

target was not a valid military target and that this was CIVCAS incident and that we needed to report properly and timely and accurately, and honestly sir.

MG: how would say you did that then as a SOTF, in your job or on behalf of LTC (b)(3), (b)(6) or what, what went on. That the shift came and when did we start reporting, do we think that we are trying to tell CJSOTF what went on, and what is your belief of what went on and why it didn't get up to BG (b)(1)1.4(a) earlier that evening?

CPT (b)(3), (b)(6) Yes sir. I would state that it looked like the incident was becoming a CIVCAS situation with storyboards generated by CJSOTF sent to me, my conversation with the CJSOTF JOC Chief, sir we need to add women and children to this. No it's not a CIVCAS incident in CJSOTF eyes.

MG: And what time was that about?

CPT (b)(3), (b)(6) This was at 1550.

MG: Local?

CPT (b)(3), (b)(6) 1550 local is when basically that first draft was sent down to me and I resubmitted a corrected version 1550 local. Soon after my submission of that we started focusing attention on the FIR. Unfortunately I cannot tell you whether or not this is the date time group of when I started it or when it was completed and submitted to MAJ (b)(3), (b)(6) I do have the time of when it was sent to MAJ (b)(3), (b)(6).

MG: And that time on the email for the record?

CPT (b)(3), (b)(6) Sir it is in the emails right there, it should say FIR, sir for your review. 1618 sir.

MG: Okay, and that's local time, correct?

CPT (b)(3), (b)(6) Well this was 1200, roger sir. Correct sir.

MG: Is this 1200z.

CPT (b)(3), (b)(6) Roger sir.

MG: So that would be?

CPT (b)(3), (b)(6) 1630.

MG: 1630?

CPT (b)(3), (b)(6) Roger sir.

MG: and about 12 minutes before this right here is local time not Zulu time?

CPT (b)(3), (b)(6) I don't believe so sir.

MG: Well I need to,

CPT (b)(3), (b)(6) Let me, you are right okay

CPT (b)(3), (b)(6) You didn't send your FIR at 8 PM.

CPT (b)(3), (b)(6) No I sent it soon after this sir.

MG: So before this?

CPT (b)(3), (b)(6) Right.

MG: So at 1618 in the afternoon, local time, before 1800 PM that's noted battle captain, that's local time Delta in this time zone.

CPT (b)(3), (b)(6) I think that is Zulu time, I think that all our computers to Zulu.

CPT (b)(3), (b)(6) That means you sent your FIR at 2048 in the evening, almost 2100 at night that was your FIR.

CPT (b)(3), (b)(6) You know that is the time it says it was sent up, I think we are in Zulu sir.

MG: That's a big difference, and I need to write this up.

LTC (b)(3), (b)(6) What are you basing that on?

CPT (b)(3), (b)(6) Sir all the other emails that we have are Zulu time.

LTC (b)(3), (b)(6) Some of the emails are Zulu and some are not.

CPT (b)(3), (b)(6) But the ones from the battle captain, I believe that they are sir. Can I look at some of those other emails that have a local time listed, please? I would say that this is in Zulu time, that it got sent up at the time that it says there, and we did not meet the four hour criteria for submitting an FIR.

LTC (b)(3), (b)(6) So you think it was after dinner that you drafted this FIR?

CPT (b)(3), (b)(6) Well that it was submitted to the OPSCEN director sir.

LTC (b)(3), (b)(6) What prompted generating the FIR? What occurred at 2000 that prompted you to do this?

CPT (b)(3), (b)(6) I think I started working on it at 1630 sir, but I didn't complete it until the time I sent it here to the OPSCEN director for whatever reason sir. I don't remember if I was trying to gather more fact, have all the information sent back from the 3, based on him making corrections and then sending this to him for CJSOTF.

LTC (b)(3), (b)(6) If you could look at that one, what time do you think you sent that?

CPT (b)(3), (b)(6) I think I sent that after 7 PM local sir.

LTC (b)(3), (b)(6) The next day you tell LTC (b)(3), (b)(6) that you made corrections to the storyboards in red and due to the time constraints you didn't have MAJ (b)(3), (b)(6) review it. His response is okay unfortunately this goes

against our cautious reporting procedures. What do you think he means by our cautious reporting procedures?

CPT (b)(3), (b)(6) I think that is to make sure we are reporting accurately.

LTC (b)(3), (b)(6) Had you discuss prior to this incident had you discussed your cautious reporting procedures. Is that a term he ever used, he ever said we have to be more cautious than the CJSOTF?

CPT (b)(3), (b)(6) No sir, we have always report exactly what the teams on the ground, the information that we get, that's what we send up sir.

LTC (b)(3), (b)(6) It goes on to say and fed us into CJSOTF's refusal to mention women and children. Had you had conversations with LTC (b)(3), (b)(6) about a refusal for them to mention women and children?

CPT (b)(3), (b)(6) I think that email is in response to the storyboard sir. I informed the OPSCEN director and OPSCEN director informed LTC (b)(3), (b)(6) and LTC (b)(3), (b)(6) asked where the storyboards came from. And I explained exactly what happened CJSOTF produced this, these are the corrections that I made, this is what got submitted however I had a conversation with the JOC chief that I was being directed to leave women and children off the storyboard.

LTC (b)(3), (b)(6) Then when he goes we went too far in confirming no CIVCAS, we did not know that at that time, is that in reference to that fact you had suspicions early on that there may have been?

CPT (b)(3), (b)(6) Yes sir, I think that, we were pushing I think the GFC as much as we could to find weapons on the strike scene. Lack of COMs, problems communicating between him and us, it just furthered the delay. The boots on the ground from the strike time, that 3 1/2, 4 hours, if we had boots on the ground 30 minutes following and still had spotty COMs we could have generated all of this much sooner.

LTC (b)(3), (b)(6) Was there discussion of using someone other than CPT (b)(3), (b)(6) to do the SSC, BDA?

CPT (b)(3), (b)(6) Yes sir, initially there actually was, and that came from possibly two different elements. One of them was the TF South. That was going to be them conducting AVI prior to the strike. After the strike they were still submit committal to conducting the BDA. At some point they said they are not going to do it and stopped communicating with us. About that time I was on the phone with TF South, the other element was ODA (b)(1)1.4(a) which is also collocated with (b)(1)1.4(a) at FOB Tinsley. So I am on the phone with that TF commander saying hey we have a mission plan today, but we want to jump on helicopters and go perform either the AVI or maybe do boots on the ground. I had to instruct that team leader, no, continue the mission you have planed we have another element about to do BDA.

LTC (b)(3), (b)(6) Who did that come from?

CPT (b)(3), (b)(6) TF South sir.

LTC (b)(3), (b)(6) Who's decision was it to tell that ODA not to do?

CPT (b)(3), (b)(6) That was mine sir.

LTC (b)(3), (b)(6) You decided they were not going to do it?

CPT (b)(3), (b)(6) Based on the information I had that TF South was about to do the AVI. My understanding is, I have one hand on the phone TF South saying they are going to do the AVI. The other phone is ringing, hey we want to jump on helicopters and do this. I'm like you don't need to, you have a mission planned and there is another element that's going to conduct the BDA?

LTC (b)(3), (b)(6) They volunteered.

CPT (b)(3), (b)(6) Right, exactly sir. So at that point the detachment commander is like I understand, I am going to go conduct my mission, which I already have to plan, we are about to execute anyway. So they went and conducted their operation, which was actually pushing a combat reconnaissance patrol to the north of FOB Tensely relatively a few kilometers away from (b)(1)1.4(a)'s location.

LTC (b)(3), (b)(6) When TF South said they would not do the BDA, was the other element still available to do it?

CPT S: I don't think so sir. Unfortunately I was not on the OPSCEN, when I came back from the meeting I was told that TF South had decided not to conduct the BDA.

LTC (b)(3), (b)(6) When you left for the meeting you still thought TF South was going to conduct the BDA?

CPT (b)(3), (b)(6) I believe so sir.

LTC (b)(3), (b)(6) To your knowledge was there ever any discussion of the QFR being moved up to do the BDA?

CPT (b)(3), (b)(6) What is the QFR, who's the QFR you are referring to sir?

LTC (b)(3), (b)(6) I believe that there was another close detachment ODA.

CPT (b)(3), (b)(6) Is that (b)(1)1.4(a) sir? Because (b)(1)1.4(b) and (b)(1)1.4(c) are in the same location. And do to the height threat of the location that they operate out of one element will go out and the other element will basically stand by for a QRF. On this particular day both elements had operations. So (b)(1)1.4(a) was out (b)(1)1.4(b) said hey we want to go do this. No you don't need to, conduct your operation, TF South is going to do BDA. They said roger, understand and they headed out to do their mission.

MG: CPT (b)(3), (b)(6) we have asked you a lot of questions on two occasions. What else do you need us to clarify all of the challenges that have gone on here in reporting? That you could see that can be changed or different, what is your assessment of this, we are trying to get the truth and try to understand how we can mitigate something like this from happening again?

CPT (b)(3), (b)(6) Yes sir, what have done, the actions we have taken at SOTF (b)(1)1.4(a) is that every day we conduct training. We go over the day time and night time so that everyone on the floor is fully aware of their reporting requirements based on the situation. So rather than the battle captain, operations NCO, SGM, and the 3 everyone now is aware to write it up on the board once that significant event, or the operation has concluded these are the post mission products that are due, and there are the times. So it is not just a few people on the floor who have all the understanding of the reporting requirements.

Just the other day I gave a class on filling out FIR and CIVCAS and how our SOP, making sure that any new PAX in our OPSCEN understand what they exactly need to do and we collectively need to do. Right as I was about to get to filling out FIR we got an allegation of CIVCAS in Hellman and immediately went to a CIVCAS battle drill. Filled out all of the products, followed all the reporting requirements and pushed all that information out, it just happened to coincide with the class.

MG: Was it a CIVCAS incident?

(b)(3), (b)(6) No it was not sir. In addition to the training the nightshift we have added a SGM. So there is now a battle captain, SGM, and an operations NCO. We are still trying to get some additional FGOs that we are looking at chops to the OPSCEN, I think that will help us out. We have one MAJ that is on the hook for that position but he is currently down in Marsa basically an LNO for the RCTC7 and the element that we have operating do there. So once, once he is physically free from that duty he can come back and be chops which I think will be very helpful. In addition to that we have also changed our shift times, not from 7:45 to 19:45, now we are from 10:00 to 22:00 every day. What that allows us to do is have FGOs and senior leadership on hand for the shift changes to make sure that critical information is being passed and but anything that they need to make sure that the OPSCEN director or even the COL if necessary can address everyone. The issue was that at night senior leadership and FGOs were staying up 2, to 3 o'clock in the morning, through a sleep cycle, they'd miss the morning shift change. So we have changed our times, we have set it back to 10 AM, so that now gives the FGO leadership the ability to be at a shift and have more focus on the battle change over from day to night shift. And you know, obviously the battle captains passing to each other from night time to day time which is impaired in a situation like this when somebody is clearly present, if there are any questions that come up we need to answer immediately before that group of people exits and go to sleep for the day and the new people show up and absorbing what they can. So I think that we have made a number of improvements. Furthermore we have refined our wake up criteria. Like I have stated before, a TIC is a TIC there is not AIRTIC saying TIC or troops in contact TIC, now it is everybody. Everything is a TIC, so rather than go through an escalation of wake up criteria like we are going to notify the SGM, now we will notify the 3 the 3 will wake the decision if we got to get the XO or battalion commander involved; now it is everybody. I think we made a lot of improvements, and we are continuing to refine our SOPs and do everything we can to ensure an event like this doesn't occur again.

