. How is the battle rhythm plot in that all the key, experienced leaders is down, your inexperienced guy is on deck and he has the helm, when you have operations ongoing, but at least while you have operations going on, why is there no field grade up?

LTC (b)(3), (b)(6) Again sir, if I have a high risk infield that is going to take place at 0300 local then I have someone there that is field grade to make a decision. On an average night if I have patrols in and out of the wire, I do not have a mechanism to keep my XO up or anything else.

LTC (b)(3), (b)(6) What time did they infield on the 21st?

LTC (b)(3), (b)(6) It would have been probably early morning; I cannot recall exactly, it was probably 0400 local, and we infield early morning I cannot recall exactly. This was the remainder of the operation it may have been a little earlier.

LTC Were you awake at that time?

LTC I don't recall.

LTC Was your S3 awake at that time?

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

LTC I don't recall.

LTC Was your XO?

LTC Again I don't recall.

COL (b)(3), (b)(6) What we are tracking is no, not just for the infield. And we understand it was an infield to getting there and would start the operation according to the CONOP at 0605. And no one was awake when they start their operation a known threat location. I got back to the battle rhythm, you are not answering, how did we come to that solution set. You just told me, well I just explained to you because I don't understand what you are answering. How do you come to a battle rhythm when you have a forces that is going to a level 1 CONOP, going into a known threat area, that is going to insert at (b)(1)1.4a that is going to start its ground maneuver at 0605 according to the CONOP and we don't have any leaders up, no body except for a battle captain that you and everyone else in the command knows is inexperienced and not ready for prime time. How do we do that, how do we get there?

LTC (b)(3), (b)(6) Sir this is where, as I look at what we do as a SOTF and I organize this, I got (b)(1)1.4a people assigned to the SOTF, I am resupplying (b)(1)1.4a fire bases, my XO, there is probably (b)(1)1.4a people living on that camp, which is (b)(1)1.4a what it was when I started my mission analysis a year ago. I made a decision, that the sustainment of ODAs in the field and meeting the needs of the ODAs was my XO's main task, I don't think that I deliberately came to the decision that he wouldn't be up during those infields, but I felt like I had a trained JOC or TOC that could handle that and the best place for my XO to be was, I know is difficult, was to excise and management tasks.

COL (b)(3), (b)(6) Why do you think it is mutually exclusive the XO of all duties and his ability to be a part of the OPSCENT why is that mutually exclusive?

LTC (b)(3), (b)(6) Sir it is not mutually exclusive, he stays up for infields when I don't, or I will tag him to cover down on things, just as all XOs are. But I didn't build a battle rhythm that had him awake as a field grade during those periods of darkness. Based on what I thought was a trained TOC that had experienced

folks in it, and the requirements to provide for ODAs and teams on the battlefield, obviously since this, I have two things that I need, that I want number one I need a chops. As you look at what I have I am C2 of something that is exceptionally broad scope, and as you have identified I put a captain in there to be my eyes forward and it has proven to be beyond his capability and I accept responsibility for that. second thing is I am essentially turning my XO into a deputy commander and I am going to bring a brand new major up to be the XO, so I can remove those required logistics and management staff tasks from my XO and program him in as a DCO. As a battalion I am just manned to do that, I'm covering that out excepting risks in other places. I know it doesn't answer your question, of how do I have that gap in space in time, like everything else that we are doing is we can't be everywhere at once, and I accepted risks in certain areas, and the quality of people and training plan that we had was not adequate.

MG: Accepting risks in areas means that you have thought about it, decided on it, correct?

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

MG: You didn't know that none of your field grades did not understand that was a gap there, at the infield and during the ops so explain to me how you accepted risks on that if you don't know about it?

LTC (b)(3), (b)(6) I think if I would have built in my XO...

MG: I'm talking XO and S3, you said earlier that your S3 runs the ops, so I don't want to get held up on XOs only; you have three field grades that go down roughly at the same time and get up at the same time.

LTC (b)(3), (b)(6) Sir I managed that risk with as I said, the system of looking at what we had coming up, what decision we thought we had, and the crafting our battle rhythm off of that, crafting our plan for the night, day, or morning off of that. So I could have reduced my risk by saying there will always be a field grade up. I considered that in training, and here. I felt like I had I put a lot of effort in training the TOC and we were able to manage those enablers and that my XOs greatest contributions to the fight would be delivering and supervising the support to ODA and COs.

MG: What about your S3, what was his greatest, strength to the fight when the fight is going on?

LTC (b)(3), (b)(6) The S3 he sits right off the JOC, he obviously does not sit in the JOC all day, he is crafting plans in conjunction with RC south we do a CONOP brief everyday at (b)(1)1.4a for the next (b)(1)1.4b hour period. He manages on what we call our J35; all the guys that plan synchronize. He provides a surge capability in there for decision making, in conjunction with me and when I am not there as well.

MG: When you are making you risk management decisions with your S3 where are the greater risks?

LTC (b)(3), (b)(6) Well sir, clearly operations provide us with the greatest risk. During current operations.

MG: So do we weigh his daily activities during the daylight time greater than when operations are going on, kinetic operations and other parts are, I just need to understand how you make those decisions?

LTC (b)(3), (b)(6) Sir I think we if, someone was to template out our operations we

(b)(1)1.4a

(b)(1)1.4a

MG: That was pretty much happening while everyone was asleep. You are using that as a case, when the field grades were asleep.

LTC (b)(3), (b)(6) And again sir, I told you before, getting awakened by my commander with a phone call. As I look at the wake up criteria it tends to be hard actions things that are very concrete. My expectation is that I got a thinking NCO or someone that begins to say we are impending on decisions. Again you know, sir I am responsible for this unit, I expect leaders to make those intuitive calls. I can't set everything out in a matrix, but in this case our guys in the TOC felt they had been monitoring the situation that the threat wasn't imminent and that they had a reasonable handle on it. That was the decision that they made. Do I feel that my wakeup criteria hadn't been met prior to that, sir I think. Particularly with the presence of the convoy which everybody agreed looked like it presented a threat.

COL (b)(3), (b)(6) You are comfortable with your worst captain on duty during the day when everybody is up, and your inexperienced captain on duty at night, when no one is up. You are comfortable with that?

LTC (b)(3), (b)(6) Sir I am obviously no longer comfortable with that. I thought the mitigation measures in there I thought the collective training that we did and expertise and the synchronization.

COL (b)(3), (b)(6) But no mechanism to determine if it was met and achieved?

LTC (b)(3), (b)(6) Sir no formal certification.

COL (b)(3), (b)(6) You indicated laser focus and tactical directive you believe in it, you push it. First I want to talk to you on targeting and then the tactical directive. What training have you guys done on ROE?

LTC (b)(3), (b)(6) Sir everyone in the SOTF had to go through ROE training as coordinated by our JAG. I don't know if you saw a copy of that product.

COL (b)(3), (b)(6) That is a briefing that he gave. I asked of ROE training, performance oriented, confirmation of a level of competency, that say ready to go out.

LTC (b)(3), (b)(6) Yes sir that to me EOF training, it is a rapid mechanism how the ROE is presented and how it changes. I think we did, we've done excellent EOF training to include combatives as an EOF mechanism that we talked about. We do combatives because we are trying to deescalate from lethal fires to combatives. JRTC obviously provides tremendous real world scenarios that are EOF mixed in with

civilians; handling angry ANP and females. So we put our guys through what I would consider outstanding EOF, when you put guys through those scenarios it forces them to understand, act out, and internalize for the ROE is. When have I met my criteria for self defense, what is an imminent threat, it is different for CPT (b)(3), (b)(6) and LTC (b)(3), (b)(6). So I feel like we put a tremendous amount of emphasis on that. I have had OPDs on this with my leaders. Everything we do on this battlefield is EOF.

COL (b)(3), (b)(6): We will come to what was on CPT (b)(3), (b)(6) view towards the end. So the ROE training what a briefing and EOF that slangs that JRTC in other places, that was the ROE training?

LTC (b)(3), (b)(6): Sir obviously the briefing is a requirement the situational training exercises which we do on EOF, again combatives which a big part of what we do is an EOF drill, when we run CFOUT, which is our CQB that is an EOF drill. Of course you know different types of targetry and other things.

COL (b)(3), (b)(6): Then (b)(3), (b)(6) how come no one in your command other than hostile intent could define PID, TIC and imminent threat. No one, I mean no one, not even you could define it correctly. And look two part a question that and as it links into target development and the application of the ROE. Those are critical components of applying ROE. And you will see this trend of new people coming in and no mechanism to ensure they are trained. Everyone says we trained it until we peel it back. So how come no one understands those terms, if in fact the briefing was functional, in fact training was functional. Most of your people thought that it was the identification of anything. Well hell if you are doing an identification of anything I suspect you are not going to get a whole lot of battle drills because you are doing PID every hour.

LTC (b)(3), (b)(6): Yes sir, I mean PID the identification of a legitimate military target with reasonable certainty, on this battlefield, PID is used well outside of that. In my force with conventional forces and NATO, PID has a, it's used, let me put it this way.

COL (b)(3), (b)(6): I am asking about your formations your training, this formations ability to properly identify a military target and to properly escalate that into the next stage, ultimately may end in the delivery of ordinance: No one in the command (b)(3), (b)(6) could walk that dog, except for the ODA commander and the JTAC, no one. So I am struggling with ROE training has gone on. What was the mechanism we used to say yes we got it, and does our command understand it? Does your command understand the ROE?

LTC (b)(3), (b)(6): Sir I think we do, I cannot answer to members of my staff not understanding the actual definitions. The ROE of course is based on self defense. Beyond that it is a drill to try to identify which civilians are trying to do me harm and which are innocent on the battlefield.

COL (b)(3), (b)(6): Here's the problem (b)(3), (b)(6) your OPSCENT is looking at a developing target. They heard the word PID and so because there was a weapon identified your operations center believed a weapons in that formation so it is a legitimate threat. They see it moving away and don't connect it because they don't understand PID. They are watching it move west. I think they are watching it move west, I still am not sure what were or were not doing in the operation center. Why do you think that your guys understand the rules of engagement because it is more than just, I can shoot because it is a threat. How did we get that, what was the intellectual effort applied?

LTC (b)(3), (b)(6) think when everyone saw MAMs reported as armed by Predator at that early in the morning that was a good indicator that we had a military target. Obviously that matched up with the (b)(1)1.4c and the attitude of the convoy.

COL (b)(3), (b)(6) Initially, absolutely. If you have noticed none of these questions have addressed the delivery of ordinance because we have a pretty good appreciation for how that came about. Initially we get the target, why the ODA commander made those assessments, absolutely, as we are watching this target, we can understand the (b)(1)1.4c he is dealing with and the chatter. The disconnect is the SOTF headquarters responsibility, I would like to stay off that and stay on ROE a little longer. I go back to you what is the sustainment training you guys have been doing here in theater in applying the ROE since y'all took over at the end of January.

LTC (b)(3), (b)(6) Sir codified training plan?

COL (b)(3), (b)(6) Any kind of training, I will take anything.

LTC (b)(3), (b)(6) Sir this is daily conversations I have had with my commanders on the ground about what is the ROE.

COL (b)(3), (b)(6) I am asking about your SOTF HQ, our Operations Center.

Codified training plan sir.

COL (b)(3), (b)(6) I don't care about codified. What were you guys doing in sustainment training in the application of ROE to make sure you guys you are doing it correct, or to make sure everyone is doing what they were supposed to be doing?

LTC (b)(3), (b)(6) Other than conducting operations AAR-ing what we did, how things went, what decisions we had to make; I stood in that JOC multiple times with all the systems around me, in fact we had a target in Natli, it was a remain over day where we took KIA and WIA, I got into the business of directly authorizing or not authorizing hell fire strikes. I did that obviously throughout the day and then in some point in time my detachment commander was taking direct fire, and loses and he achieved his criteria to control that aircraft directly and no longer as a screen but use that because he was in a life or death situation.

COL (b)(3), (b)(6) That's good (b)(3), (b)(6) that's not what I asked you, you gave me an example of one that you guys made the right decision, that's great. My question is what sustainment training is the operation center doing as it relates to the ROE that's my question. Is there any going on, don't worry about codified. What are you guys doing in the operations center as it relates to ROE?

LTC (b)(3), (b)(6) Sir they are obviously conducting much more formalized training than we did prior to this. Which looks a lot a standard OPD or NCOPD, I had my JAG go in and retrain.

COL (b)(3), (b)(6) Not since the 21st prior to the 21st.

LTC (b)(3), (b)(6) Yes sir. At that time as I explained, it was the focus of the training of course was on proficiency individual proficiency on JOC operations as synchronized by the OPS SGM and S3.

CO (b)(3), (b)(6) will share with you what the rest of your team told us. NOTHING. No training, no ROE training, no sustainment training, NADA, ZERO, ZIP.

MG: What do you think about that statement?

LTC (b)(3), (b)(6) This is a failure of command and understand. You know.

MG: We are trying to find out why this event happened. We are just trying to seek the truth. And there are disconnects between leadership and the led. And there is no motivation by some of these people to taint that fact, it's what they say. They are all professional, but they know if there is a good training plan, training, instead of OJT, what's happening. So what do you think about that, when we are finding this out across the board. What are your thoughts? Especially the answers you have been giving us how do I square that circle.

LTC (b)(3), (b)(6) Sir this is a failure. The system we had in place was inadequate. I accept responsibility of that sir.

CO (b)(3), (b)(6) Sir can we take ten; I need to hit the latrine.

MG: We are on a ten minute break.

MG: What we would like to do is have you explain us from the time you were woken up, walk us through the events that day?

LTC (b)(3), (b)(6) I was woken up by CPT (b)(3), (b)(6) Last time we talked I was fuzzy on that, but I am sure that he woke me up. That he briefed me on the way to the OPSCENT to talk to COL (b)(3), (b)(6) He was on the line at that time so I had minimum knowledge of what was going on. But I understand that there was a threatening convoy that was happening while (b)(1)1.4 was on the ground. I had my conversation with COL (b)(3), (b)(6) as we discussed last time.

MG: What time was this?

LTC (b)(3), (b)(6) Sir this was I believe it was around this would have been around 0300z, 0330z in that time frame.

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

MG: Through this testimony we will put everything in local time.

LTC (b)(3), (b)(6) Roger, it was around 0800 local sir. COL (b)(3), (b)(6) asked me hey are you watching this. Of course I was essentially getting his assessment on it. He felt that it was menacing and wanted to know what I was going to do about it. He certainly conveyed to me in that conversation that he felt like this was a target that was right for an engagement. I felt he had made his assessment at that time.

MG: How long did that conversation last?

LTC (b)(3), (b)(6) Sir not long, enough for him to say we have this convoy, what are you going to do about it. He offered his assessment of it. I got off the phone in near panic, which was, I got an imminent threat on my forces, my group commander is waking me up. What do I have JOC. At that time the guys briefed me up?

MG: Who are the guys?

LTC (b)(3), (b)(6) That would be, taking the lead would be the battle captain, CPT (b)(3), (b)(6) I distinctly remember at the time my fires officer, CPT (b)(3), (b)(6) was the one that said to me, sir we got to get ready to do something about this. I felt we were in the imminent action phase and that my fire officer that said sir we have been watching this. It is still 10 to 12 kilometers out we feel like we had time. That was when I took a breath and said what we have and what do we know. My ISR said we know about the attitude of the convoy. I have compiled the information there. As I recall my JAG was on the floor as well. I had what I believe to be about 15 to 20 minutes to make an assessment of what we had.

MG: When you were talking to your battle captain and your FSO, they were watching MIRC. Your FSO, CPT (b)(3), (b)(6) was he day or night FSO?

LTC (b)(3), (b)(6) Sir he was night FSO.

MG: So he was up all night when he told you we had a little time, what else did he tell you?

LTC (b)(3), (b)(6) At that point in time I can't remember who it came from, what the composition of the convoy had been. That it was large number of MAMs armed, that we had reports that they were armed from the Preds. That we suspected that there were young males in there. We didn't use the word adolescents. I know that came up last time. Potentially civilians in the convoy, so that was part of the initial assessment that I had had.

MG: So pretty much on the spot there was a mention of potential civilians?

LTC (b)(3), (b)(6) Let me back up. Because this is, since this incident we have had a lot of debate about, they were all civilians. Everyone in that convoy whether women, children, or males with an AK, just are they civilians that provide a threat to us or are they innocent noncombatant civilians. We use the word and as we scratch down to this with my staff. There is confusion, we kill civilians all the time, called Taliban and they are armed and shooting at us. I am not equivocating, do I understand the difference between a civilian and a combatant, sir I believe I do. Is the language inaccurate, it probably is. I knew enough that I had to consider that it could potentially be noncombatants in that convoy. So that is what went into the decision making process.

LTC (b)(3), (b)(6) What were you told that made you assess that there were potentially noncombatants in the convoy.

LTC (b)(3), (b)(6) I remember the information coming to me that we potentially had women or children or the usual younger males that were mixed in with that convoy. As I interrogated my guys, hey what do we have? The picture that I was presented with, I had this convoy that was migrating from location to location, growing in size and scope that predominately consisted of MAMs that were armed. So I think my initial assessment and most people shared that assessment that this was convoy that was collecting itself up with fighting aged males and potentially had younger males and noncombatants intermixed with it and that is not unusual.

LTC (b)(3), (b)(6) So you made a determination to do what?

LTC (b)(3), (b)(6) At that time I gather all the data I have my initial conversation with task force south that has an AVI package. We don't have a standing AVI capability. I distinctly remember that I have that phone call at 0400z which would have been 0830 local. That is my recollection of that's when I had had that. Because I remember looking at my watch and asking when can you put this AVI on target. And I can't remember if it was my first or second conversation but they said, ninety minutes. I remember 0530z, is when I thought it could have an AVI package on that. So in four and half which is 1000 local time. So I said I would like the AVI and the officer I was talking to said, let me verify, I can execute this. He called me back again, maybe five or ten minutes later and he said we are a go. Perhaps that's when he said ninety minutes or so I can't remember which conversation took place. That's when I saw on my ISR feed the impact of what at that time was vehicle number one as I was on the phone at that time.

LTC (b)(3), (b)(6) So within your operations center you have the ISR feed up on a screen.

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

LTC (b)(3), (b)(6) And that is the video from the Predator?

LTC (b)(3), (b)(6) That is.

LTC (b)(3), (b)(6) Can someone within your operations center monitor the conversations between (b)(1)1.4a, the JTAC on the ground and the Predator?

LTC (b)(3), (b)(6) Our ISR manager talks to the station on that. My understanding it is the JTACs voice, and that's the three way in between those three guys. Is he getting the data bursts on the ground, he is not.

LTC (b)(3), (b)(6) How about the Predator and OH 58, is someone able to monitor the conversations between them?

LTC (b)(3), (b)(6) Yes sir, I believe so.

LTC (b)(3), (b)(6) Who would do that?

LTC (b)(3), (b)(6) That would be we have multiple MIRC nets, between the Fires NCO and the ISR manager, they manage different MIRC chat NETs. There are multiple NETs going out at once, and they tend to open whatever window is applicable at that time.

LTC (b)(3), (b)(6) So within the TOC they can monitor MIRC but cannot hear the actual FM communications between any of the players?

LTC (b)(3), (b)(6) No they cannot hear the FM communications.

LTC (b)(3), (b)(6) When you saw the vehicle explode, what was your first thought?

LTC (b)(3), (b)(6) First I had thought that they had hit an IED. I believe from watching the gun tapes, vehicles 1 and 3 were hit near simultaneously.

LTC (b)(3), (b)(6) When did you realize that this was not an IED strike and someone had in fact called in a strike?

LTC (b)(3), (b)(6) It wasn't long. That was my first inclination. It didn't take long to realize that that was an actual air weapons team strike. I cannot give you an exact moment of clarity. It certainly wasn't within a timing window that the second aircraft engaged.

LTC (b)(3), (b)(6) So once the strike occurs you continue to watch the predator feed is that correct?

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

LTC (b)(3), (b)(6) You personally, were watching the Predator feed?

LTC (b)(3), (b)(6) I did.

LTC (b)(3), (b)(6) Did you continue to watch as the last rocket was fired?

LTC (b)(3), (b)(6) I did.

LTC (b)(3), (b)(6) Did you see what appeared to be a woman in a burkah?

LTC (b)(3), (b)(6) I cannot distinguish between a woman and man on the Predator feed. We did, however receive reports of women on the target. I didn't have nothing that, that did not come through my visual as much as it did on the MIRC chat.