MG: Is there anything else you would like to say about this investigation?

(b)(3), (b)(6) No sir, I think I have covered everything.

MG: Thank you for your testimony and your service. I still have a lot of concerns on what I have heard from a lot of different testimonies they don't all align up here. I will work my way through that. what I will do is caution you not to talk to anyone about this interview. I applaud you that we got to start keeping, changing and improving ourselves. we killed we believe 16 people that day, 15 for sure, and unfortunately there was some remnants of more bodies there, so we don't know exactly. 12 were injured, a woman and child, a child lost his left leg below the knee. This is serious business so we have to be involved and engaged and so we need to improve all the time and there was a serious of break

downs on this as it has clearly been pointed out in this investigation based on what we have found. So the way ahead is to improve and mitigate for the future. Do you have any questions for me?

CPT (b)(3), (b)(6) Not at all sir.

MG: That will be all from me, thank you.

CPT (b)(3), (b)(6) Thank you sir.

STATEMENT OF (b)(3), (b)(6) TAKEN AT _____ DATED 2010/02/28

STATEMENT (Continued)

INITIAL STATEMENT WAS TAKEN 28 FEB 2010.

ADDITIONAL QUESTIONING OF CPT (b)(3), (b)(6) OCCURED ON 16 MAR 2010 AND IS INCLUDED.

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

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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 OF 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

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)	<u>03 Mar 10</u> Date
Printed Name/Rank		

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
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5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS COL/AD
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8. ORGANIZATION OR ADDRESS
Combined Forces Special Operations Component and Command Afghanistan

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

Original statement was taken on 1 March 2010. The statement begins on page 2 and ends on page 10.

The rest of this page was intentionally left blank.

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

COL (b)(3), (b)(6), J3 CFSOCC-A

MG (b)(1)1.4(a) 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 Army?

COL (b)(3), (b)(6) Almost 22 years.

MG: Can you tell us your background, when you first came in, source of commission, prior enlisted, and then you assignments up to this time?

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

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

MG: How many deployments do you have in Iraq and Afghanistan?

COL (b)(3), (b)(6) have one to Iraq and four in Afghanistan, one of which was a joint assignment.

MG: And you have commanded at the ODA level?

COL (b)(3), (b)(6) have commanded and the ODA level, the ODB level, not in combat, and the battalion level.

MG: How long have you been in this position?

COL (b)(3), (b)(6) have been in country since 18 July 2009.

MG: Could you talk to us about your duties and responsibilities?

COL (b)(3), (b)(6) am the director of operations. I have a Deputy directly underneath me and I have J3-3 Directorate. Again we do not run a Joint Operations Center it is more of a SAR Situational Awareness Center. We are an operational headquarters so we do not direct the tactical fight of the CJSTF in Bagram. They are of course underneath our operational control of BG Reeder, but again we do not direct the day to day fight of the CJSTF. Also underneath my direction is the J35 with is really the heart and soul of this headquarters which is all of the focus areas, the projects and programs that we coordinate with specifically NITM-A, ISAF, and IIF. The programs being the commandos, the Afghan

Public Protection Program, the LDI, and also Force management for managing RIP and TOAs. That is principle that I oversee day to day.

MG: if you could clarify for me, you mentioned a couple of times that this was the operational headquarters for the SOTFs that are here yet you have more of a SAR in that you are monitoring and not necessarily controlling the units. Can you square that with me so that I can understand that?

COL (b)(7)(F) The majority of what our SAR tracks are the movements in and around Kabul. We keep the mIRC up and running for all three SOTFs to maintain awareness of the operations. The CONOP approval authorities reside with the RC Chain of Command so as they are briefed the 5Ws and level 0s are at the SOTF level, level 1s are approved at the CJSOTF level, and then the Level 2 CONOPS that do come up, BG Reeder is briefed on everyone of those, and before they get briefed to COMIJC or his representative BG Reeder has to approve them first or they don't go forward. The other important point is that they don't come to BG Reeder's level until they have been briefed formally to the RC Commander. So that is the procedures in place in accordance with our SOP.

MG: Where does the initial mission start out at?

COL (b)(7)(F) The preponderance of the missions start really at the detachment, AOB, and SOTF level. Unlike other Special Forces entities here in Afghanistan, (b)(1)1.4a

(b)(1)1.4a (b)(1)1.4a The mission generation usually starts at the bottom and the general nature of the mission will determine what level it will go into. It is briefed all of the way through the chain of command here before it goes over to COMIJC.

MG: Do you have a process chart that shows how that all works?

COL (b)(7)(F) Yes we do.

MG: Could I get a copy of that?

COL (b)(7)(F) Of Course. We also have a FRAGO that is laid out to mirror what is in SOP 309 for headquarters IJC who adopted that from ISAF.

MG: Are you familiar with GEN McChrystals Tactical Directive?

COL (b)(7)(F) Yes.

MG: Can you tell me what happened and just try to walk me through the day of the 21st of February? The operation went down at 0300L. Where were you at that time?

COL (b)(7)(F) I was in my quarters.

MG: Could you tell me when you got to work and what happened and just walk us through the day.

COL (b)(3), (b)(6) It was a Sunday, I remember that clearly. I came in about 0930ish or so. I went back to check my email when I came in. On my way back I stopped in to check on the operations at the SAR. This was a level 1 so for tracking purposes I was not up; I usually stay up for level 2s especially if the guys are going into an extremely high threat area just to see how initial INFILL goes and what not. I came in and checked to see how things were going and got the information that (b)(1)1.4(a) was on target in the vicinity of (b)(1)1.4(a) and that they had conducted an engagement with OH-58s on MAMs moving into their objective area. At that time I didn't know the distance of when that occurred in terms of proximity of the target. I asked if they were on that target and they told me no, but they had FMV on it. So in other words they hadn't even finished clearing and searching the initial target area. I didn't have a 5W yet on what they had found on their initial target location, but I did ask if they had FMV on the strike and our guys had the FMV up and they could show it to me. I asked when or if they were going to do (b)(1)1.4(a) and my guys did not know that or what that timeline was. I called MAJ (b)(3), (b)(6) my J3-3 and he called down to subsequently find out that they were still in the middle of their (b)(1)1.4(a). We told them as soon as they got the timeline, having been through many of these and the importance of BOG. Later on in the morning, again I didn't get a 5Ws on the (b)(1)1.4(a) and then they established a timeline of when they were going to do the (b)(1)1.4(a) on the convoy target after they had cleared the initial target area. I asked (b)(3), (b)(6) to give me the report as soon as they get to the target area because we had no reflections on the situation, and I had called over to IJC to see if there had been any reporting... Again when don't have someone on the target for that many hours, you are waiting for a phone call of reporting. I didn't know the nature in terms of what were the local surrounding villages or what not. Typically is there is something wrong you are going to get reporting on it, if a miss-hap, or CIVCAS in this case. At about 1428 is when we first got our initial 5W from the CJSOTF, it took a long time. The other thing I remember is that around that time 1428 or so BG Hodges called the front office, BG Reeder was not in the office at the time so (b)(3), (b)(6) come to ask me to take the call. I took the call and BG Hodges asked if I knew what was going on down there and I told him that I did. I told him that I understood that the guys were on target right now and I gave him the facts of their reporting. I told him that they were reporting an X number of KIA, an X number of WIA, and this is the initial 5W report as I recollect was not the report coming straight from the GFC it was part of the report from SWT. I passed on to him what I received on the 5W and then I told BG Hodges that we were waiting for the actual BDA reporting from the SOTF and the CJSOTF.

MG: About what time was that?

COL (b)(3), (b)(6) It was certainly after 1428L because I have an email that I did not send based on my initial 5W report, and I didn't send it because after I got off the phone with BG Hodges I called MG Regner and informed him and said that this was the report that I have got. I told him we had X number of KIA, X number of WIA, and we don't have any reports of CIVCAS right now. I do remember calling back (b)(3), (b)(6) (b)(3), (b)(6) who is the J3 and asking him if he was getting any reporting with regard to weapons, chest rack vests, AK vests, or anything like that to reinforce your SIGINT that you MAMs on there. All of the reporting that was in the MIRC up to that point in terms of the SIGINT that they were receiving and what the (b)(1)1.4(a) in the chat was reporting was MAMs. He told me that they hadn't reported anything up yet.

At about 1434 I have an email about the first tactical transmission that LTC (b)(3), (b)(6) received from the AOB or the ODA on the initial report on what they had on the (b)(1)1.4 on the target. That is when they reported to COL (b)(3), (b)(6) by email and he subsequently forwarded that email to me and BG Reeder at 1544.

COL (b)(3), (b)(6) What was in that Email?

COL (b)(3), (b)(6) That was the first indication of the three women and children uninjured at that time. At 1725 we received another report to confirm that there was not any wounded and again there were three women and three children reported uninjured... I still have all of the emails.

MG: I am going to need to get copies of all of those emails.

COL (b)(3), (b)(6) I will print them off as soon as we finish this. At 1913 is when we were informed... I think BG Reeder was over at COMISAF Headquarters because COMISAF had called him and asked if he was getting any reporting on... We have got reports of civilians wounded and that these were civilians... I do not know if that was coming through the president and then through the government channels. He went over to COMISAF Headquarters twice once around 1720 and one was later on that evening. At 1913L is when LTC (b)(3), (b)(6) informed COL (b)(3), (b)(6) by email that he had gotten a report of one female wounded and one wounded child.

MG: What time was that?

COL (b)(3), (b)(6) 1913L is the email that I have.

MG: That is local time?

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

MG: That is from LTC (b)(3), (b)(6)?

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

COL (b)(3), (b)(6) You said that was an email. Were you cc'ed on that?

COL (b)(3), (b)(6) COL (b)(3), (b)(6) received the email and he forwarded that email up to BG (b)(1)1.4(a) and I was received on that email. We received in concurrently at 2019. With regards to reporting throughout the day... The two principle concerns regarding the engagement were one did we maintain eyes on the target and they had FMV on there from what I have seen at least in all of the data it was form the time of the engagement until about an hour and twenty minutes after the ground force got on station. I think the (b)(1)1.4(a) platform went off station at about 1400 or so. We had nothing but negative reporting and we didn't get any indications of anyone wounded as far as females and children until we got the first report from through the SOTF through COL (b)(3), (b)(6) to this headquarters. Although there was clearly reporting coming up from the governor of Urozgan who had called up his chain of command to the President who had called over with regard to the individuals that were engaged were not in fact

insurgents and were actually people traveling. The only thing I would add to that is that one of the RFIs that we had on that initially on which was around 1430L is that the SOTF or AOB had called to check if they had any indications that these people who were killed or wounded were civilians. The reports up to us were that they were not and we included that on our storyboard that there were no reports at that time that they were civilians. There was no negative reporting in that regard and we included that in our roll up to General McChrystal that evening and the subsequent day.