LTC (b)(3), (b)(6) The last time we were in your testimony, you had a difficult time remembering if you knew that in the morning or afternoon. So are you saying in the morning before 0900 you had some information reporting that it was women and children on the objective?

LTC (b)(3), (b)(6) I didn't know what was on that objective. If I had full clarity and understanding of what was on that objective.

LTC (b)(3), (b)(6) I am not asking you of full clarity, I am asking you of when you first received information of women and children on the objective?

LTC (b)(3), (b)(6) I would be speculating when I knew when, I didn't know exactly when to include my first report that I got that I felt confident in was later that afternoon.

CO (b)(3), (b)(6) We are not asking you to remember the middle. You don't remember exactly when you got it. Within a window from when the strike happened to 30 minutes later, within that 30 minute window did you receive information regarding the possibility, potential, identification, something of women and children on the strike sight?

LTC (b)(3), (b)(6) Sir that is hard for me to determine. I had information when I came in the TOC that I potentially had noncombatants, so I had unconfirmed reporting or reporting I couldn't confirm when the strike happened. At some point in time I had that same, what I would consider unconfirmed reporting.

COL (b)(3), (b)(6) Not asking confirmed, we have everything that is unconfirmed, it's not confirmed until your confirm it, got it.

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

LTC (b)(3), (b)(6) There is a couple things, at the time you see the first missile strike you must believe there was a chance of civilian casualties because you believe that is chance of noncombatants in the convoy.

COL (b)(3), (b)(6) And that is why you selected the AVI.

LTC (b)(3), (b)(6) Yes sir. My decision making process was based on the fact that I potentially had noncombatants in that convoy. That was part of my decision making process from the beginning. I had a continue steady stream of data, do I women or children. Do I have weapons that constituted my next few hours to figure out what had I struck, what had we struck. Did I know that we had hit a convoy with large amounts of MAMs. Did we at some time receive reporting that we had potentially had noncombatants, that reporting came through the MIRC chat, and that was a data point, there is no question that that was a data.

LTC (b)(3), (b)(6) Just try to get a clearly as possible of when you first get your first suspicion, if you have potential noncombatants in the convoy the convoy blows up you must have some inkling that is a potential that these noncombatants have been injured, correct?

LTC (b)(3), (b)(6) Yes that possibility exists, absolutely.

LTC (b)(3), (b)(6) Then at some point you get over the MIRC chat or some other weary reports that there are women and children on the objective, correct?

LTC (b)(3), (b)(6) That's correct.

LTC (b)(3), (b)(6) When that occurred did you put those two together, we have potential noncombatants in the convoy and reports of women and children on the objective sight. Did you marry those two up and think that there is a larger chance that we have a CIVCAS incident?

LTC (b)(3), (b)(6) Yes, if felt that was a target of 100%, I would have said go for it. I felt that there was a risk that that target had mixed in it. Noncombatants or teenage males or potentially women, was I prepared to leap out into the unknown and say I have CIVCAS, I was not prepared to do that. I wasn't confident, I felt I would've been speculating. We followed the TD, and immediately got boots on the ground. I called back to TF south who offered the AVI package that target has been struck, can you AVI package and do BDA, they said hey let us call back. I waited again, not long cannot remember exactly what it was. They came back and said we are not going to do BDA. At that time we said we have to keep ISR on that, per the directive and then we need to put some helicopters to put boots of the ground. That was the direction I gave to my JOC.

LTC (b)(3), (b)(6) You spoke to COL (b)(3), (b)(6) as soon as you entered the JOC, correct?

LTC (b)(3), (b)(6) I did.

LTC (b)(3), (b)(6) : When is the next time you speak to COL (b)(3), (b)(6)

LTC (b)(3), (b)(6) : I spoke to COL (b)(3), (b)(6) Many times that morning at least 5 or 6 times, maybe more throughout that morning, over probably a 4 hour period, or maybe 5. Everyone was trying to read and piece together the same data so as I talked to him about what we potentially had and what our actions were. I was trying to ascertain what the GFC saw that I didn't see. There was doubt in my mind, when a GFC made that call I presumed he has data or information that I don't have. I felt before I could leap out to that our next step was boots on the ground assessment. As soon as we can get then we could make it a good assessment of what we had.

LTC (b)(3), (b)(6) : The second time that morning you spoke to COL (b)(3), (b)(6) how long after the strike was that?

LTC (b)(3), (b)(6) : I would be speculating if I guess, but I am sure based on how frequently I talk with him, and this is based on how he and I communicate. I would have to think that I probably talked to him within 30 minutes after that. I plug in to him very frequently.

LTC (b)(3), (b)(6) : Is that when you told him that you had decided to employ an AVI?

LTC (b)(3), (b)(6) : I don't recall which conversation it was, but I'm sure I told him.

LTC (b)(3), (b)(6) : Did you explain to why you had elected to use an AVI?

LTC (b)(3), (b)(6) : I can't recall the specificity of our conversation.

LTC (b)(3), (b)(6) : He wanted to strike the target correct?

COL (b)(3), (b)(6) : He told us that.

LTC (b)(3), (b)(6) : He did. And I shared with you what I think stands, clearly that was his intent.

LTC (b)(3), (b)(6) : So you explained to him that you had chosen a different course of action. There must have been some explanation of why you chose a different course of action from what he chose.

LTC (b)(3), (b)(6) : I'm sure there was, did he and talk about the presence of potential noncombatants, we didn't.

LTC (b)(3), (b)(6) : So sometime prior to noon you spoke to COL (b)(3), (b)(6) and talked about noncombatants is that fair?

LTC (b)(3), (b)(6) : I think that is fair.

LTC (b)(3), (b)(6) : You said you also were trying ascertain what information the GFC had that you didn't, correct?

LTC (b)(3), (b)(6) : Correct.

LTC (b)(3), (b)(6) : When did you speak with the GFC?

LTC (b)(3), (b)(6) That's obviously one that I have a hard time recollecting. I spent the majority of my morning standing in front of the battle captain listening to the SAT 101, and the Iridium. I believe I had one conversation with CPT (b)(3), (b)(6)

LTC (b)(3), (b)(6) By what means?

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

LTC (b)(3), (b)(6) Probably on Iridium. That is my recollection; we talked about this last time. I have a hard time recollecting. I have spoken with him on targets, I speak with commanders all the time, I can't remember the nature of the conversation which is why I doubt it. If I had it. As I recall I had a conversation with CPT (b)(3), (b)(6) during that morning.

LTC (b)(3), (b)(6) What do you recall he told you about the strike sight?

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

LTC (b)(3), (b)(6) I don't recall his words. This is what I recall with CPT (b)(3), (b)(6) I know that between CPT (b)(3), (b)(6) and my SGGM when CPT (b)(3), (b)(6) got on the ground site I remember my SGM (b)(3), (b)(6) was telling me that the captain was panicking on the ground and that he was trying to ascertain everything that he had there and that he was patching up people. And that he..

LTC (b)(3), (b)(6) We will get into the since of the (b)(1)1.4c. I'm talking about conversations you had while CPT (b)(3), (b)(6) was still on objective Khod.

LTC (b)(3), (b)(6) Again, gentlemen, honestly I'm reluctant to give a statement on that because I cannot remember the details of exactly what we talked about at that time. I was concerned that, I am being frank and honest with you sir.

COL (b)(3), (b)(6) Well let me help you out then. About 0900, well first before I ask you that. Do you remember your fires officer, ISR manager, the battle captain, the identification of the potential of women on the strike sight after the strike, within minutes?

LTC (b)(3), (b)(6) Sir at some point in time that morning, yes.

COL (b)(3), (b)(6) Some point in time, you got to narrow this down some.

LTC (b)(3), (b)(6) Yes sir, that had to have been shortly after the strike.

COL (b)(3), (b)(6) Then around 0900 local, do you remember talking to CPT (b)(3), (b)(6) on the Iridium? Now let me tickle you a little bit, do you remember telling him not to second guess himself?

LTC (b)(3), (b)(6) Sir I don't recall that. I expressed confidence in what he had done. The day after sir, when you are up at TK.

COL (b)(3), (b)(6) Stay on this if you would, 0900-ish. You don't remember telling him, don't second guess yourself, it was a good strike?

LTC (b)(3), (b)(6) Sir I don't recall those words, but that was my assessment at the time, that that was a good strike.

CO (b)(3), (b)(6) Do you remember him telling you that he thinks that there may have been an incident on the objective that generated you to say don't second guess yourself? He calls you up and says he is concerned that there is incident on the target site because there are brightly colored clothing, and he demonstrates or indicates a level on uncomfortable, and you tell him not to second guess himself, around 0900 right after the strike?

LTC (b)(3), (b)(6) That sounds right.

CO (b)(3), (b)(6) Okay, well then, I'm going to walk through a couple things and you have to tell me if there is something here. You come into the JOC getting your butt smoked by the brigade commander because you are not in the game. You immediately get into the game and make an assessment a prudent assessment because your battle staff gives input and feedback that draws you to a conclusion that says something is not right with this target and you do an escalation of force. Target is struck; everybody is surprised in that TOC that it got struck. You have a conversation with your ODA commander who indicates to you he thinks this an incident because of brightly colored clothing, he's emotional, and you tell him good strike settle down. You go take a piss, and tell yourself that it a good strike. Can you tell me the activities from your piss to when you came on, that would have indicated to you that it was a good strike? From being told by your team potential, battle staff potential, women identified potential, GFC that called the strike possible incident to you taking a piss, what occurred that then convinced you 'good strike'?

LTC (b)(3), (b)(6) Sir I had that doubt in my mind no question. The actions that I took the AVI and BDA I had concerns, I think as a commander and my assessment at that time was that I had a good strike, and until.

CO (b)(3), (b)(6) I'm asking you again (b)(3), (b)(6) your brigade commander had chewed your ass for not striking this target. Even after that you still did not strike this target, for good reason indicated to you this was not a good target. Tell me why?

LTC (b)(3), (b)(6) Sir because I felt escalation of force.

CO (b)(3), (b)(6) MG: Why?

LTC (b)(3), (b)(6) Sir the distance from the target, the potential of noncombatants existed.

CO (b)(3), (b)(6) So then this strike happens and you are surprised. The Predator feeds inputs battle staff inputs, phone call, and piss. What happened from when you went 180 out from your brigade commander who is a compelling personality to that piss that told you good hit? What other input did you get, we can't find any. So you tell us, what other input did you get that said good hit.

LTC (b)(3), (b)(6) In my mind I had a potential. I felt that it was open ended and needed to be proven. I felt we all had made the conclusion that that was a valid military target; the potential for collateral damage was in my mind.

the presence of what was on the target. If I could take it back I would have made that connectivity. I focus was to verify what was on the target.

CO (b)(3), (b)(6) What actions did you take to verify the CIVCAS or noncombatants on the strike sight?

LTC (b)(3), (b)(6) The actions were to keep the ISR on, and then to arrange for BDA.

LTC (b)(3), (b)(6) You said you reported the facts as you knew them. Who did you report those facts to?

LTC (b)(3), (b)(6) We talked about the presence of [interrupted]

MG: Who is we?

LTC (b)(3), (b)(6) Within my TOC and in my conversations with COL (b)(3), (b)(6) I cannot recall exacts. He and had frank conversations about what we had on target.

MG: When do those frank conversations happen?

LTC (b)(3), (b)(6) All throughout the day.

MG: Tell me when those frank conversations went on and what they were about?

LTC (b)(3), (b)(6) Sir I was on edge. This is the strike that I have, this is the data that I have and this is where I stand right now.

MG: You didn't talk to him like that, give us specifics, I don't want to hear anymore platitudes? We don't have casual conversations with our bosses especially when an event like this is happening.

LTC (b)(3), (b)(6) Sir you have hit me hard this last time. I cannot recall the specificity of the conversations that I had with COL (b)(3), (b)(6) As I presented data to him, he wasn't inquisitive or interested in moving towards the declaration of CIVCAS.

CO (b)(3), (b)(6) What did he say?

LTC (b)(3), (b)(6) He was interested in the decision making process from CPT (b)(3), (b)(6) standpoint.

CO (b)(3), (b)(6) This is aggravating to go digging.

LTC (b)(3), (b)(6) What did CPT (b)(3), (b)(6) see that you didn't?

LTC (b)(3), (b)(6) I don't think he saw anything that we didn't. We talked about double PID.

LTC (b)(3), (b)(6) You have said twice now, that that morning you wanted to know what CPT (b)(3), (b)(6) saw that you didn't. Your boss wanted to know what CPT (b)(3), (b)(6) saw that you didn't.

LTC (b)(3), (b)(6) Yes we wanted to know what was his decision making process that we didn't see.

MG: Who didn't feel right for striking?

CO (b)(3), (b)(6) So walk me through why you said that you complied with the tactical directive, in fact you complied with some of the elements, and you showed tactical patience when you made your course of action. But it has a couple of components to it. When came to reporting supported information of suspected CIVCAS, plus you have the brigade commander's suspicion to submit CIVCAS, you have plenty of lane to say, I'm not sure, in compliance with the tactical directive, and commanders CCIR, I now report my FIR. Why did it not meet the level of suspicion that would have caused you to tell and report?

LTC (b)(3), (b)(6) This is a decision that I regret. In all practice we don't speculate. I felt I had knowledge of potential collateral damage; I had a course of action to confirm or deny that. Prior to that it would have been potentially inaccurate. That was my thinking that is how I commanded in that moment. If I didn't meet the intent of the tactical directive it was not malicious or obfuscation. It was my decision.

CO (b)(3), (b)(6) Do you think your S3 knew that there was a potential for women and children in that convoy, when he came on station and was talking with you?

LTC (b)(3), (b)(6) I cannot recollect the conversations (b)(3), (b)(6) and I had.

CO (b)(3), (b)(6) Anytime immediately following the strike, did MAJ (b)(3), (b)(6) know that there were potential noncombatants?

LTC (b)(3), (b)(6) Yes, I think we shared a common picture.

LTC (b)(3), (b)(6) The reports that you received of women and children on the sight immediately after the strike, were those reports of them coming out the vehicles?

LTC (b)(3), (b)(6) I remember two data points one was us trying to determine if those women and children were coming from the vehicles. The other data point we tried to figure out was when you strike a target in an area move to that area. Were there civilians in the area? I never had a solid picture of what the convoy was. The reporting was very broad.

CO (b)(3), (b)(6) Prior to the strike your TOC had the following information 21 MAMs, 3 weapons, and up to two adolescent, your people had that. How do you still think it was still 43 to 55?

LTC (b)(3), (b)(6) That was more to ascertain what was the nature of this convoy? I thought I had the data on what we thought the convoy was. What was it doing that was the key?

CO (b)(3), (b)(6) I'm just going to ask this, he broke down for you that you had a suspicion that there could be noncombatants, you saw the strike, you were surprised, then it was confirmed that it was a strike. You are made aware shortly after that that are noncombatants reported on the objective. I am just trying to apply the reasonable commander standard. The link would have been potential noncombatants. You make the link. We don't report it up because you don't feel comfortable enough. What else would it have taken you to meet the suspected threshold?

LTC (b)(3), (b)(6) Sir I reported what I saw and facts as I knew them. I didn't make the leap and draw out the tactical directive. We were gathering the same data. We had a strike that we felt was valid; I reported

LTC (b)(3), (b)(6) didn't sir. My group commander and ODA commander had made those assessment . I had a course of EOF action that I didn't get to take.

LTC (b)(3), (b)(6) What actions did you take that morning to find out the answers to that question?

LTC (b)(3), (b)(6) As soon as the strike happened we sent out groups for BDA. I was concerned about ODA (b)(1)1.4a leaving their target and leaping them to the BDA strike. It was decided to take the ODA and move him to perform BDA.

LTC (b)(3), (b)(6) But if both you and your boss want to know what CPT (b)(3), (b)(6) saw and his decision making process was, was to ask him?

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

LTC (b)(3), (b)(6) You have COMs with him correct?

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

LTC (b)(3), (b)(6) When did you call him?

LTC (b)(3), (b)(6) Personally we were on the horn with him all morning, my TOC. I didn't have that personal conversation with him. I know it is in my email account, he had 5 data points he had came from. I believe sending an email up, on what his data points were that he used to determine that decision.

LTC (b)(3), (b)(6) To whom?

To COL (b)(3), (b)(6) that night. I had asked CPT (b)(3), (b)(6) what led him to that decision making.

LTC (b)(3), (b)(6) The strike occurred at 0800 something local time?

LTC (b)(3), (b)(6) That's correct.

LTC (b)(3), (b)(6) So from that point until noon, you and the brigade commander are having numerous discussions about the strike. When they general asked what was it concerning, you said about CPT (b)(3), (b)(6) decision making. Then we ask how did you get a hold of him it is not until that night?

LTC (b)(3), (b)(6) We had a lot of concern with him. At some point in time I remember telling my JOC to stay on the guys because we didn't want them to be attacked. I do remember talking with my guys, that ODA is still up there, once he reported the BDA and we reported the results, my guns to my guys were the MEDEVAC is off the birds are moving, stay focused on our guys still on the ground.

LTC (b)(3), (b)(6) Did you convey that concern to COL (b)(3), (b)(6)?

I don't recall. I certainly relayed it to my guys.

LTC (b)(3), (b)(6) What I am trying to understand, when asked what did you talk to your boss about, you said CPT (b)(3), (b)(6) then you said you didn't want to go back to CPT (b)(3), (b)(6) because you wanted to allow him to

continue to C2 his ODA. We are trying to figure out what it is between you and COL (b)(3), (b)(6) regarding the questions concerning the specifics and what to report?

LTC (b)(3), (b)(6) Gentlemen I don't if you are fishing for.

COL (b)(3), (b)(6) You want to call it fishing, yeah here it is. Did you tell the brigade commander following the strike that there is the potential of women and children on the strike, did you share that in the first call?

LTC (b)(3), (b)(6) I don't recall.

COL (b)(3), (b)(6) What about the second call?

LTC (b)(3), (b)(6) would he and I had

COL (b)(3), (b)(6) How about within an hour of the strike?

LTC (b)(3), (b)(6) I cannot say with absolute certainty.

MG: I want certainty here LTC (b)(3), (b)(6)

LTC (b)(3), (b)(6) I'm not holding a single thing back, is that a significant data point that I would have conveyed to him, you are damn right I did.

MG: So what did you say to COL (b)(3), (b)(6)

LTC (b)(3), (b)(6) cannot recall specifically.

MG: We are not asking for specifics, what did you tell him paraphrase?

LTC (b)(3), (b)(6) Sir I would be speculating.

MG: Speculating means you don't know. You have multiple calls with COL (b)(3), (b)(6) and ODA commander, what are you talking about?

LTC (b)(3), (b)(6) I cannot recall every single thing.

MG: I am not asking for every single thing. What did you talk about with your commander?

LTC (b)(3), (b)(6) would have to think that we discussed the potential for.

MG: What do you mean I have to think, what did you talk to your commander about?

LTC (b)(3), (b)(6) I'm giving you the best answer I have. I updated COL (b)(3), (b)(6) on our actions.

MG: What were actions?

LTC (b)(3), (b)(6) We stuck that convoy.

MG: What were your reports; did you discuss women and children?

LTC (b)(3), (b)(6) would like to think we did, I cannot remember the specificities.

COL (b)(3), (b)(6) Well he does, that's why we are trying to clear this up.

LTC (b)(3), (b)(6) As I was moving data points, [interrupted].

COL (b)(3), (b)(6) Look you have said this and I get it. It doesn't fit, it's not reasonable. The brigade told you to do X and you did Y. I don't know what the challenge is with the memory. We are trying to figure out what the overall things you two discussed and his decisions?

LTC (b)(3), (b)(6) I shared with him every data point and piece of knowledge that I had.

COL (b)(3), (b)(6) What were those data points and pieces of knowledge lay it out?

LTC (b)(3), (b)(6) I cannot recall. Do I think he and I discussed the presence of noncombatants, I do.

COL (b)(3), (b)(6) I am trying to get a time since when the stop watch stops and we started reporting.

LTC (b)(3), (b)(6) I know from my email that I sent it at 1430 local I felt I had my complete picture of this.

COL (b)(3), (b)(6) We are still at 0900-0920 right now; we haven't got to those sets of questions.

LTC (b)(3), (b)(6) With reasonable certainty I think I had the conversation with COL (b)(3), (b)(6)

MG: Why would you use the terms with reasonable certainty I think I had?

LTC (b)(3), (b)(6) Sir, you know, COL (b)(3), (b)(6) his intent was to strike that target, but I didn't take that as a direct order. I provided him the data so he is a part of the assessment process. I never held back a piece of information.