MG: I need to get those copies of what we sent up the line... All these emails that you are talking about.

COL (b)(3), (b)(6) will print everything off.

MG: (handing COL (b)(3), (b)(6) an FIR) Is this the FIR that you are referring to?

COL (b)(3), (b)(6) Yes. I received this report after we asked for it and it was sent the RC-S and I got it on ISAF Secret. The RC-S LNO received it from (b)(1)1.4(a) and he subsequently sent it to COL (b)(3), (b)(6) who then turned it and sent it to me.

MG: LTC (b)(3), (b)(6) said that he got this from you shortly after it came out earlier in the afternoon. I just want to verify that there was a discussion on that.

COL (b)(3), (b)(6) There couldn't have been because I didn't get it until... it is still in my inbox... We probably forwarded it to him and the exact time I do not know because it is on ISAF Secret and I don't think he has an ISAF Secret account. They may have PDFd it over and sent it, but this is the report that I think I got around 2000ish. I do have the time stamp on my email of when it was sent to me. At this point even though we had that the things that... Obviously it was an important report because of in terms of when we were... you know my Commanding General was asking questions and things with regards to how was PID established because we queried that report subsequent to General McChrystal contacting him and saying that he had reviewed the footage of this engagement and there is no indication of imminent threat with regards to the vehicles that were engaged. BG Reeder watched...

MG: Do you have that on your email too?

COL (b)(3), (b)(6) I do.

MG: I need to see all of that.

COL S: Yes. Again once we started receiving these reports I called down and said that I needed to get... because we didn't have factual information clearly with regard to the number of wounded that were taken off of the target, the disposition, the gender, and the age. We did get a report as they came off of the aircraft at (b)(1)1.4(a) and they were in processed at both the Dutch Hospital and the FST with the AOB that is when we got the initial status of every body's medical status. By this time it was based on the reporting that we were getting not so much up through the chain of command and we knew at that point... I went back and looked at... because I did my own going back in terms of reporting about when we knew that...

When was the first report that we were aware of anything other than men of the target? As I went back and went through my emails, we had reports of women in the area, but we also had reporting from the FMV that there were people who had moved in and around the target area all day because there was three or four hour gap between the engagement and when the GFC came in to do the (b)(1)1.4 on the engagement site. As I went back and looked again it wasn't until shortly after the RC-S LNO received his report from the (b)(1)1.4 hospital with regard to the status of the wounded that it was turned very quickly in terms that we had one female that was severely wounded and a child that had been wounded and lost a lower leg. It was later on that evening.

MG: (handing a report) Have you seen this report? □

COL (b)(3), (b)(6) Yes this is the exact one that I am speaking of. □

MG: You see the date time group there is 1545L. What time did you guys get that report?

COL (b)(3), (b)(6) I have it on email and it is most certainly later than that.

COL (b)(3), (b)(6) Do you recall any sort of email problems or email delays that day?

COL (b)(3), (b)(6) Yes we do. The emails are slow but the phones aren't. We still have a damn problem with the email. I don't know what it is but sometimes you will have to shut it down and go in to the cue. During this is when we started asking the CJSOTF to post things into the portal because that is real time, they can do that and we can access it. So yes there was a delay in our emails. What I would have to look at is to see when it was sent from somebody's outbox and when it was received to our inbox. Typically they back stamp but.

MG: But something this important that we are chasing around at 1545, was there any phone calls?

COL (b)(3), (b)(6) That is CCIR, clearly.

MG: to my question, was there any discussion about this because this is clear here at 1545 when we have MAJ (b)(3), (b)(6) who is the guy who pulled this all together and that is when we get one female age 30ish in OR now with facial shrapnel and skull fracture and one child five years old amputation and shrapnel to face and neck.

COL (b)(3), (b)(6) I am absolutely confident that I did not have that information because I was on the phone with both BG (b)(1)1.4(a) and MG (b)(1)1.4(a) during that time and I don't even believe that they had that information at that time, well I know because BG (b)(1)1.4(a) never mentioned it. The question that was asked to the CJSOTF multiple times by me and (b)(3), (b)(6) to the point where I got into their butt's letting them know that I need to know. We have reports of civilians, females clearly they are not... is there any report of anyone wounded and the email report that I got said that they are not wounded.

MG: Do have copies of all of that?

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

MG: I am going to need copies of all of these emails and stuff.

COL (b)(3), (b)(6) At what did you or did you ever see that?

COL (b)(3), (b)(6) We received this that evening and when it came in it went to our JAG and frankly at this point what was being reported here and vs. what we were gathering on the ground were contradictory. I think it was a function of this is getting written on the JOC floor at the SOTF level but again we did not push this forward because it was not factual based on other information we were getting from outside the headquarters.

COL (b)(3), (b)(6) How did you receive that?

COL (b)(3), (b)(6) By email.

COL (b)(3), (b)(6) That is the CJSOTF FIR. I was just looking at the time stamp on that again and we just heard for the first time today about this significant email lag in this headquarters which believe it or not is a huge factor as we look at the reporting times. You said earlier that you were talking to MG Regner and LTC

(b)(3), (b)(6). Do you remember what time you were talking to MG Regner?

COL (b)(3), (b)(6) It was approximately... I received the report around 1428 so I started writing an email and I got a call from BG Hodges and I talked to MG Regner shortly after that. Those calls were subsequent. Up to that point I had absolutely no indication that there was anything that may be astray in regards to the (b)(1)1.4a that was taking place. They had been on the ground for about an hour and a half based on when they landed. So when BG Hodges called I was surprised but only in the part that it was a level 1 operation conducted in RC-S battle space in which he is the battle space owner and he has concurrence authority for level 1 operations in his battle space to include the employment of SWTs and things like that. I think he was trying to determine if we were receiving any reporting that was contrary to what he was receiving. I told him that I had just received the first 5W from CJSOTF on this operation and that these are the facts that are being reported to me right now.

COL (b)(3), (b)(6) In hindsight, and it has been about 10 days ago, do you have any idea why the initial report from the ODA team conducting (b)(1)1.4a was incorrect or at least the report that we are showing our higher and passing along did not in fact reflect any of the injured civilians. Do you have any idea why?

COL (b)(3), (b)(6) honestly do not. That was one of the questions that was asked that evening was why is it that it was determined, why did we not know that there was a wounded women and a wounded child on the target? It wasn't dark it wasn't you know so why? I don't know why. I was asked was there deliberate deceit and I have no indications of that. I will go back and check my email because I think I saved everyone. The first indication we had was when COL (b)(3), (b)(6) sent a note to BG Reeder saying one women one child that is wounded and the rest of the report was below that. He did make sure that he placed that at the top of the report. I cannot account for that.

COL (b)(3), (b)(6) That email from COL (b)(3), (b)(6) that says one each 30 y/o female and 5 y/o male at the Dutch medical center that was time stamped as it left at 1549 do you have any idea what time it actually made it to the headquarters?

COL (b)(3), (b)(6) I have it and I will print every one of those... off for you... I believe it was 2019 that is the time stamp I have.

COL (b)(3), (b)(6) That is about a four and a half hour delay.

COL (b)(3), (b)(6) It is. It has been ongoing and our J6 has been trouble shooting it, but I will say with that said the phones work and I called and I'm not trying to be and you know. I know the importance of CCIR and I know when you are asked a question multiple times that the phones work, and the questions was asked multiple times. We have got multiple means of communication, in fact I talked to the CJSOTF and I said look if they are on the SSE then you need to be calling this stuff out and if they are finding any indications of weapons or whatever I said that can be reported over the secure net so report it. That said I will say also from our perspective was the event of that day. The CJSOTF has multiple operations going on as you go down the line, and we only have one headquarters reporting to us and they have multiple outstations. I am not trying to make an excuse, just in the context of all of the operations they had going on, but clearly that was the event from the time that I got the phone call from BG Hodges to well into the evening and even onto the next morning of preparing the information for the Commander.

MG: What recommendations would you have in attempt to mitigate this from happening again?

COL (b)(3), (b)(6) I think first I will start off with some knowns. CCIR is CCIR and it doesn't get devalued as you go down the chain of command that is where it originates from. I don't think that there was a lack of understanding of it, but I think, and I have dealt with this since I was a 3 here in OEF 1 myself. When questions are being asked it doesn't have to go through the CJSOTF to the SOTF to the AOB to the ODA. You pick up a hand mic or a telephone we are in the communications age and you get the answers that you need right then. So that is one that I think is very important.

MG: Do you think there was kind of a stove pipe or kind of a deliberate confirmation rather than in the tactical directive General McChrystal talks about suspected CIVCAS? Do you think because of that it could have been done a lot faster?

COL (b)(3), (b)(6) Yes I do. I told (b)(3), (b)(6) that it is his job to get his ass chewed by the Commander for reaching out and calling the AOB or ODA, but it is job also to get the information in a timely manner. That wasn't specific to him it was geared to the BTLC CPTs and JOC Chiefs as well that they need to pick up the damn phone and call to get the answers. That was clearly something that we talked about. The other piece as I look back is that you are right that I was not the Detachment Commander and I was not on the ground receiving all of the SIGINT and I wasn't on a fixed location getting the picture painted of tactical SIGINT and from what I am collecting is being interpreted to me as what the FMV platform is reporting as well. So I cannot second guess that commander in terms of what happened there. What I

think is important and having experienced this very thing first hand in the CJSOTF headquarters myself is that you have the luxury when you are back at the AOB level and you are monitoring the FMV or it is providing options to... Again hindsight is 20/20 and I don't want to for a minute say that I am second guessing the GFC but what you bring to the fight as you move up the ranks is experience and how to mitigate a threat that is perceived as imminent on the ground but may not be as you have a chance to step back away from the on the ground situation. There is potentially many other things that you could have done to either further determine if that in fact was an imminent hostile threat or to divert those vehicles like using containment fire to divert those vehicles to get them to move off. Again I am not a pilot and I don't know what the capabilities are to do that and the risk that you are putting. I think that is the key point is as you move back off from being on the ground and you have the ability to help assess that situation and provide tactical guidance to that GFC when he is in situations like that. Of course that is not in context with other operations that may have been ongoing at the same time, but that is an important point. Reporting is key in any headquarters. Reporting clearly failed in this instance.

MG: Anything else?

(b)(3), (b)(6) No. I will go back and print out those emails and put them in a folder in date time group order for you.

MG: That would be good, include everything from General McChrystal and all the stuff that you were cc'ed on. I am just trying to paint the picture here. In the last 10 days what kind of AARs have you done or put out to try to look at what happened? Tell me about that if you could please.

(b)(3), (b)(6) The CG directed an operational stand down for all operations except those in direct support of Operation (b)(1)1.4(a) as part of that we published a FRAGO directing that. As part of that there was a review of all of the tactical directives and an assurance of 100% understanding by COMISAFs guidance. He also conducted a VTC with all of the subordinate Commanders. He went over reporting procedures and the tactical directive and obviously he asked both General McChrystal and LTG (b)(1)1.4(a) permission to do so and those were conducted. Internally myself and LTC (b)(3), (b)(6) have talked at length in terms of reporting and as I alluded to that when instances like this where we have suspect allegations as the case started to build that he needed to not worry about breaking the chain of command and the important thing was to get answers so that we can find out what happened. I told him that even if we are wrong that we need to be first with the facts. Internally to my directorate we sat down and AAR'ed it and we have talked about it multiple times in the last 10 days. I talked with MAJ (b)(3), (b)(6) and (b)(3), (b)(6) and we reviewed our procedures and just really cross checked CCIR with the tactical directive.

There was nothing in our reporting procedures that was in my professional opinion was negligent. We know what CCIR is and we know what LTG Rodriguez's FFIR is, and this was clearly one of them. We did talk about what we learned from this and what could have happened not having been there but at the AOB or SOTF level to kind of just help guide that fight that took place and what led to that engagement.

Warned and excused.

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

STATEMENT (Continued)

Original statement was taken on 1 March 2010. Statement begins on page 2 and ends on page 10.

The rest of this page was intentionally left blank.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 12 OF 11 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regards to: OP (b)(1)1.4(a) Investigation of 21 Feb 10

in (b)(1)1.4(a)

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

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

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

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

MAS

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

03 MAR 10
Date

STATEMENT OF [REDACTED] DATED 03 MARCH 2010

MAJ [REDACTED]
J33
CFSOCC-A

Investigators:

MG MCHALE

COL [REDACTED]

MAJ [REDACTED]

(Sworn in and read Privacy Act Agreement by MAJ [REDACTED] and agreed)

MG: J33, and you were the J33 during that time of the incident.

MAJ [REDACTED] Sir, yes I was.

MG: How long have you been in that assignment?

MAJ [REDACTED] I started my turnover on January 9, and probably took over the duties sometime around the 20th or so.

MG: How many years do you in the Marine Corps?

MAJ [REDACTED] 14 years sir.

MG: Commissioned how?

MAJ [REDACTED] Through the enlisted commission program.

MG: Prior enlisted?

MAJ [REDACTED] Yes sir.

MG: How many years prior enlisted?

MAJ [REDACTED] 3.

MG: What did you do when you were prior enlisted?

MAJ [REDACTED] Machine Gunner.

MG: When you came on board, through the commission infantry or?

MAJ [REDACTED] Ground Intelligence.

MG: Intelligence okay. Do the Marine Corps have a Q course like the army does?

MAJ [REDACTED] Yes we do sir.

MG: When did you go through that training?

MAJ [REDACTED] (b)(3), (b)(6) I did not sir.

MG: So you are known as an Operator, how do they define that in the Marine Corp?

MAJ [REDACTED] (b)(3), (b)(6) Basically in the Marine Corps the Operators will be in the enlisted ranks, that's who we would call operators.

MG: How may Special Forces assignments have you had?

MAJ [REDACTED] (b)(3), (b)(6) This is my second sir.

MG: Where was the other one?

MAJ [REDACTED] (b)(3), (b)(6) RC West. I was the Executive Office with MSOC-H, Marine Special Operation Company and Intelligence Officer.

MG: So you go over here in January and took over the as J33. Could you explain what your duties are in the J33, duties and responsibilities?

MAJ [REDACTED] (b)(3), (b)(6) My duties and responsibilities are to monitor all operations going out at the CJSOTF level, and combine information for my higher HQ as well as the general and the J3.

MG: And your HQ is?

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

MG: Commanded by?

MAJ [REDACTED] (b)(3), (b)(6) MG Cleveland.

MG: When you say monitor, what do you mean by monitor?

MAJ [REDACTED] (b)(3), (b)(6) My JOC is one deep. I do not have several individuals. I have one man in there to monitor radio, miRC chat, and internal movements that this command conducts.

MG: Because the command is pretty far and wide reaching. How many operations on a daily basis can you monitor?

MAJ [REDACTED] (b)(3), (b)(6) We can monitor all the operations; I can't really give you numbers sir unless I go into, say like the CJSOTF operations for today. It's probably somewhere in the [REDACTED] (b)(1)1.4(a) we can monitor those even with multiple TICs going on we can still monitor those. When there is a MEDEVAC or nine line, or unfortunately the death of a USSF we can still monitor that, facilitate the information flow going up to the general and CFSOCC.

MG: So there is a nine line called in anywhere around the country?

STATEMENT OF (b)(3), (b)(6) DATED 03 MARCH 2010

MAJ (b)(3), (b)(6) That deals with CJSOTF forces, yes sir.

MG: Is it when you say the deal, could a conventional unit call a nine line then to go pick up some CJSOTF forces and you would pick up on that?

MAJ (b)(3), (b)(6) No sir, we would not because we only monitor (b)(1)1.4(a).

MG: What I would like you do, when did you come on duty the day of the incident, local time?

MAJ (b)(3), (b)(6) The incident was on a Sunday so I came on duty 1000, because I brief BG Reeder every morning on the JC slides and the happenings of the last period of darkness.

MG: You were on duty when the engagement happened?

MAJ (b)(3), (b)(6) No I was not

COL (b)(3), (b)(6) So you came on duty, can you walk me through what you heard, any reports that you saw from 1000, from your arrival?

MAJ (b)(3), (b)(6) When I came on my watch, my day watch conducted the 0700 change over brief. I came on duty, I logged into my email to look for operational reporting that CJSOTF puts out in regards to any operations happening during that period of darkness. And I received operational reporting (b)(1)1.4(a) concerning (b)(1)1.4(a), and since I was briefing BG Reeder on (b)(1)1.4(a), I briefed him on (b)(1)1.4(a) which I cannot recall what they are off the top of my head. I have them in my notes here if you would like me to pull them out?

COL (b)(3), (b)(6) We'd like to get a copy of that please.

MAJ (b)(3), (b)(6) Okay.

COL (b)(3), (b)(6) Pull it out and tell us what's in there now as well.

MAJ (b)(3), (b)(6) Operational update #8, Infill complete 2236z, (b)(1)1.4(a) reports multiple squitters and multiple people on rooftops. (b)(1)1.4c referencing link up AAF. (b)(1)1.4(a) on station, ISR will be off station 2300z due to weather more to follow. Operation update #9, (b)(1)1.4(a) found one IED reports finding an explosive device rigged to a door vicinity building A, approximately 150 meters west of the bazaar. 2245z (b)(1)1.4c move your men up from the south bring the big stuff, AF moving up from the south with heavy movement. Reinforcements with the intent to move to high ground in order to engage. This is possibly referencing (b)(1)1.4(a) support by fire positions. Operational update #10, (b)(1)1.4(a) reports cordoned of objective (b)(1)1.4(a) established. (b)(1)1.4c states that one individual is gathering explosives and then will move to (b)(1)1.4(a) position once (b)(1)1.4(a) is off station. Operational update #11, (b)(1)1.4(a) will remain on station at this time. (b)(1)1.4(a) reports 2 or 3 vehicles, 43-55 PAX, (b)(1)1.4(a) off station at this time. (b)(1)1.4(a) will remain on station at this time, more to follow. Operational update #12, (b)(1)1.4(a) reports (b)(1)1.4(a) ID weapons, 43-55 MAMS, 2 to 3 vehicles, declares AIRTIC at this time. (b)(1)1.4(a) requests CCA at this time.

So those were the operational updates I briefed BG Reeder on, not word for word, but basically crunching them all together and giving him a summary of where [REDACTED] stood at that time.

CO: [REDACTED] What time did you brief BG Reeder?

MA: [REDACTED] Usually comes in around 1030 on Sunday's sir, 1045.

CO: [REDACTED] 1045?

MA: [REDACTED] On or about sir.

CO: [REDACTED] Understand. At what point during the day did you receive any reports, either reports, written, verbal, email referencing CIVCAS in this operation?

MA: [REDACTED] Referencing CIVCAS sir would have, I can't give you a definite time sir, and I would have to say it was probably after 1800. Part of the problem that day, I don't know if you heard this from the other investigator questioning personnel, the email connectivity that day between CJSOTF and CFSOCC-A was horrendous. For example some of these operational reports I got, were sent at 0356, and did not hit my inbox until 0826/

CO: [REDACTED] So 4 1/2 hours later?

MA: [REDACTED] Yes sir.

CO: [REDACTED] Well that is a significant report right there.

MA: [REDACTED] Yes sir.

MG: Do we have that in our, with our J6 guys, our computer guys kind of got that verified, because we haven't heard that yet?

CO: [REDACTED] No sir, I don't see that. That is significant.

MG: Can we have some copies of that so we have that?

MA: [REDACTED] Yes sir.

MG: Thanks that would be helpful.

MA: [REDACTED] Time stamped and time received from CJSOTF.

CO: [REDACTED] We certainly need that.

MG: Yeah, cause here's one. Did you ever see this one, now that we are talking about updates? It was sent at 1545 in the afternoon that report?

CO: [REDACTED] Let the record reflect he is reading the 1549 email from [REDACTED], identifying the CIVCAS.

MAJ [redacted] (b)(3), (b)(6) No sir.

MG: But is it routed to anyone in your organization there?

MAJ [redacted] (b)(3), (b)(6) No sir, I don't see anyone from my organization.

COL [redacted] (b)(3), (b)(6) You said after 1800 and how were you notified it was CIVCAS? What happened after 1800 that gave you awareness?

MAJ [redacted] (b)(3), (b)(6) I was notified was, I believe it was by COL [redacted] (b)(3), (b)(6) and MAJ [redacted] (b)(3), (b)(6) the 3, or the Deputy 3. I did receive an oral phone call from MAJ [redacted] (b)(3), (b)(6) at 1227, but at that point there was no mention of CIVCAS.

MG: You said a phone call?

MAJ [redacted] (b)(3), (b)(6) Yes sir.

COL [redacted] (b)(3), (b)(6) What did he call to tell you?

MAJ [redacted] (b)(3), (b)(6) He was giving me a verbal SWs on the engagement.

COL [redacted] (b)(3), (b)(6) So 1227?

MAJ [redacted] (b)(3), (b)(6) 1227 sir.

MG: Did he talk about any possibility of women and children on the objective?

MAJ [redacted] (b)(3), (b)(6) No sir.

COL [redacted] (b)(3), (b)(6) Let me ask you this, what systems did your JOC monitor. What do you have in front of you; you already said you have two people on shift at a time?

MAJ [redacted] (b)(3), (b)(6) One sir.

COL [redacted] (b)(3), (b)(6) One person?

MAJ [redacted] (b)(3), (b)(6) One person, because I work in an adjacent office. If there were something big to happen I could always come in and help out during the day. Currently I have two individuals, a SFC and newly promoted major.

COL [redacted] (b)(3), (b)(6) One's day and one's night?

MAJ [redacted] (b)(3), (b)(6) Two at night sir, and one at day.

COL [redacted] (b)(3), (b)(6) What are they monitoring?