MG: Told me about what you told COL (b)(3), (b)(6) an hour following the strike?

LTC (b)(3), (b)(6) I don't understand what you are getting at sir.

MG: You had a conversation with your boss, what transpired; tell us what you discussed with COL (b)(3), (b)(6)

LTC (b)(3), (b)(6) I told him the course of action I had choose, that we did not get inside the decision cycle. At that point I discussed with him what our next actions are within the tactical directive. We discussed what I was seeing and my perception of the strike.

MG: So tell us what you were seeing and your perceptions were, detail that out for us please.

LTC (b)(3), (b)(6) You are asking me to give details that cannot be sure of, but the presence of women and children on the objective sight. I don't recall any feedback that he gave me, or ran counter to my course of action. Then main tone I took away from my aggregated conversations with him was that he wasn't going to call CIVCAS and he wasn't going to push me to report suspected CIVCAS.

MG: To get that tone he has to say something to you, what did he say about CIVCAS when you brought it up to him?

LTC (b)(3), (b)(6) I can't recall, I cannot recall being alarmed by an order. I don't feel like he and I had the same footing in this. I felt he had the intent on proving that this was a good target.

MG: Did you relay, did you relay? What are those data points that made you uneasy?

LTC (b)(3), (b)(6) The potential of women and children on the sight.

MG: Did COL (b)(3), (b)(6) respond to that data point.

LTC (b)(3), (b)(6) cannot recall..

MG: Would you be surprised if COL (b)(3), (b)(6) said he was never aware of the potential until he got the FIRR?

LTC (b)(3), (b)(6) Yes sir I would be.

MG: You just counted an order by your commander, you have significant information hits of this potential. (b)(3), (b)(6) it's not reasonable?

LTC (b)(3), (b)(6) I am not holding anything back, I am trying to recreate the facts. I reported the facts to him. If he says his first nothing was upon the FIR I do believe that?

MG: Was there information of women coming from a local village?

LTC (b)(3), (b)(6) There was some discussion on what do we have. When you strike something people will move towards a strike sight.

MG: Was the information that women and children got out of the vehicles, was that conveyed to COL (b)(3), (b)(6)

LTC (b)(3), (b)(6) That is a critical data point that I would not miss with my commander.

MG: If he responded he believed they came from the village, would you believe that?

LTC (b)(3), (b)(6) Gentlemen, in my TOC I have multiple things going on. One of those is updating COL (b)(3), (b)(6) of what I am doing and what is going on. Sir I am on the phone every day, I can't recall the specificity of our conversations. I was giving the data points of what we had.

MG: But in the morning you said you had multiple conversations how many would you say happened before noon?

LTC (b)(3), (b)(6) About for three sir.

MG: Did you share the potential with him?

LTC (b)(3), (b)(6) I'm positive I did sir.

MG: What was his response to you about that information?

LTC (b)(3), (b)(6) I cannot recall sir. I cannot directly remember any directive that modified my decision making. As I review all the information available to me at that time, I was at that threshold gentlemen and my commander didn't think I was.

MG: Do you have to have permission to send up an FIR?

LTC (b)(3), (b)(6) No sir, I can send an FIR straight to CJSOTF.

MG: What time was that FIR sent up?

LTC (b)(3), (b)(6) I don't recall.

MG: What was in your FIR?

LTC (b)(3), (b)(6) The SW's was the sent up. MAJ (b)(3), (b)(6) was working it; I authorized him to send it up. CJSOTF was not interested in that product at that time.

MG: What time was that about?

LTC (b)(3), (b)(6) Probably sometime after noon, that would be my estimate on that sir.

MG: So CJSOTF did not accept your FIR, what was sent back?

LTC (b)(3), (b)(6) I had my JAG in there and I was less worried about the reports then I was about the tactical directive. I recall we either said we going to submit, or we did, and we got the hand held out. I had asked where are we in our reporting criteria. MAJ (b)(3), (b)(6) said hey they didn't accept our report. It was my impression that our HQ didn't take our report.

COL (b)(3), (b)(6) By way the HQ, confirmed they would not take the report they owned up to that. You have a bunch of conversations with your boss. You don't send up the FIR for whatever reason, you tell your people to verify, there is no other talk to verify. Work with me, one of the ways to verify is to go to the MIRC to find out who reported and follow-up, were there any actions that did that?

LTC (b)(3), (b)(6) I cannot recall. Once we made that strike, I took the action to find out what that action was. Get helicopters on the ground, until I had that reporting, I clearly felt that we would have been in speculation mode. That ODA chose to strike that with presumably the same data that we had. What was I missing?

COL (b)(3), (b)(6) So suspect is not a part of the equation in SOTF (b)(1), (b)(4) IOC or alleged. Even though that is in there those are not complied with instructions.

MG: The tactical directive says suspected. It's a very little threshold to suspect something it doesn't say confirmed correct?

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

MG: The CCIR from CJSOTF says immediately reporting, immediate in your mind means what?

LTC (b)(3), (b)(6) That's pick up the phone time now.

MG: It says confirmed or alleged, so if something is alleged or suspected, does that mean confirmed? I just want to understand.

LTC (b)(3), (b)(6) Every target we strike is a suspected.

COL (b)(3), (b)(6) Here's the difference with this strike. You had feedback from the battle staff and the MIRC, and the GFC. You had feedback that's when you can paint and crystallize things. You didn't do that. What did you need?

LTC (b)(3), (b)(6) I felt I would have had BDA immediately.

MG: Well you weren't going to have it immediately it would've taken several hours, why do we have a tactical directive, why do we have that?

LTC (b)(3), (b)(6) Sir we want to prepare our mechanisms for mitigation, information, to be ahead of the truth. This is just good reporting.

MG: If it said confirmed, but it says suspected. What is the evidence between the two, probably; analysis and time?

LTC (b)(3), (b)(6) The elements of time.

MG: What do we lose when we lose that time?

LTC (b)(3), (b)(6) We lose the initiative.

COL (b)(3), (b)(6) You lose another thing too. If you send up a CIVCAS report to help you confirm that, what else do we lose in the battle?

LTC (b)(3), (b)(6) Additional assets. You have painted a picture for that I am failure at connecting what's on the ground with reporting that I met the threshold. I felt I had a good plan on what I thought was a good target. I had a good plan to confirm what I thought was a good target.

COL (b)(3), (b)(6) You are characterizing it unfairly. The difference is significant. This analogy implies there is no other information. In this event, you had, you had input potential noncombatants which caused you to make a decision, after the strike you had additional information which reinforced your thought process as to why you did what you did, yet it stopped. We don't understand why it stopped and if you handed this off your brigade commander we don't understand why he stopped. The two key players, we don't understand either of your thoughts on this.

LTC (b)(3), (b)(6) Sir, obviously I had suspicions, I ordered the EOF, after the strike I had concerns and I order the BDA. I consulted with my JAG; I did not make the connection with reporting that as CIVCAS. I felt that as too strong at the time.

MG: I need to understand why didn't you suspect CIVCAS, with all this other information. I am really trying to understand that. Clearly and simply why you didn't.

LTC (b)(3), (b)(6) Obviously I knew that I had the potential on there for noncombatants on that target, that possibility existed.

MG: You suspected there is a potential for CIVCAS; noncombatants.

LTC (b)(3), (b)(6) Well sir obviously, of course it did, that I didn't leap into the official declaration is something I regret. Do I think that I held back on that data or tried to contain it I do not. And those that know my decision making process and command style, I don't hide things I don't, I'm a believer in getting the information out there and letting the product stand.

LTC (b)(3), (b)(6) Want to take you to the time when you have boots on the ground, what is the first report you get from those guys?

LTC (b)(3), (b)(6) They were securing the sight with the help of ANP, they were treating the locals, and the team commander was panicked. We asked was there a presence of weapons. They said no the sight was clean. The ANP to responsibility of handling the dead, because of Muslim culture, and the GFC took responsibility of handling the wounded.

LTC (b)(3), (b)(6) Were there two reports from the GFC?

LTC (b)(3), (b)(6) How many exactly I don't recall. I stood there as my SGM talked to the guys on the ground. At that time the GFC was pretty shook up.

MG: What did they indicate to you?

LTC (b)(3), (b)(6) The fact of 12-15 casualties was alarming. That was not surprising. The fact they had to attend to the wounded on the strike. I didn't get a good sense of what was on the ground. They were treating wounded at the time.

MG: With all the calls you had been having with the brigade commander, and you are waiting for boots on the ground, how many conversations with CPT (b)(3), (b)(6) after the sight?

LTC (b)(3), (b)(6) We have a system.

MG: What is the system?

LTC (b)(3), (b)(6) I have a battle captain or OPS NCO he is talking with the GFC through whatever series is happening. A single guy continues the communications with the GFC. Unless I feel things are going wrong I do jump on the mic. I do more so, now since this has happen. My OPS SGM had the most conversations with CPT (b)(3), (b)(6)

MG: You didn't have conversations with CPT (b)(3), (b)(6) while he was on the strike sight?

LTC (b)(3), (b)(6) I don't recall, I don't think I did. I know my SGM for sure was on the mic with him.

MG: Did CPT (b)(3), (b)(6) also talk to him or just the SGM?

LTC (b)(3), (b)(6) I cannot recall for sure, but I think he did. The key data point for me was I was waiting on a report of CIVCAS or not.

MG: Did that report come in?

LTC (b)(3), (b)(6) Not to me. It came in on SAT 1 or 2, or the Iridium. We had two objectives at the time, the Khod and then the split objective. The key piece to me was when he said we have 15 KIA, 7 males WIA, 3 women and children unharmed. That's when I felt the target was good, with little collateral damage.

MG: Who actually told you of that rundown?

LTC (b)(3), (b)(6) Probably CPT (b)(3), (b)(6) I gathered that data up, I needed to wrap it up and get it up the chain of command. I reported we have 15 KIA, 7 males WIA, 3 women and children unharmed. I thought we had no reported CIVCAS.

COL (b)(3), (b)(6) It was reported at the sight that there were no weapons and you still felt it was a good target?

LTC (b)(3), (b)(6) That's one of those data points, had it been picked clean?

COL (b)(3), (b)(6) Had it been picked clean you had the Predator on it?

LTC (b)(3), (b)(6) After all the other things that led up, we may have missed the bullet of hitting women and children, but what all the other guys were civilians. How do we discount those males? I didn't make the leap that it was CIVCAS, my line of thinking was this was a good target and we need compelling data that they were CIVCAS. One data point that we may have missed was the potential that that they were Hizaaras.

COL (b)(3), (b)(6) Explain that Hizaaras?

LTC (b)(3), (b)(6) Hizaaras are not Taliban.

COL (b)(3), (b)(6) What would that signal to you?

MG: That the convoy was not clear, that it was innocent civilians.

LTC (b)(3), (b)(6) Here's where I failed, I relied that CPT to make on the ground what he had and this was a good target.

MG: Did he say that this was a good or bad target?

LTC (b)(3), (b)(6) Not in those terms.

MG: If he was sad and shook up what would that signify to you?

LTC (b)(3), (b)(6) No matter their status the presence of that many dead is shocking.

MG: Did you ever talk to him on the strike sight, CPT (b)(3), (b)(6)?

LTC (b)(3), (b)(6) I don't recall sir. I wanted to get my guys on the ground. My expectation was when that GFC hit the ground I was expecting him to say we are good or not. We wanted to know how the ground was being operated. I couldn't get to the essence of this was a good strike or not.

MG: You painted a good strike just by the numbers you got?

LTC (b)(3), (b)(6) The numbers I got, I have all these MAMs I believe to be harmed or dead.

MG: You got your guy on the MIRC chat watching from Predator. He's capturing and describing what's on the objective?

LTC (b)(3), (b)(6) Yes sir. I put the stock in the man on the ground.

COL (b)(3), (b)(6) No that was to describe to MG McHale, but you had access to follow the objective and not plug into the MIRC what is the purpose?

LTC (b)(3), (b)(6) We had surveillance on the target. Didn't get any information that he had been picked clean.

COL (b)(3), (b)(6) Did you get any information that a single human being had approached the sight was doing anything to it?

LTC (b)(3), (b)(6) No sir. I did not.

COL (b)(3), (b)(6) So why would you have that thought?

LTC (b)(3), (b)(6) When that CPT hit the ground I felt he could make an assessment and call.

LTC (b)(3), (b)(6) Other than the numbers of the killed and wounded, he never gave you an assessment did?

LTC (b)(3), (b)(6) No sir he did not.

LTC (b)(3), (b)(6) You got conflicting information correct?

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

LTC (b)(3), (b)(6) Does that generate a RFI from you to GFC so he can generate what he thinks is going on?

LTC (b)(3), (b)(6) It does. I allowed them to exfill out that objective without nailing down what was on that objective. I should have as a commander directed them to lay out what we had. By that time it was confirmed we had CIVCAS.

LTC (b)(3), (b)(6) On the sight the GFC had an interpreter and ANP, was there any direction to question them as to what happened?

LTC (b)(3), (b)(6) assume there was. I am not the guy on the ground. I required him to make an assessment of what the target was. He reported back facts. He reported males only struck. I interpreted that as we had a good strike. Perhaps I ignored the data points.

LTC (b)(3), (b)(6): From the (b)(1) site how many wounded did you think that you had?

LTC (b)(3), (b)(6): The report was that we had 7 MEDEVAC, they treated some on sight and not MEDEVAC, some with scratches. I had a full picture in my head. As the reporting came in, it seemed like things were very chaotic for CPT (b)(3), (b)(6)

LTC (b)(3), (b)(6): The ones that were not MEDEVAC what were the ages and genders of those people?

LTC (b)(3), (b)(6): I don't know.

LTC (b)(3), (b)(6): If they were injured and not MEDEVAC is that considered a CIVCAS?

LTC (b)(3), (b)(6): I would say yes. I didn't monitor that data. Folks that had minor scratches or such that wasn't a major concern. I was relieved about to hear about the 3 women and children uninjured. I didn't learn about the 1 woman and child until the VTC with COMISAF.

LTC (b)(3), (b)(6): Do you recall the storyboard that was created?

LTC (b)(3), (b)(6): I remember that they had asked for one and CPT (b)(3), (b)(6) had said I am busy right now. CJSOTF had created one and sent it to CPT (b)(3), (b)(6). He reviewed it, made corrections and returned it saying this is good.

LTC (b)(3), (b)(6): You had 7 wounded at the FST. How did that go from 7 to 12?

LTC (b)(3), (b)(6): (b)(3), (b)(6) had completed the EVAC and reported that they had 12. I recall seeing that when we got the FIR. Six to our FST and 6 to the Dutch FST. I was pissed and felt we were losing control. I need an assessment of what is happening and need to know what is happening. He went to FST and it was their policy not to allow him in.

LTC (b)(3), (b)(6): You called AOB when you got the FIR?

LTC (b)(3), (b)(6): I can't remember the sequencing of events. There was a VTC that night with COMISAF. I went over prior to that to discuss with RC South leadership, but got there before everyone was assembling. That's when I got the FIR.

LTC (b)(3), (b)(6): Who's FIR?

LTC (b)(3), (b)(6): (b)(3), (b)(6) FIR. I don't think that was my first indication just that is where I noticed a significant disparity in my reporting and the MEDEVAC pilots.

LTC (b)(3), (b)(6): According to the CJSOTF JOC OIC and CPT (b)(3), (b)(6) that's the document, it's the document that CPT (b)(3), (b)(6) correction. If you'll notice 7 later changed to 12 WIA.

LTC (b)(3), (b)(6) obviously didn't review this document. I'm not certain what time it was sent through the system.

LTC Well here is the email that was sent with it. What time does it state on there?

LTC (b)(3), (b)(6) 120z

LTC If that is Zulu time on there what time would it be local 1630? So just prior to 1600 how do we know that we've now changed it to 12 WIA?

LTC (b)(3), (b)(6) don't recall the initial discrepancy in reporting. When that came through to me, it didn't alarm me until I saw the written FIR.

MG: That's your battle CPT that corrected that, did he show you or get your approval?

LTC (b)(3), (b)(6) don't recall.

MG: Do you recall seeing a storyboard at all. There have been numerous call, the higher command wants information, it's a one pager, did someone show you a story board.

LTC (b)(3), (b)(6) At some point in time I'm sure someone showed me something. I remember when I finally saw it was very upset because the information was significantly misleading.

LTC So the FIR was not the first indication that you had a MEDEVAC increase from 7 to 12?

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

LTC I cannot remember if it was VOCO. When the discrepancy happened, I was alarmed. I then went searching for the correct information. How that was translated to my TOC I am not sure. There is a tremendous pressure to provide products.

MG: Did CPT (b)(3), (b)(6) bring you that product?

LTC (b)(3), (b)(6) CPT (b)(3), (b)(6) or MAJ (b)(3), (b)(6)

MG: For reading and approving, or did they said we read this, approved it and sent it up?

LTC (b)(3), (b)(6) don't recall.

MG: I am asking you a definitive answer. When someone brings something to you, do they say hey we have this for your approval, or we have read and sent this up, this should be clear, its only been about 15 days?

LTC (b)(3), (b)(6) don't recall approving that product, but I think it went up.

MG: You don't recall it or you didn't approve it?

LTC (b)(3), (b)(6) don't think I approved that document.

MG: Why is that?

LTC (b)(3), (b)(6) recall having a conversation with MAJ (b)(3), (b)(6) over this product. I said I don't think that it is right.

MG: Why did you think it wasn't right?

LTC (b)(3), (b)(6) The reporting was inaccurate on the ground. To make the definitive statement that the GFC confirms no CIVCAS or collateral damage was a bad report. This was mistake releasing this.

MG: So you are saying, now that we have a little clarity, your battle captain or MAJ (b)(3), (b)(6) released it?

LTC (b)(3), (b)(6) That is my belief and you know MAJ (b)(3), (b)(6) never said hey you approved it and he took his lumps

MG: What do you mean he took his lumps?

LTC (b)(3), (b)(6) When I told him that if we approved this that was a bad decision. My understanding was that CJSTF painted this picture and sent to CPT (b)(3), (b)(6) to scrub and he made some changes and sent it back up. He has that authority to send up storyboards.

MG: So he took his lumps. How did it strike you when you saw the later update from 7 to 12 wounded? How did that hit you?

LTC (b)(3), (b)(6) That struck me that I had inaccurate reporting on the BDA site.

MG: What was the number before?

LTC (b)(3), (b)(6) 15 KIA and 7 WIA.

MG: So now you have five more wounded in action did we ask anyone to make some calls to find out what had changed from the 7 reported by CPT (b)(3), (b)(6) and now an updated number of 12 WIA?

LTC (b)(3), (b)(6) As we went to verify this. That is when I thought we had lost the initiative and I lost confidence in my reporting.

MG: So you were suspect in your own reporting?

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

MG: Would that move you to be suspect that there might be some CIVCAS?

LTC (b)(3), (b)(6) It would. I walked over to RC-S to confer and by that time CIVCAS had been declared. I sat through that VTC and listened to everything go back and forth from COMISAF and everyone else. I think at that point in time that it was good awareness that we had a women and child in the Dutch FST. I had walked over to RC-S to get help in talking with the Dutch FST about what I had up there because my AOB commander couldn't confirm that and so the only way I thought we were going to get that was through RC-S pushing for that data. As I was over there and trying to update the GO chain of command is when the VTC assembled and CIVCAS was reported and I saw COL (b)(3), (b)(6) report and that is when COMISAF

came across and said we are declaring CIVCAS and everyone standby. At that point when CIVCAS was declared I felt as if I had lost control of the information.

LTC (b)(3), (b)(6) So you knew that seven had been MEDEVAC'd and that others had minor injuries that were not MEDEVAC'd correct?

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

LTC (b)(3), (b)(6) So when it went from seven to twelve these are the other people who had minor injuries that were actually MEDEVAC'd

LTC (b)(3), (b)(6) I didn't know who the other five were and obviously that night when CPT (b)(3), (b)(6) got back and I was talking to him and the AOB commander I was very upset and that is where I felt that we lost control was on that target site and CPT (b)(3), (b)(6) told me that he had lost accountability, he felt that there was some family members who had gotten on a MEDEVAC bird that weren't injured. So as I was essentially giving him an ass chewing on that, he admitted that he did not have good accountability at that time frame.

LTC (b)(3), (b)(6) Would there be a purpose why he didn't have good accountability?

LTC (b)(3), (b)(6) I think there are many reasons, he lost control of the site, and he didn't have enough guys on the ground, he was in fear of reporting it. This is where you know more than I do...

MG: You said earlier on that you didn't relay on that he was shaken up. That was pretty challenging on the site with triaging and that. Why would he have fear of reporting it when earlier in the morning before he got to the site he indicated that we might have an incident?

LTC (b)(3), (b)(6) When I got that report I got a sigh of relief and then shortly thereafter we had a discrepancy on the MEDEVAC and it wasn't long and that CIVCAS was declared when I interrogated both CPT (b)(3), (b)(6) and the AOB commander about what we had and I recall being extremely upset at the AOB commander when he had CPT (b)(3), (b)(6) back off a target. I still did not have a clear picture and as I told you last time I essentially was screaming at him "hey give me an assessment of what we have I cannot cut through the fat I can't cut through the details anymore give me an assessment because (b)(3), (b)(6) is still hanging onto this is still a valid military target and I think that is the picture that was painted to me by my GFC. I had enough indicators that I should have followed my intuition and cast doubt on that. I think I had too much confidence in the reporting and by that time the CIVCAS was declared. Now this is during the period of darkness and I became very upset that my Commander who was debriefing CPT (b)(3), (b)(6) at the time either could not or would not provide me with an assessment that would allow me to say that this was a bad target. We knew we had a woman and a child at the time, but again I think in my mind it is striking a valid military target and then having a woman and child struck as collateral damage vs. hitting a convoy of innocence. That is what I was looking for and asking from the GFC and the AOB commander. That night after CIVCAS was declared I could not get that assessment from my commanders and I felt like at that point in time they essentially tightened up and were no longer providing me with open and honest assessments.

LTC (b)(3), (b)(6) You make this sound fairly quick; the (b)(1)1.4 ended at what time?

I sent my report at 1430L so I am thinking some time after that.

LTC (b)(3), (b)(6) What time was the VTC with COMISAF?

LTC (b)(3), (b)(6) Maybe 1645L. I had MG SHERZAI and LTC (b)(3), (b)(6) and the third Command and Staff coming over to the dining hall that night for a dinner which is another thing that was creeping up on me. I attended the VTC and I remember when I came back from the VTC and said hey we have CIVCAS and all of this unanswered reporting and that we needed some facts. I then moved out and did a short dinner, maybe about an hour, with MG SHERZAI and his staff. Then I came back to re-attack this.

LTC (b)(3), (b)(6) At that VTC BG REEDER stood up and said no CIVCAS correct?

LTC (b)(3), (b)(6) At that VTC? We had a discussion prior with BG HODGES where we told him that we had discrepancies in reporting. The VTC kicked off and BG REEDER gave his narrative, which was an accurate tactical narrative, obviously absent the details that had just come through from the MEDEVAC. He said gave the reporting as it was reported to him. Perhaps I didn't have the moral courage to leap up and say that we had a discrepancy in reporting, but at that point in time I was in with all of the RC-S leadership and that information had been shared and I took my lead from them that said we are working through the details in reporting and we won't leap out and make bad reporting. By that time I think we had all realized that; a woman and child is CIVCAS.

MG: Who stated that in the VTC?

LTC (b)(3), (b)(6) That was not stated in the VTC. Prior to the VTC a quick exchange of information happened with the RC-S leadership minus MG Carter who walked in right about the time the VTC kicked off. We realized that we had discrepancy and COL (b)(3), (b)(6) was there as he walked in and said our reports didn't match. That is when I felt confident that our reporting was incomplete or inaccurate.

LTC (b)(3), (b)(6) Then you went back and confronted CPT (b)(3), (b)(6)?

LTC (b)(3), (b)(6) That night when CPT (b)(3), (b)(6) got back from the target I talked to him and the AOB commander on the phone. CPT (b)(3), (b)(6) was obviously shook up.

MG: Why was he shook up?

LTC (b)(3), (b)(6) He had a long day and he obviously had

MG: Did you ask him why he was shook up?

LTC (b)(3), (b)(6) I talked to him and the AOB commander that night and I asked for assessments

MG: Did you ask him why he was shook up?

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

MG: If you have someone who is shook up you and you are trying to help them, teach coach mentor them, wrap your arms around them. I understand that there was carnage but did you ask him what was bothering him?

LTC (b)(3), (b)(6): Not in those words, no. I recall that the attack I took was number one, was that I didn't want to shake him up with self doubt or other things. That night I asked what our assessment was and I did not get a good assessment from either of them. As I start to police up this data I called back to the AOB commander and really got in his ass over this because I felt I needed those guys to confirm or deny. The key thing I said was that I had a report of HEZARAH, are these all HEZARAH or a couple of HEZARAHS. Do I have a HEZARAH taxi driver taking 15 Taliban? These are the things that we are still really open in my mind and my OPCENTs mind that we potentially still had a good target, but we did have women and children as a part of that. That is where I felt like my AOB commander couldn't or wouldn't give me that assessment and I wasn't happy with that.

LTC (b)(3), (b)(6): Did you ask CPT (b)(3), (b)(6) how you went from 7-12, or how you went from 3 women 3 children unharmed to 1 woman 3 child injured?

LTC (b)(3), (b)(6): do not recall the specificity of the conversations but I asked him how we had reported inaccurately, how did that happen, why did we not report this. His answer was that he reported what he felt he had seen he said on the MEDEVAC bird that had only MAMs on it. He and I recreated that conversation the day that I went to TK and I told him that it was a failure in reporting. That is where we lost control of this thing. I didn't make that accusation to him that the inaccurate reporting really hurt us.

COL (b)(3), (b)(6): Did your TOC get a report that said 15 KIA, 7 wounded, 3 women 3 children unharmed, 1 woman 1 child injured but not evacuated, and did that report come around the same time that you got the BDA from the ground?

LTC (b)(3), (b)(6): I recall that they were treating people. I cannot recall that report. I know I felt relieved that we didn't have anyone hurt.

COL (b)(3), (b)(6): Was there any discussion about women or children injured on the objective but not evacuated so we are ok or something along those lines.

LTC (b)(3), (b)(6): would have to say yes. When I became aware of that I cannot recall, but this is not the first time that I have heard it.

COL (b)(3), (b)(6): Well that is a problem there. Because if that is not the first you have heard it this is the first time that we have asked it. So when else did you hear it? We have not asked anybody else that.

LTC (b)(3), (b)(6): To me that would have triggered some very strong emotions and when that triggered strong emotions is when I saw COL (b)(3), (b)(6) report.

COL (b)(3), (b)(6): We are struggling with these administrative requirements here and I am confused as to why. When I said it gets aggravating digging. We are not creating anything. We are trying to capture. The

amount of effort that we are using to get that in this investigation is pretty significant comparing you to everyone else combined. If this report is running around the TOC and that came around 1400L what else would you possibly need to have to generate a report?

LTC (b)(3), (b)(6) The report I gave at 1430 was 3 women and 3 children uninjured. I would not have dropped that detail off of there.

COL (b)(3), (b)(6) Does your BTL CPT know this?

LTC (b)(3), (b)(6) I do not know. As our guys were on the ground treating people, we obviously knew that women and children were there and I think I focused in on what was on the MEDEVAC and what was reported to me. That is a pretty significant detail and if it was reported to me I would be surprised if I overlooked it.

COL (b)(3), (b)(6) You said that it is not the first time that you heard this, and we are sure that it is not the first time you heard it, and it is not the first time that your TOC heard this. We are trying to get this clock started and finished and let's just assume the fog of battle from 0848 to 0928. Let's assume that from 0928 to 1201 when the ODA arrives, that we just failed to ask the mIRC as a collective team who is the originator of the reports, why we would call them to get clarity or guidance from them let's just say that was the fog of battle: Now sometime around 1350-1400 a report comes from the GFC who provides SSE who clarifies what is on the objective, what is evacuating, and what they are still working on the objective. He later tells you that he reported everything that he knew to be the truth, which he has acknowledged that he had the numbers screwed up and he didn't know how many actually got on the bird and he was tracking 7 3 and 3 15 dead and 1 and 1 injured but not evacuated. That is what he was tracking too. Why doesn't the star cluster go, why doesn't the battle drill go, why doesn't the report go? What else could we possibly be waiting for as a collective team?

LTC (b)(3), (b)(6) I don't have an answer for that. Sometime around 1430 is when I went into my office and wrote my assessment and started my engagements with RC-S. I am probably detached from my TOC at this time and some of those critical decisions or some of the awareness I obviously did not have until that CIVCAS was declared.

COL (b)(3), (b)(6) Did you believe your TOC was reporting accurately was that your assessment that it was a GFC problem?

LTC (b)(3), (b)(6) I did.

COL (b)(3), (b)(6) Then when your TOC told you when you showed up that there was a potential for noncombatants in the convoy why did you act on that? You did. You acted on that and changed your COA. Then when the strike happened and you had the other inputs from your TOC why did you not act on that? If your TOC is competent your TOC is reporting, they are painting you a picture, you changed your COA, but you don't report it. I am going to keep coming back to this thing it just doesn't add up. Is there a culture in your command in the CJSOTF not to report CIVCAS or the potential of them, unless it is no kidding confirmed?

LTC (b)(3), (b)(6) No, I had the data points, I met the threshold, and obviously my advisors that I was with certainly didn't paint the picture for me. I was focused on getting an accurate BDA on that target and I was clearly in belief that we had a good target with potential collateral damage. That is what my belief was. My line of thinking doesn't bear well according to all these indicators. I think I have good instincts as a commander. I am an intuitive guy but for whatever reason I let this stuff override and I think that I wanted to get facts reported that I could hang my hat on and feel confident on. The aggregation of those indicators was there but I didn't pull the trigger.

COL (b)(3), (b)(6) So we have your Brigade Commander initiating your wake up criteria and COMISAF declaring suspected CIVCAS at the back end. COMISAF had less information than you had and he is the one who declared suspected CIVCAS. I am struggling with what we have laid out today except for your decision to do escalation of force. Nothing else makes a lot of reasonable sense. Who has control of the Predator?

LTC (b)(3), (b)(6) That is the JTAC.

COL (b)(3), (b)(6) Predator intelligence?

MG: Who when you say us?

LTC (b)(3), (b)(6) The ISR manager obviously controls that asset and that asset can be responsive to whoever is on the ground.

COL (b)(3), (b)(6) Who controls it?

LTC (b)(3), (b)(6) The ISR manager.

COL (b)(3), (b)(6) What headquarters?

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

COL (b)(3), (b)(6) Who is doing the analysis on the information that is coming out of the predator platform via mIRC? Whose headquarters?

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

COL (b)(3), (b)(6) Do you have a 2 shop?

LTC (b)(3), (b)(6) Yes, I keep an intelligence NCO on the floor.

COL (b)(3), (b)(6) So the AC130, who is controlling that?

LTC (b)(3), (b)(6) The JTAC.

COL (b)(3), (b)(6) Who is controlling the information coming from the AC130 via the (b)(1)1.4a ?

LTC (b)(3), (b)(6) That is being broken in the aircraft.

COL (b)(3), (b)(6) They take that information in, translate it and push it out. Who is taking that translated information and building it into the analysis?

LTC Anyone who has access to mIRC.

COL What level of command is responsible to do the analysis on that?

LTC Mine. The SOTF.

COL Who is controlling the fast movers and bringing them on station?

LTC The JTAC.

COL Who brings them point of origin to the fight?

LTC (b)(3), (b)(6) The FIRESO coordinates for and provides those...

COL SOTF headquarters?

LTC Yes.

COL Who brings the OH-58s from point of origin to station?

LTC That is the SOTF.

COL Who executes MEDEVAC?

LTC We initiate the call over the theater wide MEDEVAC net and then multiple units will take that information down and the closest most available unit will respond for that MEDEVAC.

COL Who is controlling the MEDEVAC?

LTC The JTAC controls them once they come into VOICECOM

COL Who controls them until they come into VOICECOM?

LTC That would be the SOTF.

COL (b)(3), (b)(6) After they pick up and take off who battle tracks it on what happened?

LTC That is normally when our medic in the JOC begins to pull data down from the arriving hospital.

COL Who is responsible for the close fight?

LTC The GFC.

COL Those are eight or nine levels of responsibilities. The GFC sent up 18 SALT reports to you guys. What did you guys do with any of those SALT reports to your knowledge, before you came onto the floor or subsequent to? What did you do with any of those SALT reports that identified threat, that identified

TIC, or that identified a whole bunch of stuff that was all products of this? What did your headquarters do, or are you aware of anything?

LTC (b)(3), (b)(6) As far as pulling resources to put against him? That is that 0400 to 0800 time frame that my JOC monitored him and tracked this and had awareness on this.

COL (b)(3), (b)(6) The picture that the ODA Commander had, was that he has this emerging target, he is sending up reports to the TOC and no feedback coming down. He has a report of weapons but he doesn't know how many, but your TOC does. He has a thought of 30-50 which gets reduced down to 21 men potential two children or adolescents and no more than three weapons. He is getting feedback from the (b)(1)1.4a that he is doing analysis on; he is getting feedback from the predator that he is doing analysis on. He is controlling the AC130 and the predator hand off. He is stopping the fast movers that your TOC sent when all he asked for where helicopters. He is then controlling and getting helicopters to come from Pegasus to come forward then he has to stop them at a location so they can go to ground because of an AIRTIC being declared and no one stopped him from doing that despite there was no TIC. He is doing the close in fight and he is using his scanner and he is painting this picture and he gets zero analysis back from SOTF (b)(1)1.4a

LTC (b)(3), (b)(6) Can you explain that?

COL (b)(3), (b)(6) Walk me through how that happens when you have 7 of the 8 tasks responsibility of SOTF (b)(1)1.4a and the guy on the ground is working by himself. How does that happen and how do we prevent that in the future?

LTC (b)(3), (b)(6) Obviously we didn't take the data points and do the analysis and provide it back to him. Until you painted that picture for me right there I don't think I had the sense that we didn't enable him in his decision making. Obviously I was not up from 0400 to 0800. I do know that the cross-talk occurs and the BTL CPT and the FIRESO and everybody was talking with the JTAC. The way you laid it out we had data points that could have contributed to his picture that he didn't get to verify what he had or didn't have on the ground.

MG: Did you recall having a call placed to the GFC while he was still in KHOD?

LTC (b)(3), (b)(6) I know I told him to stay focused on the target there in KHOD, that is the key thing that I remember telling him. I also had some concerns of that target going bad.

MG: Did he mention what he had gotten from his enablers? That he believed there might be an incident at the strike site?

LTC (b)(3), (b)(6) I do not remember him painting that picture for me. I believe that was the picture that I was asking for. I did not walk away from any conversation with him confident that I had a CIVCAS incident.

MG: He didn't use the term CIVCAS, but did he say that we may have an incident or that there might have been women and children on the site?

LTC (b)(3), (b)(6) knew there were women and children on the site so I am confident that he and I talked about that.

MG: What are your thoughts about all of this?

LTC (b)(3), (b)(6) feel like a failure.

MG: What type of recommendations do I make so that we can promulgate and try to mitigate something like this from happening again?

LTC (b)(3), (b)(6) think that my failure is to validate the totality of my systems in that OPCENT to synchronize them, to have them report, and to respond to what is happening on the ground. I am accomplishing this everyday with success but obviously in a situation like this where there are a lot of factors, GFC, ISR, different and conflicting reports. I do not have a system in which someone can synchronize that data and make an assessment to either me or my 3 and my failure is to allow these multiple data points to come into me which does not allow me to make the decisions that I should. I think since you have talked to my 3 and we have looked at it. I have a complicated operation that I need and my MAJ to synchronize as a CHOPS. I put tasks on CPT (b)(3), (b)(6) I put tasks on Senior NCOs, and I put tasks on (b)(3), (b)(6) (b)(3), (b)(6) who is a junior captain that probably exceed their capability to synchronize. Then of course the failure to train consistently and persistently is very clear and was clear to me on 22 February when we went through this and began to scratch away at everybody's understanding of these systems. I think that we have been looking at the mechanics of ISR and of FIRES and MEDEVAC. As I look at my DOC I know he is confident and I look at my BTL NCO I feel like everyone has.... I feel like the guard knows how to play guard and the forward knows how to play forward and the center knows how to play center but we are not playing as a team and that is my responsibility.

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 LTC (b)(3), (b)(6) OCCURED ON 17 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 67. 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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 67 OF 67 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

DISCLOSURE: Disclosure of your SSN and other information is voluntary

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS SSgt
8. ORGANIZATION OR ADDRESS 23D Intelligence Squadron			

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

Original statement was taken on 4 March 2010. The statement begins on page 2 and ends on page 3.

The rest of this page was intentionally left blank.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

SSGT (b)(3), (b)(6) DSO AC-130H, 23D INTELLIGENCE SQUADRON

CO (b)(3), (b)(6) Introduction and explanation of investigation

(b)(3), (b)(6) Sworn and Privacy Act statement

CO (b)(3), (b)(6) Where you involved in the 21 February CIVCAS incident?

SSGT: Yes.

CO (b)(3), (b)(6) Can you educate us on what a DSO does and how long you have been doing this job?

SSGT: I am a Farsi and Pashto linguist and I (b)(1)1.4a listen to the (b)(1)1.4c (b)(1)1.4c within (b)(1)1.4a to help do intelligence purposes. If I hear anything that sounds like a direct threat to our forces I pass that to the EWO who passes it to the NAV who calls it up.

CO (b)(3), (b)(6) From the INFILL time until you went BINGO please tell us what you were seeing and your assessments of the actions that transpired that morning.

SSGT: I don't have a lot to offer because where I sit I cannot see either the IR feed or the TV so I had no idea of what anyone was looking at the entire time, and because I am trying to listen to the (b)(1)1.4c I usually turn my radios down. If something starts to happen then I will turn it back up and listen to that. As soon as the INFILL occurred, I started getting (b)(1)1.4c to the effect of hey there is a helicopter on the way so be alert. The word for alert is and awake is the same. A few minutes later the JTAC asked the

(b)(1)1.4c

in reference to what. It got quiet for a couple of minutes and then after a couple minutes later, after we left station as a decoy, I heard them say don't do the work there is a helicopter. He said it many times and very slowly and clearly. I reported that to the EWO, but he chose to not send that down because he said that it was probably at or around Cobra. At that point there were not any helicopters in the air around the area at that time. I do have to say that we hear (b)(1)1.4c (b)(1)1.4a

(b)(1)1.4a (b)(1)1.4c

talk and it will not be in respect to the objective. (b)(1)1.4a

(b)(1)1.4c

CO (b)(3), (b)(6) Was the conversation in Farsi or Pashto?

SSGT: It was in Pashto.

CO (b)(3), (b)(6) was there anything about what you were hearing that alerted you as to whether there was a hostile threat or an attack pending?

SSGT: I didn't notice any hostile activity mentioned, but it was the (b)(1)1.4c and were talking to each other that struck me as odd. I didn't hear any specifics.

CO (b)(3), (b)(6) Were you in contact with (b)(1)1.4a during your listening time?

SSGT: I was not, the EWO was the go between for me.

CO (b)(3), (b)(6) Did the EWO characterize your conversation as remarkable and that it was resulting in some sort of battlefield movement or activity by a force on the ground?

SSGT: Not that I know of.

CO (b)(3), (b)(6) do you have communications with the pilot and crew as to what the situation on the ground looks like?

SSGT: I was not listening to mission radios because I was trying to focus on the (b)(1)1.4c on the ground.

CO (b)(3), (b)(6) Was the EWO soliciting any information from you or your particular though or suggesting anything to you?

SSGT: He asked me to clarify a couple of things. One of the questions he asked was to clear up the MUJAHADEEN comment, but I think it was passed to him to ask from someone else.

CO (b)(3), (b)(6) Would you be surprised if the GFC thought the (b)(1)1.4a was confirming some of the battlefield activity that he was seeing?

SSGT: I didn't really pass along anything much, just the heightened alert and the helicopters coming in.

CO (b)(3), (b)(6) Are you privy to the information that the predator is picking up?

SSGT: No.

(Allow (b)(3), (b)(6) to ask questions but weather is effecting their communications)

Warned and excused.

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

STATEMENT (Continued)

Original statement was taken on 4 March 2010. The statement begins on page 2 and ends on page 3.

The rest of this page was intentionally left blank.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

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

to The 21 Feb 2010 air to ground engagement
resulting in wounded women & children

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

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

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

LTRZ
Printed Name/Rank

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

2 MAR 10
Date

SWORN STATEMENT

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS PO2	
8 ORGANIZATION OR ADDRESS			

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

Original statement was taken on 2 March 2010. The statement begins on page 2 and ends on page 12.