MAJ [redacted] (b)(3), (b)(6) The systems we have in the JOC are [redacted] (b)(1)1.4(a)

MG: [redacted] (b)(1)1.4(a) ?

STATEMENT OF (b)(3), (b)(6) DATED 03 MARCH 2010

MAJ (b)(3), (b)(6) Yes sir. Then (b)(1)1.4c I don't know what that is sir. We have mIRC chat, and we also have the ability to monitor Pred feeds.

COL (b)(3), (b)(6) During this particular mission was this HQ in the mIRC chat room with the Predator?

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

COL (b)(3), (b)(6) So you have the ability to monitor the mIRC chat between the Predator and the screener and CSOFT 12.

MAJ (b)(3), (b)(6) We have the ability to monitor mIRC chat with all three SOTF. They can split the screens, I don't know how they do it but all three mIRC chats are up on one screen, and then another screen we have for Predator feed.

COL (b)(3), (b)(6) To be honest with you we really don't have a lot of questions for you, you have already painted a really good picture of the challenges. Do you have within your JOC wake up criteria for the commander; do you remember what they are?

MAJ (b)(3), (b)(6) Not off the top of my head sir, it's basically the CFSOCC CCIRs list, death or serious injury to USSF. Mass MEDEVAC, death of partnered ANA force, to include ANSF commandos.

COL (b)(3), (b)(6) What do you do when in fact you see something within the JOC that indicates potential CIVCAS?

MAJ (b)(3), (b)(6) He would come and get me and I would inform the 3 or Deputy 3, and we would take it from there. The potential or if there actually was a CIVCAS.

COL (b)(3), (b)(6) Either or.

MAJ (b)(3), (b)(6) If the potential, lets say an allegation, first I would do some research some data mining to find out if CJSOTF forces were in that area during the time of the allegations. Or if we actually did, then I would inform the 3 and then we would await the 5Ws, followed by the FIR, SIR, or press for investigation report from the CJSOTF. We would have the JAG involved and basically Deputy and the CoS would be notified. At that point we would be in receiving mode waiting for information to come up from the CJSOTF.

MG: When did you get your first FIR through your chain of command?

MAJ (b)(3), (b)(6) The FIR, I don't have a time on that sir, and to be honest with you...

MG: That is from CJSOTF-A.

MAJ (b)(3), (b)(6) For this incident I didn't get the FIR. I believe they came to COL (b)(3), (b)(6) first through the CJSOTF.

MG: Did you ever get a FIR from TF (b)(1)1.4(a) that day?

MAJ (b)(3), (b)(6) I haven't.

MG: You never got that?

MA (b)(3), (b)(6) No sir.

MG: We have a copy of it; just let me show it to you. Let the record reflect, showing TF (b)(1)1.4(a) FIR. Take your time and read that and just let me know if you ever saw that.

MA (b)(3), (b)(6) No sir, I never saw this report.

MG: If you look at that page there, if you read that, that paragraph there. Does that draw your attention to anything, if you would have got that? And that's local time.

MA (b)(3), (b)(6) This sir, yes it would draw my attention.

MG: And for the record you did not see that document.

MA (b)(3), (b)(6) No I did not.

MG: Why would that draw your attention if you would have seen that document?

MA (b)(3), (b)(6) Three who were 20 meters west of the middle vehicle appeared to be women, while those behind the trail appeared to be males and possibly still armed. The women would raise concerns with me sir.

MG: Do you know if this circulated at all in your HQ to anyone, any of the colonels, COL (b)(3), (b)(6) or BG (b)(1)1.4(a).

MA (b)(3), (b)(6) I don't know sir, I don't know.

MG: This came from TF (b)(1)1.4(a) whose aircraft were on the scene and they sent it up through their chain for FIR and trying to meet the intent and spirit of the tactical directive; if suspected CIVCAS. Let me just ask a few questions. There had to an atmosphere around here that day, because of people are trying to get reports. I noticed as we talked up and down the chain, people wanted to go after information of what happened in this event because of the potential CIVCAS, what was being reported. Could you walk through, once this started on your shift end, what were you asked to do, what was the dialog up and down the chain of command. You are being asked by which of your bosses to get data. What was going on around here, if you could walk us through the reporting that day?

MA (b)(3), (b)(6) Sir I wouldn't say it was complete chaos, but it was somewhat hectic. The original concern was that, my personal concern was since the target was so far away from the ODA, that by the time the ODA got to the scene, and we could see, or they could see, the watches could see individuals mingling in and out of the site, there would be no weapons and it would be a CIVCAS allegation, because it would just be, what appeared to be at the time that I thought would be MAMs with no weapons. I understand CJSOTF's difficulties because there are three layers between me and him from information that he needs to receive. We have a six hour reporting criteria for 5Ws, I believe sir, I would have to look at our FRAGO. And that has to come from the AOB, to the SOTF, to the CJSOTF, and our levels. It's reviewed

and scrutinized, and crossed T's and dotted I's and so I understand when I say I need something very promptly that he can only do so much because he has to wait for that information to come up from the bottom. I would usually place a call to MAJ (b)(3), (b)(6) and say (b)(3), (b)(6) I know you know I need this 5Ws immediately or I need the FIR so forth and so on. He says yes I understand, I am working it, I am trying to get it to you as fast as I can. As soon as I get it and get it reviewed I will push it up to you. It took a little while for us to understand that there is the information gap in emails, the time gap of 3 to 4 hours, we had to work around that by CJSOTF posting important documents we needed for this event on their SharePoint page, that we have setup for us there, so that kind of mitigated the problem towards the end of the day. Other than that sir, in all of the circumstances with the CJSOTF I tried to stay out of their hair because he knows what I need and why I need it. It does no good to call down there and say hey I need this now, what are you doing, how come I don't have this, it's no good for him or us. He understands our reporting criteria to CFSOCC as well as to IJC to satisfy COMIJC requirements for information.

MG: Okay. So if you could characterize some of the discussion who is giving you direction during this time from up above you, was it the Deputy or BG Reeder? What was the dialog within this HQ?

MAJ (b)(3), (b)(6) Sir there was dialog between the 3 and CJSOTF 3. But as far as my involvement in it, they were really tasking me to gather information, because they know I know what information they may need to get and where it needs to go. So they were really tasking, hey get the FIR. They understand that I am waiting on reports, and I know what the CJSOTF has informed me of what I need to forward up and out.

MG: So when did you finally get the report that kind of clarified CIVCAS?

MAJ (b)(3), (b)(6) Sir out of all my documents that is the one thing that I didn't document of the exact time of notification of actual CIVCAS and that occurring. I don't have a good time on that sir. But event wise it was when the ODA went to the site and started MEDEVAC personnel from the site. My apologies sir I don't have a good time on when that exactly happened.

CO (b)(3), (b)(6) 1254 is when the ODA arrived and they started MEDEVAC 1305, but from what you said earlier you didn't know about CIVCAS until sometime after 1800. Can you clarify?

MAJ (b)(3), (b)(6) 5Ws were received at 1428, but that was from the Helo engagement. And (b)(1)1.4(a) received an email from CJSOTF JOC Chief, updates 5Ws 1709, initial BDA 15, initial BDA from team. No sir, I still don't have a good time, I have an operational here #5, which states 15 EKIA and 12 EWIA, 6 were located at the Dutch FST, and 6 were located at FOB (b)(1)1.4(a).

CO (b)(3), (b)(6) What time was that?

MAJ (b)(3), (b)(6) I received this at 1911 sir.

MG: If you could us copies of that that would be helpful.

MAJ (b)(3), (b)(6) Okay.

MG: Because when they received them at the Dutch and US facilities, there were women and children at those facilities. And that report would have come from?

MAJ (b)(3), (b)(6) CJSOTF sir.

MG: Because it was several hours before that, we knew that information through the MEDEVAC and they had been received with some women and a child who had lost his left leg in the accident. Any other information you can share with us, we are trying to figure the pieces, reporting, and these gaps, and these times, we are just trying to understand it. MAJ (b)(3), (b)(6) you can share with us?

MAJ (b)(3), (b)(6) No sir, I don't really have anything, unless you gentlemen have any further questions for me. I apologize for not knowing the time, you know I thought I was pretty much prepared, but I didn't put that one in my notes.

MG: What are your thoughts on this after you found out all that went on, now that it is little over a week later?

MAJ (b)(3), (b)(6) Sir it is easy for me to speculate. We are in an air conditioned, hard billeting, eating three hot meals a day, sleeping in a rack, I don't think I can put myself in the GFC's position. With the information he is receiving I don't know if he had a rover with him or not. If he did not have a rover I am sure that would have complicated his decision making process even more. Looking at the data I can't say that I don't agree with the engagement. I don't really see the distance between the ODA and that element or the implicating enemy threat to him. Then again if he has no visual, like me looking at (b)(1)(1.4)(a) in my JOC and he is just hearing chatter then, I can't put myself in his shoes.

MG: At this level and reporting level, one of the things I talked about earlier GEN McChrystal has asked us to look, how do we improve on the process in the future. You know there are a couple things here, decision making, along the way, not just down on the ground with the GFC, but all the way up, and then reporting how we do that. Are there any recommendations that you have in that area, we can take a look at as we put together this report?

MAJ (b)(3), (b)(6) Sir we kind of talked about this as a staff and one of my recommendations was that the CJSOTF that they put out these operational reports and would not be that hard for them to put up the 5Ws because they have all the information there instead of waiting for the information to come from the AOB, to the SOTF, up to the CJSOTF. The CJSOTF has operational reports 1 through 5, and point 6 there is a task that it wouldn't be hard for them to generate the 5Ws. That it would satisfy our needs the general's needs and GEN Rodriguez's needs up at IJC. As soon as that thing hits the mIRC, CAS engagement or MEDEVAC or anything, IJC is looking at the same mIRC chatter we are and they don't understand why it takes so long for us to get the 5Ws up to them. If CJSOTF would go ahead and produce that 5Ws and let the release authority release that information then I think it would kind of streamline part of this process so that people would have information while they are waiting on follow-on reports if needed.

MG: Are you familiar with GEN McChrystal's tactical directive.

MAJ (b)(3), (b)(6) Briefly sir.

MG: I would ask that you read it. He talks about it in his tactical directive, suspected CIVCAS, on reporting it how would you interpret that, reporting suspected CIVCAS?

MAJ (b)(3), (b)(6) To me that would be someone alleging that we have a CIVCAS event on our side or on a side that CJSOTF was involved with. I am not familiar with, off the top of my head. I would have to review the documents sir for reference of course, but we would follow the same process as I explained to you earlier sir.

MG: In the CJSOTF in their guidance it talks about reporting CIVCAS, immediately it says. And immediately per their words is right away, whether it's confirmed or alleged. And so it took a long time from immediate, and there was some hanging out there with MEDEVAC nine line reports, (b)(3), (b)(6), (b)(1)1.4a, (b)(1)1.4c earlier in the day, but we are moving towards the confirmed. We wanted to have confirmed. And even when we thought we had confirmed it took several hours after the ADO was on the ground. How does it look at this level, as far as reporting CIVCAS? How do you see that, what kind of rough time limit, is there anything talked about here?