The rest of this page was intentionally left blank.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>13</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

PO2 (b)(3), (b)(6) J2 OPS (NIGHT)

MG McHALE gives introduction and explanation of investigation

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

MG: How long have you been in the Navy?

PO2: 7 years

MG: Have you been intelligence the whole time?

PO2: Since 2006

MG: Tell me about the training.

PO2: It was short but we had a lot of things to cram into 4 months.

MG: Where did you go after school?

PO2: CENTCOM in FT MEADE, MD

MG: When did you get this job?

PO2: I got into country 28 October assigned here.

MG: Were you with a different CJSOTF before this one came in?

PO2: I was with 7th group before 3d group came in.

MG: When you trained did you go through any battle drills?

PO2: Not really the guy I replaced showed me what I was supposed to do.

MG: During RIP TOA did you do any training then?

PO2: No changes on our side of the house.

MG: Tell me your job when you are on the floor.

PO2: I contact collection manager to see what ISR we have over us and what hours they are going to be there.

MG: Are you on the JOC floor?

PO2: Yes.

MG: Take me back to 21 February, can you talk to us about what happened at that time.

PO2: We monitored the (b)(1)1.4c that they were going to break out a Mid Level Taliban that was trapped inside of our objective. We had the ISR feed so we followed them on mIRC. The (b)(1)1.4c said they heard a bird and mentioned to kill time and lay low before you make your move.

MG: Before who moved?

PO2: Before the AAF began to move back to the south. I gathered all of the information on every stop they made to put into my TIC slide. Most of the information was coming from (b)(1)1.4c and not mIRC as normal. I pulled up Google map and started plotting the movements for the vehicles that were called for.

{COL (b)(3), (b)(6) informs the Interviewee of the outline of his questioning}

CO (b)(3), (b)(6) Have you heard the acronym CCIR?

PO2: No.

CO (b)(3), (b)(6) Do you know if there you have to report certain things to the BTL CPT if they happen?

PO2: No.

CO (b)(3), (b)(6) Do you know what PID is? It stands for Positive Identification.

PO2: No.

CO (b)(3), (b)(6) What does Hostile Intent mean to you?

PO2: They are planning on doing something hostile towards us.

CO (b)(3), (b)(6) What does imminent threat mean to you?

PO2: We have word that these guys are going to engage us when we get in the vicinity of their location.

CO (b)(3), (b)(6) Did someone teach you that or did someone lie that out for you?

PO2: I would say that is my common sense answer by combining the two words to make a definition.

CO (b)(3), (b)(6) Has anybody walked you through those terms as they are referenced in targeting someone?

PO2: No.

CO (b)(3), (b)(6) You reference the term TIC, what does TIC mean to you?

PO2: That they are receiving some sort of enemy fire while conducting their mission.

CO (b)(3), (b)(6) So when they are taking fire is what you understand TIC to be?

PO2: Yes.

CO1 (b)(3), (b)(6) When a TIC is declared in the JOC that you work in, explain to me what goes on in there.

PO2: When I here TIC declared, I open my TIC slide shell and start pulling the SALT reports then I start plotting the grid to find the location. Sometimes they will give their location or the location they believe the small arms fire is coming from. I plot all of that and send that up to the whole TIC distribution. We then monitor and update the TIC slide while the situation is ongoing. If we do not have ISR then I contact the communications manager to see if they requested ISR or not.

CO1 (b)(3), (b)(6) Who turns on the TIC light?

PO2: The MAJ because it is right by his desk, or whoever is closest if he is not on the floor.

CO1 (b)(3), (b)(6) Do you do something to the JOC to ensure that the floor knows there is a TIC?

PO2: Whoever sees or hears that TIC has been declared yells TIC out to inform the floor.

CO1 (b)(3), (b)(6) When there is an ID or possible ID of women and/or children does that trigger a response or anything in the JOC?

PO2: I am not sure because this is the first time that I was actually involved in one that women or children were involved in. I really started tracking the vehicles more when they stopped to pray and I thought to myself this could be bad. I then went back and copied all of the information so that we would have it in case someone wanted to know what exactly was going on. I didn't see anything about the kids at that time. Then the third vehicle came in and that is when I got word of the kids.

CO1 (b)(3), (b)(6) When does the third vehicle join?

PO2: After the prayer.

CO1 (b)(3), (b)(6) Third vehicle joins and then you hear about the children.

PO2: We didn't hear about the kids at that point either, it wasn't until after the engagement and we thought the first vehicle hit an IED and then the other two blew up so I ran back to my desk and I was like no (b)(1)(1.4) engaged. That is when we got the description of the women and kids.

CO1 (b)(3), (b)(6) When during this movement was there a discussion of women or children or adolescents, or was there?

PO2: To my knowledge we didn't see it until the engagement.

CO1 (b)(3), (b)(6) Did the Brigade Commander com on the floor before the engagement?

PO2: Yes he did.

COL (b)(3), (b)(6) How long before the engagement?

PO2: Maybe 15-20 minutes before.

COL (b)(3), (b)(6) Do you know he was tracking? Does he get briefed when he comes on the floor?

PO2: He gets the emails that we send out and MAJ (b)(3), (b)(6) keeps him updated. When he came in MAJ (b)(3), (b)(6) briefed him and then COL (b)(3), (b)(6) left the JOC.

COL (b)(3), (b)(6) Are you responsible to monitor the mIRC and inform everyone on what is said.

PO2: I feel that I am informing everyone of what is on mIRC when I send out my TIC slide and follow on updates.

COL (b)(3), (b)(6) Before the strike do you remember seeing anything in the mIRC about possible children or adolescents?

PO2: Yes.

COL (b)(3), (b)(6) How did you notice it while you were performing your duties or when you went back to read it?

PO2: IT was about an hour before the engagement.

COL (b)(3), (b)(6) Did the JOC know that there was a possibility of women, children, or adolescents?

PO2: I didn't pass anything. I didn't come out and say hey we got women and kids because this is my first time in this type of situation, so I wasn't sure what I was supposed to do. At the same time everything I was seeing everyone else in the JOC was seeing it at the same time on the mIRC chat.

COL (b)(3), (b)(6) Do you remember anybody talking about women or children in that convoy before the strike?

PO2: The children and adolescents didn't come onto play until the actual strike.

COL (b)(3), (b)(6) Once the strike went down what was the discussion about civilians or women or children, or was there one?

PO2: Our first thought was an IED. When we confirmed it was our strike then (b)(1)1.4a was asking to confirm which vehicle the adolescents were in. That is when they gave the description of the third vehicle. Then they said they thought they seen women and kids in the field.

COL (b)(3), (b)(6) Was that discussed in the JOC or only on mIRC.

PO2: We cannot control what is going on with the ISR, we can talk amongst ourselves, but that is about it.

CO1 (b)(3), (b)(6) So when did you hear a discussion of potential women and children on the battlefield? I am not talking about the mIRC just verbally throughout the JOC. Could you tell if there was a concern raised about the possibility of women and children?

PO2: At that time the engagement was going on and they were talking about the women and kids.

CO1 (b)(3), (b)(6) When do you believe the JOC knew that there was a possibility that women and children had been injured?

PO2: After the strike when we received BDA. I was off when BDA came in.

CO1 (b)(3), (b)(6) When do you get off?

PO2: 0900L

CO1 (b)(3), (b)(6) Do you ever use whisper when you communicate?

PO2: I don't communicate on the mIRC I only monitor.

CO1 (b)(3), (b)(6) Do you remember a discussion within the JOC? Did they have the same understanding that they had the same thought?

PO2: That happened after the strike.

CO1 (b)(3), (b)(6) While you were there do you remember any discussions at all about women and children.

PO2: Regular talking nothing discussion wise.

CO1 (b)(3), (b)(6) The point of the question is when the JOC knew of potential civilian casualties. When you say some talk about it do you remember if it was between the BTL MAJ or the BTL SGM and anyone else?

CO1 (b)(3), (b)(6) When you left shift were you aware of whether or not women and children were injured?

PO2: No.

CO1 (b)(3), (b)(6) Were you aware that women and children were on the objective?

PO2: Yes.

CO1 (b)(3), (b)(6) In the JOC and not via only mIRC was there a discussion that women and children were on the objective.

PO2: I am going to say yes, but only because of the mIRC.

{MG Hands PO2 mIRC chat}

MG: I want you to read through that page and if you recall that on the mIRC page that would have been happening during your watch.

PO2: Yes I recall that.

MG: Tell us what you recall of it and refer to the times that are on the page there.

PO2: 0106 indicated at least one kid near SUV. 0107 the child was assisting the MAMs loading the SUV. 0107 two children are at the red SUV. 0108 don't see any children at the pick-up. 0110 Three MAMs walking to the pick-up. 0110 one MAM assisted child into the rear of the SUV.

MG: Tell us what you recall about that.

PO2: I want to say that before this there was mention of possible children so it should be in here also. So we didn't have confirmation of the children until that actual engagement. It was all possible before the engagement.

MG: I want to understand what time it was discussed in the JOC that they knew before the engagement that there were reported children or possible children on the target.

PO2: When it was almost time for the engagement they wanted to confirm.

MG: I get the part right before the engagement, but before that earlier on several hours before. Was this discussed on the JOC floor when it came out on mIRC?

PO2: No it wasn't.

LTC (b)(3), (b)(6) What are you supposed to do with that information on the mIRC chat?

PO2: I put it on the TIC slide.

LTC (b)(3), (b)(6) Who reads the TIC slide?

PO2: Everyone on distribution. Everyone in the J2 gets it, everyone in the SPIG gets it, everyone on the JOC floor gets it, COL (b)(3), (b)(6) gets it, and his whole staff gets it.

LTC (b)(3), (b)(6) Did you put that information on the TIC slide?

PO2: No I didn't, because it wasn't TIC at that time so I was just plotting the movements at that time.

LTC (b)(3), (b)(6) Have you ever been told that you had to put information regarding possibility of women and children on the TIC slides?

PO2: No, and I am saying that because this is my first time with women and children on the target.

LTC (b)(3), (b)(6) Were you ever given training about what to do if there was a possibility of women and children?

PO2: No.

COL (b)(3), (b)(6) So the JOC should have known of the possibility of women and children at around 0100Z?

PO2: Yes

COL (b)(3), (b)(6) When was the verbal discussion about women and children on the JOC floor?

PO2: Not until the engagement

COL (b)(3), (b)(6) After the engagement, what do you remember the discussion to be about women children or adolescents?

PO2: It was around time for the turn over and MAJ (b)(3), (b)(6) came in. MAJ (b)(3), (b)(6) was telling him what was going on and that is when we saw that first explosion. Our first reaction was that they hit an IED. Then I went to my desk and saw that we engaged. They then wanted to know what vehicle the women and children were in. It was then represented that it was the grey and white pick-up that they were in. At that time the engagement struck the second truck. Then it was relayed that they have women and children outside the trucks to cease fire. That is when they stopped because they said they had women and children out there. That is when I felt that we started talking about the women and children.

COL (b)(3), (b)(6) How many other TICs were going on at roughly the same time this one was?

PO2: That was the only one for me.

COL (b)(3), (b)(6) So during this time frame this was the only TIC going on?

PO2: That was the only one that was going on, or that I was tracking, yes.

COL (b)(3), (b)(6) If there was another TIC going on that involved SOF Forces would you have know about it?

PO2: Yes.

COL (b)(3), (b)(6) So you were not aware of any other TIC going on at this time.

PO2: That is correct.

COL (b)(3), (b)(6) When you indentify women and children after a strike are you aware of anything that is supposed to happen at that time?

PO2: No, I am not aware.

COL (b)(3), (b)(6) Is there a different engagement criterion if there are women and children or they are suspected?

PO2: I am not aware of any.

CO1 (b)(3), (b)(6) Were you aware of the identification of weapons inside of this convoy?

PO2: Yes.

CO1 (b)(3), (b)(6) Do you remember how many were identified?

PO2: I remember seeing 3 or 4.

CO1 (b)(3), (b)(6) Does that get updated in any way?

PO2: I did not put any of that in the TIC slide itself.

CO1 (b)(3), (b)(6) Do you remember seeing the lawyer come in with the commander or any time during this situation?

PO2: The Jag did not come in with the commander. But we did see him about an hour after the TIC was reported.

CO1 (b)(3), (b)(6) Do you know what he was doing in there?

PO2: He wanted to know what was going on and get an update of what we were watching.

CO1 (b)(3), (b)(6) Was he called in?

PO2: He was just in at the time.

CO1 (b)(3), (b)(6) Do you remember any communications with the subordinate command as this situation was developing.

PO2: I am not aware on any.

LTC (b)(3), (b)(6) Is there only one JAG officer?

PO2: I think we have two. We have the one that I cannot recall his name and then we have one that we call JAG so I assume that he is as well.

LTC (b)(3), (b)(6) Do they work in the JOC?

PO2: No.

LTC (b)(3), (b)(6) So they only come in periodically?

PO2: Yes.

LTC (b)(3), (b)(6) When you left shift were you aware of women and children on the objective? And was there any thought that they had been injured?

PO2: Yes we saw them on the objective, but I was not aware if they had been injured or not.

LTC (b)(3), (b)(6) Did you have any idea of where they came from

PO2: My assumption was from the third vehicle

LTC (b)(3), (b)(6) Was the third vehicle hit by a missile or rocket?

PO2: No.

LTC (b)(3), (b)(6) So to the best of your knowledge the women and children were in a vehicle that had not been struck?

PO2: That is correct.

MG: Who else is watching the mIRC chat on the floor?

PO2: Everyone.

MG: Is it on a big screen?

PO2: It is on a screen but it doesn't look the same as my screen does.

MG: Does it have all the stuff on the screen?

PO2: I am not 100% sure

MG: Could you read from here (pointing to the mIRC chat print out) and tell me if you are familiar with it.

PO2: I do not recall seeing that. I would have to show you my desk to show you what I am looking at. It is SOTF SOUTH, SOTF WEST, and SOTF EAST that we have up and are monitoring. Then we also had up the (b)(1)1.4 window and that is what I was watching, because that is who was giving everything.

MG: By SOP does anyone follow the SOTF windows?

PO2: The SOTF LNO would follow his area, so the SOTF SOUTH LNO would have been following this situation.

MG: Do you know his name?

PO2: SGT (b)(3), (b)(6)

MG: He is the SOTF (b)(1)1.4 LNO?

PO2: Yes.

MG: So early on you had suspected women and children, then when the first truck blew up you thought it was an IED and before you left there was an understanding that there could be women and children at the engagement site right?

PO2: That is right.

MG: Could you explain why we would have thought that there were women and children at the engagement site?

PO2: KIRK wanted to confirm which vehicle women and children were in. As the rest of the engagement transpired someone report women and children in the field, not in the vehicles because they had gotten out.

MG: Who all should have known that the women and children were in the field?

PO2: Everyone on the JOC floor.

MG: Could you draw the JOC floor for me.

PO2: Yes.

(PO2 Draws a rendition of the JOC floor and explains who sits where and where the monitors are)

MG: How would they know that women and children were in the field?

PO2: By watching the Predator feed and the mIRC chat.

MG: So everyone was following the (b)(1)1.4a mIRC chat?

PO2: I would say at this point everyone was, yes.

MG: Who was Battle Captain at that time?

PO2: MAJ (b)(3), (b)(6)

MG: Was the CJSOTF Commander in there?

PO2: He was not in at the time of the engagement.

MG: Did he come back before you left?

PO2: No, but MAJ (b)(3), (b)(6) was there as well.

MG: So the predator feed and the chat were confirming women and children in the field, and MAJ (b)(3), (b)(6) and MAJ (b)(3), (b)(6) were watching this?

PO2: Yes.

MG: Was LTC (b)(3), (b)(6) there?

PO2: I do not recall him being there.

MG: Do you have any recommendations about this situation?

PO2: I can say that I know now that when I see women and children that I should announce it. That is the only thing I would change.

MG: Could you characterize for me, when the first strike occurred you thought it was an IED.

PO2: Yes.

MG: Then after the second strike you knew it was us striking.

PO2: Yes.

MG: What was the atmosphere in the JOC at that time?

PO2: We were all surprised, and when I told them it was us striking they asked who cleared the engagement.

MG: And it was your belief that before you left, everyone had knowledge of the women and children on the site?

PO2: Yes.

MG: How would you characterize the JOC at the point when the women and children were identified on the site?

PO2: I would say they were in a state of disbelief.

MG: What kind of dialogue went around the JOC at that point?

PO2: I would say that they were all asking where they came from and then they thought they must have come from the third vehicle that linked up after prayer.

MG: When you left was it clear in your mind that there women and children at the site?

PO2: Yes.

Warned and excused.

STATEMENT OF PO2 (b)(3), (b)(6) TAKEN AT _____ DATED _____

STATEMENT (Continued)

Original statement was taken on 2 March 2010. Statement begins on page 2 and ends on page 12.

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AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(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 13 OF 13 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to Investigation of 21 Feb 10 resulting in death of local Afghan nationals.

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

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

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

(b)(3), (b)(6)	(b)(3), (b)(6)	26 FEB 10
Printed Name/Rank	Signature	Date

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301, Title 5, USC Section 2951; E O 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Camp Ripley, Tarin Kowl, Uruzgan, Afghanistan	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 MAJOR	

8. ORGANIZATION OR ADDRESS
AOB 3120, SOTF-SOUTH, CJSOTF-A

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

INITIAL STATEMENT WAS TAKEN 26 FEB 2010.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 18 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

COL (b)(3), (b)(6) LTC (b)(3), (b)(6) how long have you been in the J6?

LTC (b)(3), (b)(6) 5 months sir.

COL (b)(3), (b)(6) and your duties as a J6?

LTC (b)(3), (b)(6) I'm responsible for OPS communications within the theatre for CFSOCC, for the Special OPS. We work with... between are CJ-SOTF we have insight to them. We work with USFOR-A J6 for communications for here as well.

COL (b)(3), (b)(6) Are you responsible to insure e-mail connectivity between the HHC and CFSOCC?

LTC (b)(3), (b)(6) Yes sir. Part of my duties... we rely on the 25TH SIGNAL BN for are BOSCOMS or standard communications. Our network is on the AFGHAN SWA Domain. The CJ-SOTF is on the SOCCENT domain out of Qatar. We're on two separate domains as part of connectivity.

COL (b)(3), (b)(6) Being on two separate domains does that create any challenges as far as email connectivity?

LTC (b)(3), (b)(6) Yes sir it can. On the 2ND of February the exchange e-mail servers down at Qatar crashed and went down completely. They rebuilt those exchange servers and after that transpired, after they got the systems back up it was noticed that about a week and a half to two weeks ago that there were delays in e-mails coming to reports that were coming up through and into our JOC and those Offices up here. Primarily in reporting up, we do a lot of reporting up to the IJC and that ISAF SOF7 operations that are coming from the CJ-SOTF. We have just corrected that over the last couple of days but during this period of time there was a significant e-mail delay. On the 21ST we did not have complete understanding or it wasn't known to all the users out there that this delay was out there. The e-mail was not sent out to everyone saying there is a mail delay in the reporting between the CJ-SOTF and us. It wasn't a widely known...not all users on the network could have known that sir.

COL (b)(3), (b)(6) Was it a set time delay? Did the delay vary and what was the delay approximately?

LTC (b)(3), (b)(6) Sir the delay is in e-mails depending upon when an e-mail was sent through a range from anywhere to 3-4hrs to 10hrs is the most we've seen on some e-mail delays. I did bring a copy of the report that we submitted the helpdesk request where it's gone through the 25th and then there's a little bit of information if you like that as well.

COL (b)(3), (b)(6) Absolutely, and you said this was corrected yesterday?

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

COL (b)(3), (b)(6) The 2nd of March?

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

COL (b)(3), (b)(6) So from your professional prospective based on what you know with this, would it be reasonable that an e-mail sent from CJ-SOTF on the 21ST might have taken approximately 4.5hrs to reach CFSOCC?

LTC (b)(3), (b)(6) Roger sir. That would have been a possible situation. It's very likely that would have or did occur. We can go back and look at the logs and verify when the user hit send and when it actually hit the mail servers here for the person to actually open it up.

COL (b)(3), (b)(6) One last question on that. For the person you sent the e-mail, if they print out what you send... which time does it show, does it show the time sent?

LTC (b)(3), (b)(6) Correct yes sir.

COL (b)(3), (b)(6) Does the person that receives, when they print it out what time does it show?

LTC (b)(3), (b)(6) It should show a time received on the e-mail

COL (b)(3), (b)(6) So there will be two different times for the same e-mail that would reflect this delay?

LTC (b)(3), (b)(6) Yes sir. When you look in your outbox in your sent mailbox it will have the time stamp of when you hit send. Then you can look and see when it was received at the mail server when the person opens up that mail, it will say when it was received.

COL (b)(3), (b)(6) I understand

MAJ (b)(3), (b)(6) What was the blockage was it in the sending or was it in the receiving or who was the stove pot?

LTC (b)(3), (b)(6) Sir I do not have the... I have not been backed briefed on that. What the actual corrective action was to fix that problem.

MAJ (b)(3), (b)(6) The reason why I'm asking is because I know that on some of them if it's blocked on the receivers end then it will show to the received at a certain time even know that actual stove pipe right above where the receiver is going to be, similar to the chimney philosophy where it all comes into an area and it's all blocked through a stove pipe and it comes up.

LTC (b)(3), (b)(6) Well we traced an e-mail that went from CJ-SOTF up to here and it took , the one that we actually traced took 6hrs to go from the CJ-SOTF to the SOCCENT on mail exchange server, it took 6sec after it hit the (b)(2) server to get to the users box. So there's... we had gone in through are investigator process but we determined it was on the SOCCENT side of the... you'll get organizations that will sit up there and say it's not me, it's always nice to point the finger at somebody else but when we actually went through that investigation process on the SOCCENT side of the... It was in the domain that was causing the problem.

MAJ (b)(3), (b)(6) Would the sender receive a notification of a delay that message was sent?

LTC (b)(3), (b)(6) Not always, no sir. Depends upon how your exchange servers set up whether it actually sends those out. I don't believe theirs are set up to show that there or respond back to the sender that delays are occurring on the network.

MA (b)(3), (b)(6) When you say they is that the individual user or the system administrator?

LTC (b)(3), (b)(6) It would be the system administrator whoever built the network. Different people develop... there's no standard process within the military that says I have to turn on those kind of notifications back to the user. It's a very nice thing to do but it's not required.

MA (b)(3), (b)(6) What about bandwidth? Was there a problem with bandwidth being low and you were trying to send PowerPoint presentation that wouldn't go through?

LTC (b)(3), (b)(6) No sir...there's sufficient bandwidth that shouldn't have been a problem.

MA (b)(3), (b)(6) So it wasn't a problem with the ones with PowerPoint's we gave off, but the ones with pure text was flowing through?

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

MA (b)(3), (b)(6) So the size of the email or attachments didn't matter?

LTC (b)(3), (b)(6) It would not it; just was a configuration problem within the network.

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

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 Camp Ripley, Tarin Kowt, Uruzgan, Afghanistan	2. DATE (YYYYMMDD) 2010/02/28	3. TIME	4. FILE NUMBER
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5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS MAJOR
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8. ORGANIZATION OR ADDRESS
AOB 3120. SOTF-SOUTH, CJSOTF-A

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

INITIAL STATEMENT WAS TAKEN 26 FEB 2010.

10. EXHIBIT	11. INITIAL (b)(3), (b)(6)	KING STATEMENT	PAGE 1 OF <u>18</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

9 STATEMENT (Continued)

STATEMENT ATTACHED.

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

1. STATEMENT (Continued)

INITIAL STATEMENT WAS TAKEN 26 FEB 2010.

AFFIDAVIT

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

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 18. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN

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

(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 18 OF 18 PAGES

MG: Just introduce myself again. My name is MG Tim McHale I have been appointed as the investigating officer in the AR 15-6 by Gen McChrystal surrounding the incidents around the 21 February CIVCAS incident. With that said; just to let you know, I do not think, you have done any wrong doing. What we are doing is an AR 15-6 investigation. But what we are doing is fact finding now trying to find out what happened.

MAJ: Yes sir.

MG: With that I'm going to turn it over to my JAG LTC [REDACTED] and he will give you some basic insights on some of things we have to do here.

LTC [REDACTED]: Couple of things; our plan is to record the conversation.

MAJ: Right sir.

LTC [REDACTED]: Do you have any objections to recording it?

MAJ: No sir.

LTC [REDACTED]: Second thing is we are going to ask you some personal identifying information. Your name and social security number and information like that. You have a right under the privacy act of 1974, to not give that information could you read that over. If you don't have any objections just print and sign that. When the whole thing is completed one of the court reporters will take everything that is said and type it out verbatim, put it into statement form for you to review and sign. A couple things that mean everything I am going to be taken down please let a question finish before you try to answer and we will try to do the same thing. And also just be aware the recorders not going to be able to pick up head shakes or nods that you may be able to communicate. Just ask you to make sure that all your answers are verbal, try to answer yes or no rather than uh hah or unh unh.

MG: Okay would state your full name, rank and duty position.

MAJ: My name is [REDACTED] Major, I am the commander of AOB [REDACTED] back home its Bravo Company, 1st Battalion, 3d SF Group.

MG: How long have you been in that position?

MAJ: Sir, I've been that position since August 17 2009.

MG: Okay how many years do you have in the army sir?

MAJ: It will be 14 in June sir.

MG: And how long have you been in Special Forces assignments.

MAJ: Sir I graduated Q course in October of 2002.

MG: While were here today, were going to talk, I got some questions trying to understand the decision around what happened in the incident and also the reporting that went on before during and after the all the reporting that went on. We're trying to paint the picture to really understand what happened. But before we go into that are you familiar with, let the record show I am handing you the tactical directive from Gen McChrystal. Are you familiar with that?

MAJ: Yes sir.

MG: You can scan through that if you want, just to make sure. I am going to ask you a few questions.

MAJ: That's good.

MG: Okay I'll just highlight for the record in the tactical directive signed by the COMISAF commander Gen McChrystal on 1 July 2009, commander's intent paragraph f, foxtrot, I expect leaders at all levels to scrutinize and limit the use of force like close air support against residential compounds and other locations likely to produce civilian casualties in accordance with guidance that follows. It's my since that tactical commanders rely heavily on CAS during engagements when small unit fire and maneuver or withdrawal will better accomplish the strategic and operational goals of this coalition, while achieving the tactical goal of engaging the enemy and protecting the force. Commanders must weigh the gain of using CAS against costs of civilian casualties, which in the long run makes mission success more difficult and turn the Afghan people against us. Paragraph G. I cannot prescribe the appropriate use of force for every condition that a complex battlefield will produce. So I expect our force to internalize and operate in accordance with my intent. Following this intent requires a cultural shift within our forces and complete understanding at every level, down to the most junior soldiers. I expect leaders to ensure this clearly communicated and continually reinforced. Those two paragraphs that I read to you F and G what does that mean to you MAJ (b)(3), (b)(6)

MAJ: Sir it says that you should minimize use of force air support, or any kind of indirect fire, unless a force is under imminent threat. And you should try mitigating or trying to guarantee as much as possible no civilian casualties or the potential of civilian casualties.

MG: So you guys have talked about this in your Special Forces operations briefs.

MAJ: Yes sir we have.

MG: What does imminent threat mean to you?

MAJ: Sir imminent threat, is a threat that is impending, that is unavoidable and that in order to prevent it from afflicting a force, or killing Americans sometimes a preempted action may be necessary.

MG: The operation that went down on the 21st of February, the CIVCAS incident, if you would just talk to me, if you would start out just talk to me, what a part, your headquarters and you had to play when all that was going on. Towards the preparation part of it, you know approvals of operations orders brief backs or whatever if you could walk us through, your engagement in that.

MAJ: Alright sir, just in general, my attachments which operate from four different bases, submit a CONOP for approval. It first comes to my headquarters. Myself, my OPS officer my SGM, my OPS NCO, screen it, correct it, send it back. When it's approved at our level, we send it forward to our higher level, SOTF-SOUTH, then it goes to CJSOTF. And in the case of this CONOP after it was approved by us it went to SOTF-SOUTH and then went to CJSOTF Afghanistan for approval. So at my level when it comes to level 1 and 2 CONOPs it's a staffing process. We make sure all the procedures are done, it is in the right format and it's the appropriate level CONOP for the kind of mission. Once it is approved at all levels, the team is given the go ahead to execute. Once they leave the gate or the wire of the compound, my job is to be careful to track it. At that point all the reporting is directly from the detachment to the SOTF because at my level I can provide very few assets other than emergency resupply and potential QRF.

MG: So SOTF-SOUTH that's where they get their directions during that fight?

MAJ: Yes, so all reporting during the mission starting from the kickoff, check points, (b)(1)1.4c, request for air support. All goes through SOTF-SOUTH.

MG: Okay is that because you guys don't have the physical capabilities, organizational wise, you not organized to handle that?

MAJ: We are not staffed to provide the necessary assets to the ODAs while they are out on a CONOP. The AOB staff is centered around an Operational Detachment – Bravo (an ODB). We don't have enough people on the staff to process that much information and turn it into assets. Likewise we don't have access to those assets for the direct link to say the aviation assets, that's why we don't do it at all at our level.

MG: Okay so then, controlling the fight, you are outside of the controlling the fight.

MAJ: Yes sir, once they leave the wire we track it over satellite radio sometimes if necessary we'll contact them on a Iridium phone, usually it's just a lot of tracking on our end. Preparing things like if they got stuck somewhere and need emergency resupply chances are we'd be the ones preparing those bundles. Or if a QRF is required, one of my other detachments provides that force.

MG: Alright, so then, LTC (b)(3), (b)(6) his call sign is?

MAJ: Sir his call sign is (b)(1)1.4a.

MG: (b)(1)1.4a and call sign for (b)(3), (b)(6)

MAJ: He's (b)(1)1.4a.

MG: So (b)(1)1.4a was working with (b)(1)1.4a on the operation?

MAJ: Yes sir.

MG: Now do you monitor their radio calls?

MAJ: Yes sir, I monitor radio calls.

MG: What walk me through what started the operation? Were you monitoring them around three in the morning or so?

MAJ: Yes sir, just to let you know, if we have any kind of level 1 or 2. Myself and my SGM, are up and monitoring the ODA's action. So at zero three I start tracking that mission.

MG: Okay so you were just tracking?

MAJ: Yes sir.

MG: Tell me what you heard on the mission, were you tracking it with map in your TOC too?

MAJ: Yes sir.

MG: Tell me what went on. Walks us through from 3 o'clock in the morning.

CO (b)(3), (b)(6) MAJ: Alright I'll walk you through the general, to be more specific please stop me please. So zero three was the approximate time for infil. Elements landed on the west side of the river near the village of Khod. Immediately upon hitting the ground CPT (b)(3), (b)(6) called up, (b)(1)1.4a called up saying they immediately heard (b)(1)1.4c throughout the village and the green zone. And then throughout the next hour or two he proceeded to describe all the (b)(1)1.4c he received and how they saw elements moving throughout the village. For example they would hear someone over on the (b)(1)1.4c radio saying I need more fighters to come to my location and they would watch individuals move to a certain location. So they were watching, as they were describing on the radio, they are hearing a lot of chatter they were describing those events they were seeing.

MG: And your implying, mostly like, was I in your headquarters the other day?

MAJ: Yes sir you were.

MG: Okay. Plotting it on the map there?

MAJ: Yes sir.

MG: Is it electronic?

MAJ: No sir. This is when they are dismounted sir, it's all hand jammed. Now if they go out on vehicles with (b)(1)1.4a then we can track it in our TOC. But we are limited with what we can do down there.

MG: Okay so you are tracking the battle. Do you have an Iridium phone?

MAJ: Yes sir I do.

MG: Did you ever talk with CPT (b)(3), (b)(6) on the Iridium phone that day?

MAJ: No sir I didn't.

MG: I understand he made a bunch of Iridium calls up to SOTF (b)(1)1.4a and maybe CJSOTF. Did you know about it or monitor it?

MAJ: I just know that when the (b)(1)1.4a or the SOTF would call and say (b)(1)1.4a I need you to come up on the Iridium and then that's when they would switch over to the phone.

MG: How about, CJSOTF COL (b)(3), (b)(6) did he, did they talk do you know?

MAJ: That I don't know sir.

MG: Okay alright. Okay so when you are monitoring there, okay they landed in the area there, tell me what else you were monitoring there.

MAJ: Sir soon as the sun came up, that's when the team started to maneuver into the village.

MG: And your mission was what?

MAJ: Sir they were trying to clear out IED cells and some and AAF leadership out of the village of Khod, it's a typical safe haven for them. And immediately upon their first objective they encountered an IED in the wall or doorway. They proceeded to reduce that and throughout the morning as they moved into their objectives they continued to hear (b)(1)1.4c, everything from, "gather the Mujahedeen", 'we will not let them occupy this ground, we will surround them and kill them', to sounds of one of the leaders on the radio was trying to escape the village and was waiting for someone else to show up and escort them because he was kind of pinned down by two of (b)(1)1.4a elements.

COL (b)(3), (b)(6) Okay so then, what do you know about the vehicles that got struck. Can you talk to me about when you picked up how the vehicles came together? And we have this map here, there and the objective area there, and this where the engagement.

MAJ: I will show you what I understand happened sir. Because at this point I did not have the Predator information. I would only hear (b)(1)1.4a call back to (b)(1)1.4a saying predator sees vehicles moving north to south towards our location and then eventually to west to east.

COL (b)(3), (b)(6) Is that because you don't have the down link feed of any kind to your headquarters?

MAJ: No sir, actually as we were talking, while you were over there they were trying to install it on my roof; one of the parts from the antenna needs to be replaced.

COL (b)(3), (b)(6) How long have been here in theater?

MAJ: About a month sir.

COL (b)(3), (b)(6) How long have you been absent that downlink?

MAJ: Since I've been here sir.

COL [REDACTED] Has it been reported up?

MAJ: Yes sir. There's a broken pedestal on our dish, our receiver, and we have a technician down there now trying to fix it at our base.

COL [REDACTED] Can I just ask a couple questions? If we could back up to some of MG McHale's initial set of questions. Your role is the as the C2 HQ. Is it common practice that the ODB is not C2 in the fight?

MAJ: Yes sir.

COL [REDACTED] Just need you to educate me, read that top paragraph.

MAJ: Do you want me to read it out loud?

COL [REDACTED] No, that won't be necessary.

MG: Let the record reflect...

LTC [REDACTED] Describe whatever it is you just gave him.
(b)(3), (b)(6)

COL [REDACTED] This is the SOF manual that describes the doctrinal roles and responsibilities of the C2 modes within the SOF organization. And what this specifically highlights is the SF ODB, which they direct their commands. It's a multipurpose C2 element with many employment options which its primary function is to exercise C2 over 1 to 6 ODAs. Then it goes on to describe its responsibilities when it's an AOB employed in the operational employment. Simply statement, it's the first line of HQ that synchronizes the actions of the ODAs on the ground. Why your HQ, ODB, has not been this C2 fight of the ODAs when they are employed?

MAJ: Sir the way I understand, for example under CISOTF there is SOTF south, east, west, and north. Within that you have 4 HQ, tracking different multitudes of teams out there, if you add in 4-5 other companies or ODBs to that, now you have 5 times as many units fighting for the same assets versus a central mode that has enough personnel and the technical means necessary to manage all of that. I'm not manned well enough to fight the way it is right now in Afghanistan to monitor all those different nets. We just don't have the people, or assets to do that. Also it complicated the system if you have 5 times as many people in the net vying for the same assets.

COL [REDACTED] Span of control is what's from your knowledge and experience, what is the general span of control any organization should have?

MAJ: 3 to 5 sir.

COL [REDACTED] How many ODAs are in theater, correction in RC south under SOTF [REDACTED] (1)1.4a

MAJ: I'd be guessing, about [REDACTED] (b)(1)1.4a

CO (b)(3), (b)(6) (b)(1)1.4a

MAJ: Span of control is how much?

MAJ: 3 to 5 sir.

CO (b)(3), (b)(6) So right now your understanding that the CJSOTF C2 is 24?

MAJ: If they all are outside of wire sir, yes, directly. When they are outside on the CONOP that is when SOTF is doing the C2 directly. Any other time the teams go through the AOB directly.

CO (b)(3), (b)(6) Okay. With the purpose of the mission, and I understand you understood the mission task. What was the purpose of the mission?

MAJ: Sir it was to disrupt the enemy IED facilitators and leadership. If you are familiar with FOB (b)(1)1.4a, there are many safe havens near the base. They don't have a lot of white space there. In order to protect the population and legitimize the GIRoA, one of the unfortunate tasks of that base requires them to disrupt some of those operations so they can get to places like the Khod valley to affect GIRoA influence and protect the populace.

CO (b)(3), (b)(6) Was there any follow-up plan that took advantage of this white space that would have been created by the removal of this threat?

MAJ: Yes sir.

CO (b)(3), (b)(6) What was that concept, generally?

MAJ: The concept then sir is that you follow the Sakhar River, which is the river that runs through Khod, which also leads down to FOB (b)(1)1.4a. Right now there is no way for GIRoA or coalition forces, in a safe manner, to get in between those areas and link any kind of GIRoA. There is no presence there. We have to remove the IEDs to assist in making that happen.

CO (b)(3), (b)(6) If I understood that it means going after the enemy more, in order to get some kind of line of communication. My question is was there a plan for governments, development that was part of this vision.

MAJ: Yes sir.

CO (b)(3), (b)(6) Can you walk me through that and whatever is out there and if it something that you may of done later, I'm not interested in as how this mission linking to?

MAJ: Okay sir, this mission particularly was to disrupt or destroy the IED networks along the Sakhar River. The influence that the coalition forces and GIRoA has does not extend that far. In order to get to them physically is a problem. For it to become safe enough to travel there the team has planned KLEs for the following this mission, and then getting the district chief and ANP officials up there to that area to effect their influence.

CO (b)(3), (b)(6) With the actions of your down link feed in your TOC do you know what the equipment statuses of the other ODBs?

MAJ: I don't know sir.

CO (b)(3), (b)(6) Was there any discussion between you and SOTF (b)(1)1.4a on how to mitigate the absence of your downlink feed. In terms of C2, tracking was there a discussion to mitigate the absence of that system in your TOC that someone was going to take responsibility of or no.

MAJ: No sir, even if I had that link, I wouldn't be managing the fight. However, if there was something I would have seen on the link, then I would have been able to jump in and stop something. My OPCEN not having that link is not crucial to being able to fight the battle.

CO (b)(3), (b)(6) The roles and responsibilities, if you had that link, you say that doesn't change SOTF (b)(1)1.4a actions?

MAJ: No sir.

CO (b)(3), (b)(6) Did you participate in any post strike planning?

MAJ: It was within a matter of minutes we got three phone calls from different units including our own about sending a BDA force or QRF to go to the site; we were in the process of standing up another detachment to head out there. The decision was made, I assume at SOTF level to move (b)(1)1.4a from their objective to the BDA site. It was not my decision.

CO (b)(3), (b)(6) Let's just take it back to the conversation we just had. You don't have a downlink feed. You may have been tasked to go employ reinforcement forces. But you didn't have picture of the objective. What was the delegation of responsibilities now that you don't have is this downlink feed. How is that sequence. Is there an SOP between you and the SOTF to provide that capability? How does that work?

MAJ: I have a QRF plan; I have a detachment at FOB (b)(1)1.4a, an A team. They don't have any teams or any QRF force there at the SOTF so I provide the forces. They would then say hey we need to send a QRF or BDA element to a certain location. We would then provide that force.

CO (b)(3), (b)(6) Won't beat this too hard. I just need more understanding of your understanding of the situation. Can you paint for me what you believed to be occurring when (b)(3), (b)(6) hit the ground within that first hour?

MAJ: The first hour, yes sir. They were setting up their assault force that's when they heard all the (b)(1)1.4c. They saw lights moving in the village and to the north of the village. That's when the ISR assets said they saw vehicles moving from the north towards their objective.

CO (b)(3), (b)(6) In the grand scheme of maneuver, then he showed you, in this scheme of maneuver did it have him in the dark, were they clearing any building structures as part of his scheme of maneuver?

MAJ: The plan was to wait for sunrise, and establish their assault force and support positions. As BMNT arrived, then they were to proceed into the village.

COL [REDACTED] (b)(3), (b)(6) The support by fire positions that were briefed in the CONOP did that include or require him to go into a structure to secure a piece of terrain and clear it?

MAJ: I don't think it was.

COL [REDACTED] (b)(3), (b)(6) When were you aware of potential civilians in the threat formation?