MAJ (b)(3), (b)(6) In the event of alleged sir, I would expect that CJSOTF would give me a call to give me a warning order on the possibility of this materializing to a no-kidding CIVCAS event. I can't recall if MAJ (b)(3), (b)(6) did that or not because, I just can't remember if he did that or not. With the frustrations of the email, I can't recall if he did that at all.

MG: Why would it be important to get a quick report out, whether it is alleged or not, immediately, kind of a warning time. As opposed to waiting a long time to confirm. What would be the value of that?

MAJ (b)(3), (b)(6) Well I see two things sir. One is we are trying to gain the trust and confidence of the people of Afghanistan. And number two you have this insurgent or Taliban IO program that's unfortunately is much stronger than our IO program, to immediately notify the provisional governing, the government of that province; the village chiefs, the elders to have CIVCAS. If it did happen hold a Shura with the leaders and explain the circumstance as to why it happened instead of waiting for them to start to develop opinions and views of the US Forces and how we are conducting those and trying to fight the enemy by killing innocent civilians.

MG: Thank you, is there anything else you like to add as we look to the future? Any recommendations?

MAJ (b)(3), (b)(6) No sir.

MG: Let me remind you that this investigation is ongoing so you cannot talk to anyone about this and this interview and what is going on. I want to thank you for your service and what you are doing. I want you to look at all your processes how you this, this, in light of this. That's it. Have you had a kind of AAR since this event, BG Reeder host one?

STATEMENT OF (b)(3), (b)(6) DATED 03 MARCH 2010

MAJ (b)(6) We did have an AAR sir and that was with the CoS, 3, Deputy 3, myself, the JOC watches. It wasn't so much directed towards this event, but the overall reporting from lower to higher, and then how we report up and out.

MG: And you your CoS's name is?

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

MG: COL (b)(3), (b)(6) is the?

MAJ (b)(6) 3.

MG: Okay, then thank you very much, and you have a good day.

STATEMENT OF

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

TAKEN AT

DATED 2010/03/03

STATEMENT (Continued)

STATEMENT ATTACHED

AFFIDAVIT

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

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 12. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL

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

WITNESSES:

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 12 OF 12 PAGES

Special Forces Meeting

List of Officers:

IO-MG McHale

AIO1-COL (b)(3), (b)(6)

AIO2-COL (b)(3), (b)(6)

AIO3-LTC (b)(3), (b)(6)

Key:

(IO: Investigating Officer, AIO: Assisting IO)

Special Forces:

GFC-CPT (b)(3), (b)(6)

AF2-SSG (b)(3), (b)(6)

Key:

(AF: Air Force)

Opening

IO: I'm MG McHale and I've been appointed by General McChrystal under AR 15-6 to be the IO. Here's the team, will go around and introduce ourselves so you can know their position on the team.

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

I'm LTC

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

G5 Planner from CFSOCC-A

AIO2: COL (b)(3), (b)(6) from Afghan Ministry of Defense kind of the operations officer for this.

AIO1: COL (b)(3), (b)(6) I'm going to be looking over the Command and Control and how it's aligned with the Operational Environment.

LTC (b)(3), (b)(6) I'm LTC (b)(3), (b)(6) the lawyer for MG McHale.

COL (b)(3), (b)(6) We met yesterday.

MAJ [redacted] [redacted] with the SJA USFOR-A Legal as well.

SPC [redacted] : SPC [redacted] Legal Specialist

IO: First of all I want you to know I do not suspect any wrong doing, if I do will stop you and read you your rights. What we're doing here today is just to find out what went on so we can understand it. It's very important that we understand the challenges that went on in the operation and get the pieces to solve together. In this investigation we'll do that, we'll get with the Air Crew teams over time, we'll work the Command in control...it's a holistic look of what went on here. So General McCrystal's guidance is a lot, he's given me a lot of questions. We're not going to ask really any questions today unless we need to clarify something, we'll probably come back in a couple days so we can understand what the pertinent questions are. But to delve into them and run down those rat holes, I don't think it's productive. It's first for us to understand the pattern of the context and what went on. So will be pretty much in a listening mode today and then will be back in a couple of days with the detailed messages, sit down with the members of your team and start working to really understand and put this all together, do you have any questions?

GFC: No Sir

IO: I will say this again I do not suspect you of any wrong doing if I do, I will inform you of your rights and then you will know at that point, but we are just trying to get to the truth of what went on in this complex operation.

[redacted] first of all with regards to those in the room could the people in the room please identify themselves.

GFC: Captain [redacted], ODA commander for [redacted]

AF2: TSgt [redacted] assigned to ODA [redacted]

GFC: [redacted]

AIO: Were you all together

GFC: Roger Sir

AIO: TSgt what is your last name I am sorry

AF2: [redacted] (b)(3), (b)(6)

GFC: the reason this is good is because how the JTAC and Commander work, there are times that he is going to be able to fill in gaps that I cannot fill in, and there will be a lot of times that he will have to interact with the aircraft.

IO: I am fine with it. That assessment team came down quickly just to get a quick view of what was going on because of the dynamics in this COIN operation. We are investigating trying to get to a level of even more detail and try to figure the way it happened and these kinds of things.

GFC: First it is really important to explain to you why we were out there in the first place. So you know the reason why (inaudible). My detachment conducted mission planning to go and execute the target and the objective in the vicinity of the village of [redacted] (b)(1)1.4(a). [redacted] (b)(1)1.4(a) is located north of my firebase. [redacted] (b)(1)1.4(a) [redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c The last time anybody was there was my detachment during OEF [redacted] (b)(1)1.4c and we had a two day TIC. [redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c [redacted] (b)(1)1.4(a) and [redacted] (b)(1)1.4(a)

and we will refer to the map in a little bit sir. [redacted] (b)(1)1.4(a) and south to [redacted] (b)(1)1.4(a)

[redacted] (b)(1)1.4(a) and [redacted] (b)(1)1.4(a). [redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c [redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c. The NEI that we were checking out was [redacted] (b)(1)1.4(a). [redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c [redacted] (b)(1)1.4(a)

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c [redacted] (b)(1)1.4c

[redacted] (b)(1)1.4c (Inaudible) Basically driving us to the

[redacted] (b)(1)1.4(a)

(Pause)

(b)(1)1.4a, c, (b)(6)

(Pause)

Mr. (b)(6)) the reason we were referring to him is because one of his shops was actually targeted because his location is where we believe he was supporting the Taliban to make and facilitate communications equipment and RCIED device and electronics and such.

(Pause)

On the 20th we basically began infelt at approximately 0300 in the morning down here at Fire Base (b)(1)1.4(a), we were using 3 MH 47 to Infelt to our two primaries (Inaudible), we began to move it. The 1st Helicopter touched down at (b)(1)1.4(a), (which is the most (b)(1)1.4(a)) immediately after touching down we immediately started receiving (b)(1)1.4c from the person on the (b)(1)1.4c staying it's time to wake up, (Inaudible) the infidels come to our area, that was corroborated by the (b)(1)1.4(a) platform that was located at the (b)(1)1.4(a),

IO: What is it?

GFC: (b)(1)1.4(a) was that's call sign for the Aircraft that assist up there is (b)(1)1.4(a), basically it's a CAC3 interpreter. This will be referred to a lot in this briefing to collaborate with the (b)(1)1.4c that I was given from my level, from the Interpreters.

(Brief Pause)

IO: What is ICOM?

GFC: The Radios...

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

(b)(1)1.4a

objective KHOD.

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

They moved in immediately they began to receive (b)(1)1.4c stating the same thing the situation began to develop. The (b)(1)1.4(a) starting seeing anywhere from 6-10 packs moving on the target area as we were moving in and then it grow up to the reports were anywhere between 20 to 40 personnel moving in this area right here. (He points with pointer). We've also got additional reporting over the last couple of day's some more situational awareness that we didn't know about that we're getting right now. Once Aircraft 3 touched down both aircrafts took off and

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

IO: What was the objective?

GFC: General McChrystal's night time raid guidance. We didn't put it on our (b)(1)1.4(a) I didn't feel it was appropriate to do any. The only reason we would have done it is if the situation dictated it. Meaning my own and (b)(1)1.4(a) We moved in

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

ramp up extensively. Movement of individuals on and around the target area was extensive. (b)(1)1.4a

(b)(1)1.4a (b)(1)1.4c name (b)(6) we have not heard of this person or name before, nor has he came up on Intel reports. He definitely took command and

control of this mission though. We also believe that based on when we sent in the cordon that he was caught in our perimeter. He began to call for

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

when the call came out they went into the ditch observation of the a/c they had a posture as if carrying something when they moved in and when they came out they moved more freely based on the arm swing. (b)(1)1.4(a) was still looking toward the south. All my ISR and (b)(1)1.4(a)'s were tracking most of the southern movement. My op to the south began to see light flashes to the north. They identified that to me they kept eyes on then we saw light flashes from the South. You have (b)(1)1.4(a) and (b)(1)1.4(a) which is just below of (b)(1)1.4(a). both are known Taliban safe havens. We've been attacked from both of those locations; past rotations and the teams that just left had numerous operations and engagements there. At

(b)(1)1.4a, (b)(1)1.4c, (b)(3), (b)(6)

AI01: (Interrupts) before you do that, I'm just a little confused here. What time did this operation start?

GFC: We began until about 0300

AI01: When did they send you this compound or this...? (Inaudible)

GFC: (Inaudible)

AI01: So the Bazaar entrance was booby trapped?

GFC: No Sir, there was a structure on the North West over...

AI01: (Interrupts) So when you say structure what do you mean?

GFC: A mud compound

AI01: You secured a compound?

GFC: We didn't secure a compound Sir, as we were moving in...what it was...a lot of these areas...u can call it a compound but there mostly just structures or they've been destroyed or haven't been finished...this compound...as they were going down the slope... the area right here Sir is extremely high grounds (Referring to the Monitor)

AI01: The point I'm trying to get is, were you trying to move through it or is it something you needed to seize and secure as part of your ground...

GFC: We needed to clear and make sure it didn't have an enemy threat. It was on decisive terrain if for some reason we would have bypassed it and there was an enemy threat inside they would have had to do is that they would have had extensive over watch on the bazaar.

AI01: I am just trying to line that up with the tactical directive.

GFC: When they did the cursory search it was an empty structure with no one in it. The element moved down they secured the site. The call for reinforcements was continuous. As we were moving you could begin to see lights to the north in this vicinity. Jump in here.

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

picking up activity on (b)(1)1.4c I relayed the frequencies to the intelligence officer on the aircraft and they monitor the enemy frequencies and give us real time interpretation of what the enemy is talking about.

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

IO: let's pick it up on the lights.

GFC: As we develop and the lights are flashing.

IO: are they car lights

GFC: At first we couldn't ascertain what kind but they were distinct marking lights. They were a mark and a reciprocate from the south and the south would mark and the north would reciprocate.

AIO2: Where is the south location at again?

GFC: That would be my OP here (pointing to map). What is key to this terrain is that you have high terrain to the west and the (b)(1)1.4(a) which runs here (pointing to the map). From the river valley basically from the terrain we occupied you could see up north as far as you can see down the river, and with zero illumination any kind of light flash is going to stand out.

AIO1: Where were your guys at?

GFC: My southern and northern portion both saw lights. The southern portion actually saw the lights first.

AIO1: So you believe the lights from the north and the south could see each other.

GFC: The Southern lights were coming from the vicinity of here (pointing to map).

AIO1: That gave you the confirmation that they were communicating

GFC: Roger

(b)(1)1.4(a): As soon as these lights were called out I didn't know whether they were head lights or flashing lights or what. I decided to move the predator to the north to see if they could identify what the flashing lights were. They quickly did so only taking 2-3 minutes to locate it. They identified the first vehicle that they observed moving and at that time it only had 4-5 MAMs around it. They then began moving south in that vehicle.

GFC: When we moved (b)(1)1.4(a) to the north to identify that area we also got (b)(1)1.4c

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

IO: What do you have as a C2 element?

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

(b)(1)1.4a, (b)(1)1.4c (b)(1)1.4(a) was still observing the dismounts in the tree line those grew up from 6-10 individuals to 15-20 individuals. (b)(1)1.4(a) stated his primary focus was the northern area. And we began to see dismounts pushing south away from the vehicle in 2-4 man groups tactical in nature. And they were moving hastily. (b)(1)1.4c was then saying we have the men we have the equipment but do not fire until the reinforcements arrive and do not engage while the aircraft is on station. We continued watching the developing situation. I was getting a lot of reports through (b)(1)1.4(a) through (b)(1)1.4(a) and (b)(1)1.4(a) of the demographics and dispositions and posture of the individuals that were moving in

the north and south. [redacted] (b)(1)1.4a, (b)(1)1.4c

[redacted] (b)(1)1.4a, (b)(1)1.4c

[redacted] (b)(1)1.4a, (b)(1)1.4c All the [redacted] (b)(1)1.4c received was corroborated by the [redacted] (b)(1)1.4(a) asset on the [redacted] (b)(1)1.4(a).

IO: [redacted] (b)(1)1.4(a) are on the [redacted] (b)(1)1.4(a)'s?

GFC: Roger

IO: and [redacted] (b)(1)1.4(a)

GFC: those are the ISR [redacted] (b)(1)1.4(a) platforms

IO: and where are the operators of the [redacted] (b)(1)1.4(a)

GFC: I do not have an accurate answer for that. Now in theatre we have many different models of [redacted] (b)(1)1.4(a) some are controlled in [redacted] (b)(1)1.4(a), others are here in theater and yet others are even controlled from [redacted] (b)(1)1.4(a) and sites such as those.

____: I believe the [redacted] (b)(1)1.4(a) element is located at [redacted] (b)(1)1.4(a) but that is not confirmed. Over by the airfield there is a site where they control the [redacted] (b)(1)1.4(a) or the [redacted] (b)(1)1.4(a), but we do know there is a UAV control site.

IO: We have to find out what that was.

I spoke to COL [redacted] (b)(3), (b)(6) about your team having access to that feed. He told me that he has that feed available to your team.

IO: and [redacted] (b)(1)1.4(a)

GFC: [redacted] (b)(1)1.4(a) is the [redacted] (b)(1)1.4(a).

IO: The [redacted] (b)(1)1.4(a) is on the [redacted] (b)(1)1.4(a)

GFC: No sir

AF1: (b)(1)1.4(a) is on the (b)(1)1.4(a) is a UAV

_____: (b)(1)1.4(a) is a (b)(1)1.4c (b)(1)1.4(a) that picks up the signals.

IO: any other questions of all the players.

_____: Where are you watching this from. Who is the next one above you who are watching this.

GFC: (b)(1)1.4(a) and non factual CJSOTF should have had eyes on feed also.

Your ODB

GFC: ODB is MAJ (b)(3), (b)(6)

Did they have feed?

GFC: I do not believe they had feed set up. We also had Roving feed at the firebase that was setup. We have another ODA there from 1st Group team (b)(1)1.4(a) with (b)(1)1.4(a). They had it set up to watch as the situation developed. I believe they would be in watching it.

_____: An important distinction is a common misconception as to what the ROVER feed actual affords you. (b)(1)1.4c, (b)(1)1.4g

(b)(1)1.4g

(b)(1)1.4a, 1.4g

_____: That is interesting back to the ODB does the ODB not have the downlink feed?

GFC: I just don't believe they were in the

_____: If there was a downlink feed into your Brother ODA.

GFC: Roger at my ops at the firebase we had a downlink.
At that firebase with the other ODA. Did you have any elements remaining from your team that was assisting with C2 there?

(b)(1)1.4a

____: Higher command is who

GFC: We report to (b)(1)1.4(a) Our AOB is our parent company. We report directly to the Battalion.

____: So AOB was out of the game

GFC: Pretty much

____: What do you mean pretty much?

GFC: The only time that came into play is when we did our BDA boots on the ground patrol, which is the only time I have direct communications with them. All of my reporting is directly to (b)(1)1.4(a)

As we sat in our C2 (b)(1)1.4(a) is down south (b)(1)1.4(a) is looking at the 2-4 man tactical dismount groups. Sometime between 0400 and 0430 that is pretty much the time we saw the beings of the first vehicle.

AF2: it was around 0400 from what I have read it is 403 when the vehicle was first identified, at that time it was stationary and individuals were moving to and loading that vehicle.

GFC: That vehicle was identified as a hilux extended cab truck short bed later identified to be a white HILUX.

IO: We should be able to fix this information once we get the (b)(1)1.4(a) feed from COL (b)(3), (b)(6)

____: Roger

____: The white hilux ended up being what vehicle?

____: That ended up being vehicle ONE

IO: That is what we were talking about earlier that when we get the (b)(1)1.4(a) feed the whole time that we will be able to track that.

This is the origin of what we are discussing now is where the vehicle first became known to us and from that point forward the (b)(1)1.4(a) stayed on that vehicle right up until the moment the medivac departed. They reported they were on the vehicle through the strike, BOGA, (b)(1)1.4(a), medivac, and everything that followed the strike. I have not seen that feed but COL (b)(3), (b)(6) tells me it is available.

When you reference this red line, this is the route and the dots are times when the vehicle stopped movement. This will play into because you will see people get on and see people following the vehicle as we go through the timeline.

And that is the time in the blue?

No, those are just reference marks for the grids to track this vehicle on its movement.

Those red dots that is where they stopped for some period of time do you have a time frame they were stopped because there are about 6-7 stops.

AF2: I want to clarify not all of them are stops. Some are just reporting points. There were however 4-5 distinctive stops that we identified and at those stops there was a variety of activity, all of which will be relayed via the mIRC chat. My communications are typed into the mIRC and there is a written record of what took place.

Give us a flavor of what took place

AF2: The first stop was VIC 1 moving SW coming to a compound where there was a 2nd VIC a number of additional males were observed moving into the trucks to

load. The number was around 10-15 males that got on both trucks then moved again. Then crossed the river. Then stopped at another compound with a 3D VIC with a number of males that were associated with that VIC. By the time they began the commute across the desert towards the WAADI at that time approximately 35 males in all 3 VIC.

GFC: At times more PAX than room in VICs. There would be dismounts moving behind the trucks and VICs would move and stop to wait for the PAX. Situational awareness this brown is not traversable you cannot do a straight line distance. This waadi is very distinct. I am assuming this is referred to as the (b)(1)1.4(a).

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

(b)(1)1.4a, (b)(1)1.4c They are basically a HMMWV on steroids. These areas distinct east running waadi's you cannot cross them there are specific point to manipulate the terrain that you have to know. As they moved based on feeds from (b)(3), (b)(6) and contact with my other forces on the ground (b)(3), (b)(6) was directed that (b)(1)1.4(a) priority would be the vehicle because the situation began to show a large reinforcement. My OP's were still focused based on the threat we began to flex and setup other positions to reinforce for an impending attack. As they moved south (b)(1)1.4a, (b)(1)1.4c We are going to speed up in time because a large lag time. Their movements were tactical in nature, not fast but deliberately. (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4(a) (b)(1)1.4a It took off my situation awareness to the south but I believed my largest threat was here. Once we

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

on the way. (b)(6) at times seemed panicked because my forces were stationary we still had ANSF moving within the bazaar making sure we weren't losing squinters trying to sneak out. (b)(1)1.4a

(b)(1)1.4a

IO: Show me where the bazaar

It is basically right here

IO: What is the (b)(1)1.4(a) Bazaar

It is basically shops half moon shaped structures some flat. We have been there before and that is where our large engagement was. It is a drifting place for the Taliban.

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

AF2: initially when we first identified the 1st vehicle the screeners look at objects that personnel are carrying and ask if they are weapons.

IO: The screeners at (b)(1)1.4(a) ?

AF2: Yes or where ever they be.

GFC: We believe that is where they were.

AF2: they saw objects that were being carried and asked between screeners if that was a weapon.

Who asked the questions.

AF2: The pilots do

AF2: at this point they are reporting to me I am asking periodically anytime they see a group of MAMs I ask if they can PID weapons. That is the most important thing to me because that identifies a legitimate enemy threat. Generally there are a lot of males walking around but not at that time of day. The first thing we ask the GFC is can we identify enemy threat which is a male with a weapon.

IO: those are the helicopter pilots.

GFC: negative that is (b)(1)1.4(a) the (b)(1)1.4(a) pilots.

AF2: Helicopters at this time are not in play. They observed what they believed to be weapons at several points before the river. After they crossed the river they stopped for prayer around 0530.

GFC: I think it was a little after 0600

AF2: They may have prayed later but they broke around that time. We can clarify by looking at the log. I do recall that once they crossed the river that was the first PID of weapons. They saw several individuals break for prayer and others setup security on the left and right flank. After the prayer was over they observed an individual pick up a weapon at his feet and move to the VIC to mount up.

Did they discuss the density of weapons?

AF2: No approximately 5 times throughout the course of this event weapons were PIDd.

(b)(1)1.4a

the (b)(1)1.4(a) back. Soon as we brought him back we pushed him to this location to watch with (b)(1)1.4(a). they were both reporting identical information. We had 2-3 trucks 12-18 or 18-25 PAX people moving behind Vic's two distinct groups moving south heading towards our position and a mounted element moving generally along this route. At one period of time there were two other trucks located near (b)(1)1.4(a) were don't know where they came from but they pushed down and stopped. They were not significant to this situation, but they were in play the (b)(1)1.4(a) and (b)(1)1.4(a) identified VIC 4 and VIC 5.

Where did they stop?

AF2: In the vicinity of (b)(1)1.4(a). They stayed on that west side of the river. There were groups of males but those VICs never moved. The males were in play but the VICs never moved.

Was it declared from the minute the VIC moved or from after prayer?

AF2: It was developing from the moment we acquired the VIC and we saw males getting on the vic. It began developing there was a suspicion they were carrying weapons. Because of the low illumination and low resolution do to the low illumination we were not able to confirm. By the time they got across the river (b)(1)1.4(a) was able to confirm that what he was seeing was a weapon. At that point the gunship came back into play.