MAJ: Throughout the day we were hearing they were watching traffic and vehicles moving in their direction, towards to the objective. Within 5 minutes I received a phone call from SOTF asking for a QRF or BDA course. I also got a call from TF [REDACTED] (b)(1)1.4a asking where to pick them up and at what time, I also received a call from TF [REDACTED] (b)(1)1.4a saying they landed at Camp [REDACTED] (b)(1)1.4a and needed someone to go talk to them. At this time I had no idea that there were women and children. I just knew there was a strike; it was reported on the radio 10 to 15 KIA on the site. I didn't have any demographics. Upon meeting with the TF [REDACTED] (b)(1)1.4a personnel, they informed me that they saw women and possible children in the engagement area.

MG: what time was that about?

MAJ: It was early afternoon. I think it was around lunchtime when all this happened. Immediately after hearing that I went into my TOC, the team that would provide QRF was in there, we were awaiting launch approval. At that time SOTF decided to launch the force. [REDACTED] (b)(1)1.4a was to provide air assets to transport [REDACTED] (b)(1)1.4a from the OBJ area to the engagement area.

MG: did you have to send any reports at this time?

MAJ: Sir there was no reporting necessary at that time. I had no information to report at that time, and it was directed to me to get a QRF force ready. And after gathering the team together with their partners, SOTF made the decision, to pick up [REDACTED] (b)(1)1.4a.

COL [REDACTED] (b)(3), (b)(6) When did you here of CIVCAS?

MAJ: Sir that was later in the day, it was relayed to me. When they got on the ground, we then were monitoring the MIRC chat between the Predator and SOTF [REDACTED] (b)(1)1.4a. On there we only saw some of the communications. We saw there was a MEDEVAC with a nine-line request in there with 7 wounded. When that happened I ran over to the MEDVAC TOC. The crews live on my camp. I went into their TOC. They were told 7 but picked up 12. I still did know the demographics; based on the radio traffic I assumed they were all MAMs. As they all arrived 6 went to the FST location on my camp, and the other went to the Dutch Role 2 inside Camp Holland. I immediately sent a medic to the Dutch Role 2 clinic while I went to the FST. At that time I did see an adolescent male, possibly MAM age. The people at my clinic had less serious wounds, more like shrapnel wounds. I was unable to confirm civilian casualties. The medic returned from the Dutch. He wasn't able to get inside because the patients were in the ER

and the Dutch trauma procedures didn't allow us inside. Later in the day, he was able to get inside and learned there were a woman and child. By that time, I cannot confirm when, when I got to my TOC, I learned that SOTF was already aware there was a woman and child involved. The sun had gone down. It was late, CPT (b)(3), (b)(6) team had returned to their base, and he was dropped off at my TOC. I know it was late in the evening because the aircraft that flew his unit back to base, only fly during periods of darkness. CPT (b)(3), (b)(6) confirmed that that there was one woman and child.

MG: You used the term adolescent, can you explain that?

MAJ: He was a teenage looking kid. He was fairly tall, at least up to my shoulder. When I went to the FST, I saw this older kid or teenager, and that's why I used the term adolescent.

COL (b)(3), (b)(6) Do you see an adolescent as a combatant?

MAJ: Sir, generally no, in general terms, but unfortunately after seeing adolescents with weapons and since we have ANA and ANP that look about the same age of this one kid I did not initially believe that civilians were involved.

MG: I have to break away for a moment, however COL (b)(3), (b)(6) will continue handle this. I must go to another interview.

MAJ: Okay sir.

MG: Carry on.

COL (b)(3), (b)(6) If you had had your downlink feed, because I am trying to get my head around the C2, what would your actions been? What are your normal battlefield feeds for any mission if you had your downlink?

MAJ: In addition to the tracking we discussed, then watching this feed back in the command center.

COL (b)(3), (b)(6) What are you hearing just as you are watching this?

MAJ: Just the traffic or satellite radio.

COL (b)(3), (b)(6) And what is your job in your mind as you are doing this?

MAJ: This is just for tracking and monitoring sir. If there is anything where I feel I should step in, as a leader should have the ability to step in and say "hold up" or something like that.

COL (b)(3), (b)(6) Because you didn't have that downlink feed, who in your mind now picked up this responsibility and actual application?

MAJ: Well sir, I would say in that since of monitoring the real-time video of the battle, the next higher up would be SOTF, whether I have that feed or not, SOTF has that responsibility.

COL (b)(3), (b)(6) Did this put extra pressure in your mind, or extra responsibility on that ODA commander, by the absence of that downlink feed, on the ODA commander.

MAJ: No sir, I don't. I say that because again, when he is out there he is not worried about me or (b)(1)1.4a controlling him. He's only going through (b)(1)1.4a so I am lateral from that. It is transparent what I'm tracking.

COL (b)(3), (b)(6) Would you be surprised to find out that this is one the few areas that has a monitoring role only?

MAJ: No sir, I can only speak for what I know and that it's how I have been since I been here in Afghanistan.

COL (b)(3), (b)(6) And this is same group that you have been a part of?

MAJ: Sir not this unit. I'm from 3d SFG, my HQs here in Afghanistan is from 1st Special Forces Group, I've never worked with these individuals before, but that is how it was when I was a team leader in 2003,2004, that the AOB tracked your battles, your CONOPs. Once you left the wire, SOTF was who all your reporting went through and requests for support went through.

COL (b)(3), (b)(6) The communications between (b)(3), (b)(6) and the SOTF commander that were not on the Iridium were the ones done on the radio?

MAJ: Yes sir.

COL (b)(3), (b)(6) Were there ones done on the radio?

MAJ: Yes sir.

COL (b)(3), (b)(6) Were you able to track them?

MAJ: Yes sir.

COL (b)(3), (b)(6) Was it between SOTF (b)(1)1.4a or the TOC?

MAJ: Yes sir.

COL (b)(3), (b)(6) For example, was it with the battalion commander or the TOC officer?

MAJ: I think it was battle captain, I did not recall hearing LTC (b)(3), (b)(6) on the radio.

COL (b)(3), (b)(6) Did you ever hear LTC (b)(3), (b)(6) coming in on the radio?

MAJ: I do not sir; I was in and out of the OPCEN throughout that day.

COL (b)(3), (b)(6) All you have is a paper map to battle track. You don't have any of the software tools?

MAJ: I have [REDACTED] but with dismounted force I can't track blue force trackers on the dismounts and things like that, no sir.

COL [REDACTED] So you don't have any of the other software systems that would enable you to put the map up, publish it, get the graphics on there, post the enemy overlay. In this case you weren't doing it because, just why?

MAJ: Sir because of the staff requirements, the things I could provide weren't going to help CPT [REDACTED] understanding of the situation. I couldn't have provided anything for them.

COL [REDACTED] If I could come back to two other things real quick. On the handoff between SOTF and you for the potential [REDACTED] or reinforcing forces. Did you have any concerns you would have to execute then?

MAJ: Well sir, when they called that is when the alarm went off. We heard the team was on that particular area. We weren't sure, up until that phone call, we didn't even know where the strike happened. We were concerned with sending people in there, but not concerned with getting there and doing the job once SOTF launched the QRF.

COL [REDACTED] The ODA was approved through you, taking the tactical instructions through SOTF [REDACTED]

MAJ: It gets approved at my level, then SOTF, then CJSOTF, they are the final approval.

COL [REDACTED] SOTF [REDACTED] is C2 of the ODA?

MAJ: Yes sir.

COL [REDACTED] So during the fight the SOTF [REDACTED] maintained C2 of the ODA during the fight?

MAJ: Yes sir.

COL [REDACTED] And then you guys got called initially, little to no knowledge to possibly gen up and execute and SSE. Is that correct?

MAJ: Yes sir. That is correct.

COL [REDACTED] All of this is not the level of situational understanding with the tools that you are suppose to have?

MAJ: I'm not sure.

COL [REDACTED] You don't have the downlink feeds, you don't have the general understanding you otherwise would have had had you had your downlinks stuff.

MAJ: Right sir.

COL [REDACTED] This tasking comes in, for you to provide and [REDACTED] The question that I got, because that was the context, are there existing SOPs between SOTF and the ODBs on no notice SOCs?

MAJ: Yes we would do that with our QRF force, so this would be general admission to launch at QRF. I have never had to launch a QRF before and [REDACTED] (b)(1)1.4 specifically, but we are prepared to have a QRF force launched.

COL [REDACTED] (b)(3), (b)(6) Is there anything else about this, I would go through the events with you but unless I am misunderstanding this you weren't able to track a lot of this.

MAJ: Once they went to Iridium phones I could not track what they were doing.

COL [REDACTED] (b)(3), (b)(6) With reference to the SOTF document manual, if I understand correctly that is not how you do it.

MAJ: Well I see how this looks as though the all AOBs operate as a SOTF and as a C2 node. When an AOB is deployed by itself without a battalion SOTF present it will provide all of the appropriate C2 functions. Because SOTF-SOUTH has been stood up, the battalion commander is here and the C2 goes to the battalion level.

COL [REDACTED] (b)(3), (b)(6) Yeah but that's not what this says. I do have some experience working with you guys, I am wondering why these three AOBs aren't C2 in the fight.

MAJ: I don't know the reason; I understand it's to streamline the system. If a team got into a bad situation and required air support, they would call me, request air support; I would call SOTF who would then direct that action. I just know it is to streamline that.

LTC [REDACTED] (b)(3), (b)(6) When was the first time you heard you may have to do an [REDACTED] (b)(1)1.4 mission?

MAJ: It was approximately lunch time mid afternoon.

LTC [REDACTED] (b)(3), (b)(6) So from the time they start tracking the vehicle, no one called down and said be prepared?

MAJ: No sir. The QRF is an ODA at Camp [REDACTED] (b)(1)1.4a. They are on standby, so they are ready but I was not preparing them to move.

LTC [REDACTED] (b)(3), (b)(6) Was other than moving the QRF to do it was there any other way that you would be tasked to do an SSE mission?

MAJ: No because of the way we are organized I don't have any other forces.

COL [REDACTED] (b)(3), (b)(6) When were you aware of the strike?

MAJ: When it happened, because that came over the SAT.

COL [REDACTED] (b)(3), (b)(6) What time was that?

MAJ: It was mid morning nine something I think sir.

COL [REDACTED] (b)(3), (b)(6) What's the SOP within SOTF [REDACTED] (b)(1)1.4a with the activities following a strike?

MAJ: Sir BDA has to be done on the strike that is standard in getting the force there. In this incident I was unaware of where the strike was. Ideally you would have eyes on.

CO [REDACTED] Were you on the net, from the strike on?

MAJ: Sir we were on the net the whole time. Once they moved [REDACTED] to the strike location most of the communication was from the JTAC to the UAV or over the Iridium phone to SOTF.

CO [REDACTED] Who was being initially tasked if you know, to do the [REDACTED]?

MAJ: Sir that I don't know.

CO [REDACTED] In your ODB there was, was there another ODA in the same compound?

MAJ: Yes sir.

CO [REDACTED] What is that ODA number?

MAJ: [REDACTED]

CO [REDACTED] There was reference to a JTAC that was assisting the past JTAC ODA; do you know if it was that JTAC?

MAJ: No sir, I can only assume it was the JTAC at FB [REDACTED].

CO [REDACTED] Do you know what their call sign is?

MAJ: I believe it is [REDACTED] because TSgt [REDACTED] is [REDACTED].

LT [REDACTED] In order for SOTF [REDACTED] to move the QRF, does that go through you?

MAJ: They call me because I have them available but I am not the approval authority.

CO [REDACTED] But they wouldn't call the QRF directly they would contact you?

MAJ: That team is on our base. They don't necessary sit in my TOC and wait. They might come over sit and wait for the call.

CO [REDACTED] Separate, none related. How does that CONOP process work, on notice of calling on the QRF?

MAJ: The QRF is a part of the original CONOP, it's labeled in there. As far as the approval process of launch....

CO [REDACTED] So it was part of that CONOP, that QRF that was working for you, correction on the compound working with you?

MAJ: Yes sir.

COL (b)(3), (b)(6) Is there anything else, of the questions that we had directed to you, were C2 in nature, because this is also about figuring out how to get better over time here. Are there any thoughts that you have that you can offer on what C2, what structurally could be modified or adjusted that would have possibly precluded a negative outcome, or increase the positive outcomes of future events?

MAJ: Sir I am not sure how you would fix this. But to me as an outside observer, the resolution provided to the detachment commander from the UAV, and I don't mean necessarily, if he had his own rover, I don't think that would have helped. It was a matter of what was being seen. From what we were hearing they were confirming MAMs with weapons. Later it seems it may have been vague at best.

COL (b)(3), (b)(6) So it was the fallen on the ODA to paint that picture?

MAJ: Well to receive that information and paint it themselves.

COL (b)(3), (b)(6) Come up one level, what can your role be do you think if any, that could help with that?

MAJ: At my level, if I had had the feed for example it would have aided perhaps. That is only if the picture I saw was being described differently to the ODA commander. COL (b)(3), (b)(6) Do you have the same, what (b)(3), (b)(6) was hearing in the JTAC can you hear that in your TOC?

MAJ: Talking directly to the Predator sir, no I cannot. It's a line of sight communications. So what we are able to do, depending on what is being typed in the mIRC for the Predator., If the communications do not come over SATCOM, we only get whatever they type in to the mIRC chat. We don't get all the communication.

COL (b)(3), (b)(6) So in the mIRC chat when did you identify children?

MAJ: I identified the MEDEVAC but it didn't declare women and children. I learned about women and children from first hand, being there at the Dutch Role II. At that time I had left the TOC went to the FST to find out.

COL (b)(3), (b)(6) Do you have access to the same mIRC that pass that down?

MAJ: Yes sir.

COL (b)(3), (b)(6) So where were you in this operation? Your guys didn't see the identification of children?

MAJ: No sir I did not.

COL (b)(3), (b)(6) Had you seen the identification of children, what are some of the procedural things you would have done?

MAJ: Sir, definitely I would have got on the phone, the radio, and declared that.

COL (b)(3), (b)(6) If you would have seen the identification of adolescents what would you have done?

MAJ: I would have got on the mIRC and asked, "can you confirm weapons?" with the identification of adolescents, there is a grey area.

CO [REDACTED] Let me charge you to do something over the next 24 hours. Before your next ODA is employed, go back and look at the mIRC chat, look at your own internal procedures, do your own assessment on how well was your HQ tracking this even with the limited SA you had.

MAJ: Yes sir.

CO [REDACTED] And then determine if there was an identification of women, children, and adolescents and what your procedures are to be able to address that. And if you find you something in there I'm just going to ask you to relook that and figure out how you can be more value at it at that ODA on the ground.

MAJ: Okay I will.

CO [REDACTED] That is all I got.

LTC [REDACTED] Do you swear or affirm that the testimony is the truth to the best of your knowledge and belief?

MAJ: Yes sir, I do.

LTC [REDACTED] Do you give the testimony without the threat of corrosion or promise of gain? We will type up the transcript from this; you will be able to review it in order to make changes. If we have typed something wrong, please indicate that. We will take it from there. That's all.

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

STATEMENT (Continued)

INITIAL STATEMENT WAS TAKEN 26 FEB 2010.

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 18. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN

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

(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 18 OF 18 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

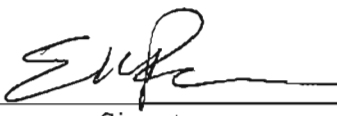
AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to The 21 Feb 2010 air to ground engagement resulting in civilian casualties

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

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

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

Edward M. Reed Jr. / BG 
Printed Name/Rank Signature

03 MAR 10
Date

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 regarding the 21 February 2010 Civilian Casualty in Uruzgan Province.

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and 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 above provisions of the Privacy Act, I, BG Edward M. Reeder, Jr., agree to provide information concerning the above-cited incident.



[Signature]

15 MAR 10
[Date]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION Kabul, Afghanistan	2. DATE (YYYYMMDD) 2010/03/14	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Reeder, Edward M. Jr.,	6. SSN	7. GRADE/STATUS 07/BG/Army	
8. ORGANIZATION OR ADDRESS CFSOCC-A, Kabul, Afghanistan APO AE 09356			

9. I, Edward M. Reeder, Jr., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Please see attached transcript. Entire Statement begins on Page 1 and ends on Page 13.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>EMR</i>	PAGE 1 OF 13 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

BG EDWARD M. REEDER

BG EDWARD MAC REEDER JR., CDR CFSOCC-A

MG McHALE: Introduction and explanation of investigation

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

MG McHALE: How long have you been in command?

BG REEDER: I have been in command for 13 months.

MG: Can you explain to us your primary staff.

BG: When I got here 13 months ago there were eight people and now there are about 100. The J1 has been here about 4 months, the J2 for about 2 weeks, the J3 since summer last year, the J4 about two weeks, the J5 a week, the Chief of Staff 3-months, and the Deputy has been here about 2 months.

MG: On 21 February, the team INFILLED at approximately 0300L could you take it from there and tell me what you know from when you came on the scene.

BG: The first I heard of the operation was around 1500. It was a level 1 operation that is approved at the CJSOTF level with the RC-S consent. Level 1's are not briefed to me. At about 1500 the J33 came in and told me that we had just engaged a convoy of vehicles. I asked him the circumstances and he told me the ODA Commander was on the ground, this was his HUMINT, this was his SIGINT, and this is what he saw on the predator. I asked if we had just engaged and the answer was earlier this morning. I was then told it was an air weapons team. I asked what the hostile activity from the convoy that allowed the AWT to engage the convoy. He said he didn't know. I told him to find out. I asked if there were any women or children, and he answered no. This was around 1500 or so. About 1530 I got an email from COL (b)(3), (b)(6) saying this is what went down. PID was accomplished by the Predator and the air weapons team. I asked him about women and kids and he said no. About 1700 I got a call from COMISAF asking if I could do a do a VTC at 1730. I went to GENERAL McChrystal's office for the VTC. GEN McChrystal joined the VTC later he was not there the whole time because he was in the SAR debriefing room. I was VTCing with General Wegner and Ben Hodges down at RC-S. So when I got there Wegner was talking about the operations. He turned it over to Ben. Ben asked me to tell them what I thought of the situation. COMISAF joined us at that time. I understood the situation to be 15 KIA and 12 wounded all males. Ben Hodges said that they were told that women and children were in the hospital. I told him that as the information was briefed to me that was not in it. The VTC ended about 1800. I then got the report and I don't remember if it was an email or if the 3 came in and said of the 12 wounded, 1 was a 30 y/o female and one was a 5 y/o boy. I was told that six were under the care of the US and six were under the care of the Dutch. I got a call about that time from COMISAF asking me to come over. I called (b)(3), (b)(6) to get the latest and greatest and he told me that there was a woman and a child. I went back over to COMISAF at about 2100 and met with Admiral SMITH and GEN McChrystal and he told me that the initial investigative team would either be boots up or wheels down at 2200 and this was 21

February. He then told me that he was going to follow up with a full investigation and I told him that I supported it. He asked if I had seen the gunship video and I told him that I hadn't seen any video. He showed me the video and then to look at the mIRC chat between the five or six people in that room. I sat down with ADM Smith and we watched about 40 minutes of video. He knew where the strike and the post strike were. On the post strike monitoring I saw Burkhas and children and such. I read the mIRC chat and then came back to the office around 2200. I asked COMISAF for an operational stand down for 48 hours to engage the SOTF and CJSOTF leadership and commands and go over his tactical directive, his night raid directive, his tactical driving directive, and his COIN leadership. I told him I wanted a VTC with the leadership. He told me he supported it and effective midnight that night we ceased all operations kinetic, non kinetic, any MECAPS, and HCA, anything with the exception of the central Helmand operation and the Commandos that are on standby that are in support of MG Carter. What we put in the FRAGO is with those exceptions we are standing down so that I can get 100% understanding. That was just before midnight on the 21st on the 22nd at midnight we stood down. I had a VTC around 1700 or 1900 with my three Battalion Commanders and the CJSOTF Commander. We talked about why I was having the stand down. Talked about some KABUL politics and the fact that the president had addressed the members of parliament that morning and how this essentially cut the legs out from under KARZAI. I talked about losing credibility with COM ISAF and GIROA. Earlier that morning I had met with Sivatuah Mujuhadidi, he is the speaker of the upper house and president of the upper house and former president of Afghanistan. He is most noticeably recognized as the senior Sunni Muslim in the country. He is a good friend of mine. He called me over that morning and we talked about this. MUJUHADIDI was thanking for the meeting because the members of parliament were asking questions about the Uruzgan province. We talked about all the tactical directives. The take aways were really if imminent danger does not present its self that there are alternate courses of action that can be sought out versas engaging targets multiple kilometers away. The second piece was leadership, and we talked about how we have all been here multiple rotations, I have been here for 5 rotations totaling 4 years. All the other commanders have had experience out here. You have to inject yourself into the process you have to make those tough calls. As you see it going down and it is not going right you need to provide that leadership. I asked them what their JOC does. Everyone has to be in the game here at the tactical level and ask yourself how you plug in here.

MG: Have you looked at the whole mIRC chat?

BG: I only have what (b)(3), (b)(6) gave me.

MG: It said early that they had indications of women and children on the vehicles in and out of them. It goes on for a while where they don't talk about them and then later just before the strike. There are a lot of players pontificating.

LT (b)(3), (b)(6) The mIRC talks about children no mention of women.

BG EDWARD M. REEDER

BG: What I remember was something debating whether weapons were present or not and debate whether adolescents were walking around the back or in the back I don't remember which.

MG: That is a good point but you can see through a long period of time that the levels of command were monitoring in various degrees of engagement, with that being said there were a lot e-mails flying around and a lot of FIRs being sent. Right after the strike Predator was on the scene they started reported women and children. The Predator was on scene about four hours before and sometime after the strike. Do you recall that portion?

BG: The first time I saw that tape was in COMISAF's office.

MG: Before you came on the scene. Wolfpack had sent up this report. If you could please read the back page you will see it talks about women.

BG: I did not see that portion of that report.

MG: There is an email from CJSOTFs doctor that was sent around 1545.

BG: I have not seen this one. The one I saw had all 12 casualties.

MG: (b)(3), (b)(6) took an excerpt from the 1545 email and said that he sent it straight to you.

BG: I would ask you to talk to the 6 about my communications. I got back from a commanders conference today and didn't have one single email on the green side. You can send me an email right now and I may get it right away or I may get it tomorrow morning. Why I ask if it is ZULU time or LOCAL is because when I receive an e-mail it is not stamped in LOCAL time. I have had communications problems since I got here and it is still the same. I do remember these because I am the one who sent the RFIs out.

MG: What I need to understand, and we talked to your J6 and we understand the issue. COL (b)(3), (b)(6) thought he followed up with a phone call on this. What I am trying to find out is that since this was a sensitive situation and if the email hadn't made it and everyone was buzzing about it. I have talked to several levels of command that were active. Even your headquarters was talking about it and it was buzzing. Why would we send an e-mail and just fire and forget then hope that it gets there, when the tactical directive talks about suspected and CCIR when we are supposed to pick up the phone. I am trying to figure where this died down because I cannot put it all together just yet.

BG: I would not have gone to a 1730 VTC with GENERAL McCRYSTAL and told him that there were women and children on the target if I thought otherwise. I sat there when (b)(3), (b)(6) said that we here there are women and children in the hospital. I told him that I just got off of the phone with (b)(3), (b)(6) and the President of Uruzgan Province and that they told me the hit was all TALIBAN and that there were no women or children. I made that statement at or around 1740. Like I said earlier I didn't read

anything until I got back from COMISAFs office the first time. Then he called me and I went back again and informed him that I just got information that there was a woman and a child on this target.

LTC (b)(3), (b)(6) What time was your phone call with COL (b)(3), (b)(6)

BG: I believe he sent me an email at about 1530. Then I called him just before I went to see COMISAF at around 1720. I told him I couldn't do VTC from my office so I was on my way to COMISAFs office and asked for the latest update. There was no mention of women or children at 1720 and I briefed that at 1740.

LTC (b)(3), (b)(6) At 1720 did he mention any report from RC-S that had suggested CIVCAS?

BG: No, not that I recall. I am telling you I went to that VTC absolutely convinced that there were not women or children on this target. If someone would have said that they thought there were, I would have told COMISAF and BEN HODGES that there was an allegation of or it was suspected that there were women or children. I had absolutely no idea when I left this building that there were women and children on the target.

LTC (b)(3), (b)(6) Would it surprise you to hear that early that afternoon COL (b)(3), (b)(6) was given a report from RC-S stating CIVCAS and he turned it away saying that if it isn't from our guys who are on the ground then I don't want it. Our guys are on the ground and they say no CIVCAS so there is no CIVCAS?

BG: If you are asking me if I believe that then yes I believe whatever (b)(3), (b)(6) says. If (b)(3), (b)(6) says I got BOG at the target and this is what I got. Then why wouldn't I believe him? We didn't have that conversation.

LTC (b)(3), (b)(6) Would you have expected him to tell you about that?

BG: My CCIR covers CIVCAS or suspected CIVCAS.

MG: We went through this line of questioning with him and we need your help to understand this. In his CCIRs he has confirmed or suspected CIVCAS. What I am trying to figure out is that while we were questioning him last night he seemed to be more of trying to get to a confirmed instead of just the alleged. So when documents from Wolfpack came in to his command, he said he didn't wasn't to see it because it wasn't from his command.

BG: I think you need to look at everything. I live right down the hall from you and people are banging on my door all night saying this is an allegation. I personally have got to know it even if it is alleged. It is clear in my CCIR that you wake me up. I would think he would want to see everything.

MG: To confirm it as opposed to alleged.

BG: I think you need to look at everything, the allegations and what BOG are saying, because if (b)(1)1.4a, (b)(1)1.4 is saying there were women on the target and BOG is saying there wasn't, I would have picked

up an iridium and talked to the BOG and told them to tell me exactly what they see in front of them. Whether it be civilians, women, or children I would want to hear it from them. I think, as a commander, if you get documents that counter anything you need to look at them. If it were me and my BOG said I put 12 on the birds and there were no women or children, I would call Wolfpack and let them know what my guys are saying.

LTG (b) (3), (b) (6) What is the role of CFSOCC-A in terms of ongoing operations?

BG: It is an operational level SOF headquarters. When this thing was designed by General MCKIERNAN and my then boss ADM OLSON their philosophy was that every day I wake up and the SOCCENT Commander is 7000 miles away not working weekends so I a SOF General Officer here in country 24-7. That started the discussion between the two 4 stars. This is an operational headquarters that plans the indirect and direct activities in support of General McChrystal's COIN strategy. This is not a tactical headquarters. I am not C2ing ODAs or pushing resources to the fight. We are really running five major programs here and those would be..... I was asked by General McChrystal to start an Afghan Special Forces I have Afghan commandos that I designed and built three and a half years ago. I was tasked to expand from 6 commando hand bags to a division headquarters, 3 brigades and 15 battalions. I manage the local defense initiative in about 8 different locations. I stood up and managed the Afghan public protection program; I am in charge of the partnership I am also partnered with 13 different canned acts and various ANP forces. I work directly with CSTC-A and COMISAF. I also have strategic key leader engagement program. I know most of the ministers and governors, and I know all the senior Generals. COMISAF doesn't use it this way but GEN MCKIERNAN, GEN MCNEAL, and GEN RICHARDS all the COMISAF commanders did before him, because of the relationship that I have with most of these people some people will ask me to call this guy and tell him the truth. Can you call this guy on the Parliament floor can you ask him what the discussion is and can you give him some ground truth. That is also part of what I do. I think in the 13 months I have seen around 167 senior people to include TALIBAN. That is the other piece that the headquarters does. Like I said I am not a tactical headquarters.

LTG (b) (3), (b) (6) Do you have a very limited JOC?

BG: I wouldn't even call it a JOC I would call it more of a Situational Awareness Room. We will monitor some mIRC chat, but we don't inject ourselves in a tactical fight. I see it that CJSOTF is the tactical commander, he looks down and I am an operation headquarters who looks up and out.

LTG (b) (3), (b) (6) Do you have wake up criteria?

BG: That is my CCR and one is an attack on USSF, attack on SF Air elements, CIVCAS, and the death of SOF Soldiers and things like that.

LTG (b) (3), (b) (6) How does your headquarters find out about those things? Is it through mIRC chat?

BG: No, they call us on Soldiers killed or wounded in action.

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LTC (b)(3), (b)(7)(A) Are there mandatory reporting requirements from the ODA up to the SOTF that you placed on them?

BG: No, but there is a structure that COMISAF put in place like the First Impressions Report, and reports after night raids and such, but I have not placed any requirements of reporting from the ODAs.

LTC (b)(3), (b)(7)(A) If an ODA were tracking a target and considering on destroying that target would you expect them to report that to the SOTF?

BG: The SOTF should be monitoring that.

LTC (b)(3), (b)(7)(A) If the ODA Commander decides I think I have PID on a particular target. Is that something you would expect to make it up the chain?

BG: I would expect that the JOC is monitoring that. I have been a CJSOTF commander here twice, a Battalion commander here twice, been a brigade commander twice. I can tell you that the SOTF commander should be monitoring what his teams are doing.

LTC (b)(3), (b)(7)(A) As the ODA makes a decision to destroy a target does he have to report that to the SOTF?

BG: That is the GFCs call and they have never had to report that before.

LTC (b)(3), (b)(7)(A) What hours would you say are the most active or dangerous for the ODAs?

BG: Let me put it this way. The Taliban from Uruzgan Province are the same Taliban from Northern Helmand Province from MULLAH OMAR's tribe. They are Hotacks. They fight differently than any Taliban in this whole country. Their AO is essentially the area where they live are where they fight and they fight where they live. There is no other place beside Northern Helmand and western Uruzgan province where Taliban will reinforce a target faster than any other place in the country. Summer of "06" out of that firebase, I had eight guys shot in the head, 31 guys with gunshot wounds out of four firebases in western Uruzgan province. It is a very difficult place to work. There is no battle space owner up there. The Dutch will not go north of DARO. These guys are out there all by themselves at (b)(1) 1.4a, (b)(1) which is now called Tinsley. The Taliban are different around that FB than they are anywhere else. I can tell you that you can't run a good source or sub source network in the western Uruzgan province. I have tried to give a farmer \$7000.00 and the guy wouldn't take the money for fear of retribution from the Taliban. This is a totally different breed of people out there.

LTC R: When are your teams most likely to be outside the wire?

BG: I don't have that data of the top of my head. They go 22-25 operations in a 24 hour cycle. It really depends what part of Afghanistan you are talking about. The Taliban in the west will reinforce at night and strike during the day like most Taliban. Most engagements with Taliban across the SHIJOAH are at about 1700 because they use the hours of darkness to melt in and out of the radar. I believe if you

check the history you will find most of the attacks come at first light early morning, or just before sundown. They will rarely attack at night, except mortar rounds and 107 rounds, now don't get me wrong they will attack at night and they have at (b)(1)1.4a, (b)(1)1.4c I cannot really tell you when they are most active.

LTC (b)(3), (b)(6) Of the key leaders in a SOTF, would you expect one of the following three people to be awake at all times: The Battalion Commander, the Battalion XO, or the Battalion S3.

BG: I expect them to run 24 hour operations, but that is the Battalion Commanders call. He has a full night shift. When I was a Battalion Commander I was working 18-20 hour days and someone was covering my down time. I expect that my Battalion Commanders are working anywhere from 18-20 hours a day as well. Do I make my Battalion Commanders to keep their XO or 3 on the floor, no. So, the answer to your question is no, I do not expect it.

LTC (b)(3), (b)(6) Your office has some sort of action in CONOPS correct?

BG: Level 2 operations only and we are not the approval but it does get reviewed here.

LTC (b)(3), (b)(6) Do you approve any at your headquarters?

BG: No.

LTC: Do you have any strike release authority? Or do you have anyone who does a collateral damage assessment?

BG: No.

LTC (b)(3), (b)(6) You do not have a role in emerging targets either, do you?

BG: No, I do not have a JICE.

LTC (b)(3), (b)(6) Can you recall, to the best of your knowledge, the conversation you had with COL (b)(3), (b)(6) before you went to COMISAF?

BG: Just before I went to COMISAF I spoke with two people (b)(3), (b)(6) and the Governor of the Uruzgan province.

LTC (b)(3), (b)(6) Do you remember what you asked him?

BG: For an update.

LTC (b)(3), (b)(6) That was it.

BG: Yes, because at 1500 it was a "this is what happened". When I got called for the 1730 VTC, no one had even said that there was an allegation of women and children on target.

LTC (b)(3), (b)(6) Do you remember what COL (b)(3), (b)(6) said to you?

BG: I don't. I just asked for an update and I think I got pretty much the same thing that I was told by the J33.

MG: Can you walk through your expectations of the supporting organizations to the SOTF and CJSOTF on the ODA on the ground. How do you see leadership engaged in the fight? Two levels down from you said that was the biggest game in town. What is your expectation of the SOTF in this situation?

BG: If an ODA calls or you are monitoring mIRC and they say that they are surrounded or they are starting to reinforce because of a situation then I would personally be involved. And I would do the same as the CJSOTF.

MG: if you were on your down time would you expect to be woken up for this?

BG: Absolutely no doubt about it at both levels.

MG: If that didn't happen what would you do?

BG: It wouldn't happen again that is for sure.

LTC (b)(3), (b)(6) What is the role of the SOTF in that situation?

BG: They would push resources. They would contact CJOAC and ask if the AC-130 could grab fuel at BINGO and come back because we really needed them. They are looking to see when Predator goes off station, or if anything else is scheduled to take off and be on the phone with those commanders to keep them there or get more assets there to cover. I would keep CAS stacked on the ready until the team came off target.

LTC (b)(3), (b)(6) Would there be communication between the SOTF Commander and the ODA Commander?

BG: Well there is an AOB Commander in there.

LTC (b)(3), (b)(6) Is the AOB Commander commanding and controlling at this point?

BG: He is but the assets are coming from the SOTF at this point. Me personally, I talked to ODA Commanders on the ground I would tell them to pick up the iridium and call this number now. And as the CJSOTF Commander I have talked to the ODA Commander on the ground to get the information.

LTC (b)(3), (b)(6) The general statements that we have gathered during this are that once the ODA rolls out it is all on the SOTF from there. They don't have the manning or equipment to manage the ODAs.

BG: I can tell you that the SOTF has more sophisticated equipment to track the fight. I can tell you that this wasn't the case when I was here. We expected the AOB to be part of that fight.

LTC (b) (3), (b) (6) Say an ODA Commander was in contact similar to that night and in the SOTF headquarters you hear some communication that there may be women or children in that target. What actions would you expect the SOTF Commander to take to ensure that the information was at least considered by the ODA Commander?

BG: I would have made sure that the ODA Commander understood that there were women or children in that convoy. He is the one who is making that call and he needs to know what the Predator is seeing or other platforms have seen or heard. I would absolutely make sure that team leader had the best picture even if it was an allegation; I would still make sure that he still knew about it.

LTC (b) (3), (b) (6) At any point would you bring in your Legal Advisor to help assess that target?

BG: The Legal Advisor always sat right next to me. It was the Legal Advisor on my left and the PAO on my right. I did that as a Battalion Commander and I was lucky to have one at that level. Honestly, I don't take a shit without one especially in this business. Even as a CJSOTF Commander he would sit right next to me.

LTC (b) (3), (b) (6) As the SOTF Commander and you believe the ODA Commander is about to engage this target, but you think that there is either an issue with Rules of Engagement or Tactical Directive.

BG: I would interject myself into it in a New York second if I thought there was an issue with ROE or PID I would certainly inject myself into that process.

LTC (b) (3), (b) (6) The issue that I have is if the ODA Commander does not have a requirement to report that he is going to strike, then how do you know when to inject yourself?

BG: You don't always know that. The last time I was here in a 7 month tour we had about 500 engagements with the Taliban. I rely on that Captain and Major and those ground force commanders to make those strikes. If I know something and they need to know it then I will make sure it gets to them, but I rely of the GFCs to make those calls. I am telling you as he is calling the strike unless I know something he is making that call.

LTC (b) (3), (b) (6) But if you have an issue with the events

BG: Then I will interject immediately.

LTC (b) (3), (b) (6) Is there a point, distance wise, from the ODA Commander that the target switches?

BG: No, I know what you are getting at and the answer is no. Personally, would I have engaged a target 10K away, probably not. I would have let the situation develop a little more but I am 51 y/o and I have been here 5 times. SO I am not going to second guess that guy. I would have looked at everything like the terrain I was sitting on and the ICOM chatter.

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LT (b)(3), (b)(6) Slightly different question. Is there a distance away when a target shifts from being the ODA Commander responsibility to being the SOTF Commanders responsibility?

BG: No.

LT (b)(3), (b)(6) Anything that influences that commander.

BG: Absolutely. That ODA is calling saying, hey they are reinforcing, and the Predator says, I see this convoy and it is 15-20K away.

LT (b)(3), (b)(6) If instead of expecting the force to be building up, if the GFC believes that this is a hostile force, but that it has the intent is to flee the scene.

BG: Flee the scene?

LT (b)(3), (b)(6) They are trying to get away. Does he have the authority to strike that element?

BG: I don't see why he would strike, but I cannot say because I have never been in that scenario before.

LT (b)(3), (b)(6) Would he have that authority or would he have to go higher?

BG: I don't know a Captain that would do that. I haven't seen that, especially 10-15K away.

MG: At what point in leadership when you are engaged in monitoring do you go from second guess to leadership involvement?

BG: If I think I know more than, or have been in the GFCs shoes before I will inject myself then.

MG: Where do leaders figure out when to inject themselves?

BG: I think it is an experience factor. I have been a CJSOTF Commander who injected myself into an ODA that was completely surrounded in 2006. It is easy for me to inject myself into an ODA because I have been there and done that.

LT (b)(3), (b)(6) If you had two battle captains and one was stronger than the other, where would you put the stronger of the two, on day or on night?

BG: I never had that situation.

MG: Where are we at with SOLATIA payments or CERP condolence payments? How is that going?

BG: I know that the ODA is monitoring the casualties and reporting to (b)(3), (b)(6) We have given some communications with the families. I have talked to the Governor URAZGANI. I have directed the ODA to link up with the Governor to link up with the families to assist them because most of them were Shia Muslims from DAI KUNDAI. I am not sure however where we are with the actual payments.

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MG: Where do we go from here? What do we do different to mitigate this situation, different training, different insights? What do you think could be done?

BG: It is all C2. Come 1 April we will be OPCON to GEN McChrystal. Right now I am OPCON to GEN CLEVELAND the SOCCENT Commander and TACON to Commander USFOR-A, and in support of GEN McChrystal. I would not change it, and I know exactly where you are going and I know exactly what GEN McChrystal wants to do and on 1 April he has OPCON of this force and can change C2 and I am positive this is what he is going to do.

MG: Anything other than C2?

BG: I think we need to provide the guy on the ground the best situational awareness that we can because he is making all the hard decisions. Whatever things we can do, passing visuals we can do to pass to him, whatever digits we need to pass to the JTAC to make sure the GFC has the best picture that he can have on the ground. Training wise I would request that the JTACs link up with the ODAs for PMT. They do three months of training in Nevada before they come over here. I say the JTAC links up with the ODA in Nevada if that is possible and start working as a team then. I think most of the situations are the JTAC pushing information to the GFC and I think we need to look at all the options that are out there to be able to say this is what the eyes in the sky see, no matter what platform it is, so the Team Leader can make the best assessment possible. We really need to look at the equipment that we can give to the guys on the ground. Our interpreters are average and these are the guys that are interpreting the Tactical HUMINT and passing it to the team leader. I am trying to look at everything that the GFC has to make the decisions that he does and I think we could probably relook at all of that stuff. I am trying to get CJSOTF an independent language contract. Now I am under the JTF for interpreters and they have a list of 200 interpreters they get the first pick of everything. The last people to get interpreters are the CJSOTF. We get the bottom of the barrel interpreters and I live in 45 firebases across the CJOA and I get the last pick and it is all because of money and P11 dollars and it is an Army contract. I am trying to expand the 310 or the 373 contract which is a SOCOM contract or just trying to get a separate contract so that we I can go with a company that can go and get selected interpreters vice what is left over from the JTF.

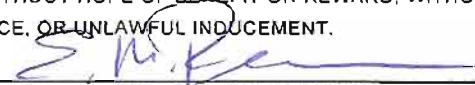
Warned and excused.

STATEMENT (Continued)

PAGE LEFT BLANK - SEE ATTACHED TRANSCRIPT OF INTERVIEW ATTACHED HERETO AND MADE A PART HEREOF. Attached transcript begins on Page 2 and ends on Page 12, however, entire statement begins on Page 1 and ends on Page 13.

AFFIDAVIT

I, Edward M. Reeder, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 13. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.



(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

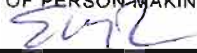
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(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



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