GFC: The first time I confirmed was when the (b)(1)1.4(a) was off station and confirmed PID that I was comfortable with as GFC was right after prayer as the sun was up enough that he could PID weapons.

Was PID declared anytime before that?

GFC: The suspect of them having weapons was already there. There was some stuff put down by the aircrafts when the people were loading the VICs that there were weapons but couldn't PID it. The first PIC confirm was after prayer.

Where was prayer again

Just south of the river

GFC: When did the 2D join in somewhere around here I believe it is around a compound where 1 picked up 2. Two VICs then crossed the river then prayer where more individuals got off or joined up around 25 was the report. Prayer ended and they moved toward another compound where they got VIC 3. Just south of the prayer area. (b)(1)1.4a

(b)(1)1.4(a)
(b)(1)1.4(a) extended 15 minutes at first then an additional 45 minutes after that. (b)(1)1.4(a) was waiting for a fire mission because he believed we had met the intent of imminent threat to ground forces based on the amount and posture of the movements. Even though I had PID by (b)(1)1.4(a) I wanted to let things unfold. I also declared a TIC through (b)(1)1.4(a) after the (b)(1)1.4(a) left. I specifically asked for Attack Aviation. I didn't want fast movers.

IO: We were at 3 VICs at this time?

Roger we are basically down here at this time.

The 3 VICs were linked at this time.

AF2: Roger the red line indicates the 3 vehicles that were engaged that day. 2 VICs were identified but were farther south and never moved. The movement of both parties was described as tactical maneuvering. Just to clarify the Gunship believed they had enough to engage and they prefaced that belief by relaying that they were standing by for fire mission. This means they have confirmed and they think they have enough to fire and are ready for my call. At this time the GFC did not have what he felt he needed and wanted to wait for more to develop.

GFC: I still had not confirmed but suspected. I had not been given the traffic light from (b)(1)1.4(a) that I had PID on weapons. AC130 continued to move off station (b)(1)1.4(a) has already given PID. The VICs have stopped to the east but dismounts were still moving south. Allowing the situation to develop and continuing (b)(1)1.4(a) (b)(1)1.4(a) clearing objection (b)(1)1.4(a). In executing (b)(1)1.4(a) we went through the objective with bolt cutter cutting locks and searching the objective. SOTF (b)(1)1.4a, (b)(1)1.4c initiated TIC we also called the FB with (b)(1)1.4(a) to coordinate a (b)(1)1.4(a) element my preference was (b)(1)1.4(a) because I believed we could use the guns more than the Hell Fires. And basically sustain a longer fight if needed. (b)(1)1.4c

(b)(1)1.4c

(b)(1)1.4c

We gave (b)(1)1.4(a) specific guidance to contact (b)(1)1.4(a), (b)(1)1.4(a) overall

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

(b)(1)1.4c At this time dismount elements continue to push and now my OP's are starting to see movement along the trench lines to the east of our objective area. We have elements still moving to the south. My OP's are seeing this and they are basically moving from compound to compound. They were continuing to move somewhere around what I call the (b)(1)1.4(a)

AF2: We had stops around this area one was a bathroom break and the additional were breakdowns like flat tires.

GFC: That is how they were reported. Once the sun was up we continued to keep eyes and we got reports every 15 minutes to report on the convoy composition,

disposition and general posture. Lots of reports came and I continuously asked about women and children. Reports continued to come back all MAMs and I had positive control on this convoy throughout movement.

IO: And this is (b)(1)1.4(a)

AF2: (b)(1)1.4(a)

____: do you know what time they got to the pass there?

GFC: it would be an estimation I would guess between 0600 and 0700.

AF2: I have times in my notebook when they passed a grid I would right a time and whatever activity report.

GFC: I am maneuvering my ground force and (b)(1)1.4(a) is moving the aircrafts. He is giving me situational awareness. Aircraft platforms on station whether it is an ISR what they are watching what location they are watching at. He battle tracks friendly forces so we know if we do make contact to ensure green on green is not an issue. I am battle tracking my ground forces and what is going on at the target. During the search we found HME, ammonium nitrate, ammunition, (b)(1)1.4c and stuff to support the (b)(1)1.4c All of that stuff was passed up through the BDA report. That is basically GFC and (b)(1)1.4(a) relate together. (b)(1)1.4(a) gives me updates and I give him guidance based on the updates.

IO: In the (b)(1)1.4(a) you said you would have to really know the area to dismount or navigate that area

GFC: That is right. At this point everyone is in a vehicle. The line goes from solid to dotted and at these points based on my knowledge of the area I would suspect these to be areas of dismount to try and flank us and that would determine my actions at those points.

____: At your three decisions points once you have confirmed PID, those were the decision point where you were going to kill them?

GFC: Yes. Key note from (b)(1)1.4(a) to (b)(1)1.4(a) is wide open but it is a heavily farmed area with a lot of herding, sheep and livestock. At any time you could come upon a (b)(1)1.4(a) village there could be a lot of kids and civilians. I did not want to engage near the city of (b)(1)1.4(a) with it being a supporter of the Taliban. I believed they were going to pick up more PAX around the (b)(1)1.4(a) WAADI, they did not, but I believed they were going to. I still have my ground forces on the target, (b)(1)1.4(a) is relaying info to me from (b)(1)1.4(a) is sitting south of the FB, they actually sat down on the base to conserve fuel. We are at about 0730-0800 by this time. We were continuing to send reports throughout this time. (b)(1)1.4c, (b)(6)

(b)(1)1.4a, (b)(1)1.4c, (b)(6)

IO: How many PUCs did you have?

GFC: Approximately 17 or 70 MAMs. VICs continue South (b)(1)1.4c, (b)(6) (b)(1)1.4c. They were still waiting for reinforcements. My Northern most Checkpoint now identifies Women and children pushing west and south away from (b)(1)1.4(a) and (b)(1)1.4(a) and (b)(1)1.4(a). They were pushing to open ground which is normal when an attack is about to happen. Seeing this I start to flex my ground forces to reinforce my OP's to the south and the north. My OP to the north had similar observations on the villages just across the WADDI, but it was females pushing to the east and north to the high grounds. (b)(1)1.4(a) was still passing me relays and at this point we are basically on (b)(1)1.4(a). My next decision point is, is this vehicle turning toward my location. He did not I started going through two courses of actions, this VIC had 1 final point to flex toward my forces that is where (b)(1)1.4(a) is just south of there to take a direct line to the east. If he did not take that turn then this was basically an HVI.

____: Why did you make that determination?

GFC: The amount of HVIs that are located and the amount of PAX to me it could be, and based on the amount of people in the lead vehicle. It basically looked like a PSD. These known HVIs located in this area and further to the vicinity of

(b)(1)1.4(a). They frequent all around here you have anywhere around 5-7 HVIs in this area they use them as bed downs. We know they frequent these areas and conduct meetings and (b)(1)1.4(a) at these locations.

IO: why would you think of a HVI

GFC: I was developing a second course of action and was thinking "why are all of these males with weapons why are they moving". My first thought was a threat to my force and it will always be a threat to my force regardless of where they push I am a dismounted force on the ground my second mission was to push my guys south through the river to (b)(1)1.4(a) and (b)(1)1.4(a) as a movement to contact element to disrupt the Taliban. So my courses of action were always that they were an imminent threat to my force if they turned toward me and if they didn't that they were holding something very valuable. The final decision point was just south of (b)(1)1.4(a).

AF2: I had a little bit different of a thought process as I saw it developing from the GFC because he was working with things in the BAZAAR, and he has a lot of tactical planning going on. I was concerned with the INFILL and the XFILL because we had bad weather coming that night around the XFILL time and we might have missed our XFILL. Our contingency plan was to move on foot to the south link up with friendly forces and XFILL over land. Our northern most check point is here where ODA (b)(1)1.4(a) came out during the day to assume an armed over watch. In accordance with (b)(1)1.4c distinct number of forces here and in the north and what the AC130 confirmed. Was that these forces were actually going all the way around to meet up with a larger force in (b)(1)1.4(a), in effect to put in a blocking position. Were we could have XFILLED by air we had bad weather over the next 48hrs we and weren't going anywhere. (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4c, (b)(1)1.4a My thought process is that these guys are going to come across this pass and come to (b)(1)1.4(a) or take another pass I think it is called (b)(1)1.4(a).

I am trying to sequence this. After PID you set up three decision points to engage. At the third decision point there came to play a fourth to engage him anyway based on what (b)(1)1.4(a) just said that they were possibly repositioning. You made that decision based on PID of an unknown number of weapons? Did SOTF (b)(1)1.4a, (b)(1)1.4c know what these locations were?

GFC: No. We had send up 18 SALTA reports in reference to the locations of the vehicles and reinforcements.

What was going on at the BAZAAR at this point.

GFC: We had already conducted or searches, we were in the process of our (b)(1)1.4(a) at this point. We were also conducting interrogations by our intelligence people on the persons collected at the target. Based on the continuous threat we began to swim out or force that were on the BAZAAR to reposition for an impending attack.

Where did you believe the forces were repositioning?

AF2: when we INFILLED there was a Commando mission that was supposed to be executed around the time we were to XFILL the next day and pending weather. We went in with the possibility of being there 3 days in bad weather because our platform may not be able to XFILL us. If they went down to (b)(1)1.4(a) they could linkup to reinforce (b)(1)1.4(a). Where (b)(1)1.4(a) on their own COBs we going to come up to do an over watch by the (b)(1)1.4(a) check point they made it to the check point the engagement had already happen.

Did SOTF (b)(1)1.4(a) understand what you were seeing. Did you communicate to anyone that this was getting hairy.

Yes we painted it back to SOTF (b)(1)1.4(a) that we were basically being enveloped.

What response did you get?

The response was that they were pushing us assets. We did have (b)(1)1.4(a) which were F15s come over our location.

The envelopment was not the VICs just ground?

It was the entire picture.

I was controlling the (b)(1)1.4(a), (b)(1)1.4(a), and (b)(1)1.4(a) during this entire engagement (b)(1)1.4(a) came in the later part.

Was ODB a part of this at all?

No

So is it normal that your Company doesn't touch this?
As an ODA we work directly for the BC.

When did SOTF (b)(1)1.4 start to understand this was getting hairy.

I am not sure roughly it was around when CJSOTF CDR called SOTF (b)(1)1.4 CDR . I just learned to day that an AVI team was being spun up to come out. Had I known that this engagement would have never happened.

What is an AVI

Air Vehicle Interjection

And that was being spun up by (b)(1)1.4(a)

In a conversation with SOTF (b)(1)1.4 they called at 0810 and at 0815-0820 they confirmed they could support but it would be a 90 minute turn around. I did not get that word on ground and at 0845 we engaged the target.

And the fourth decision point when you decided to pop them. In your mind that was because it was an HVI because of the PID development. So you were concerned about your departure and (b)(1)1.4(a) was concerned about their repositioning.

GFC: (b)(1)1.4(a) articulated that to me. The way I see it is when I was here last year I was in 22 TICs and we were the only ODA out here last time. Every time that forces reposition it was one of two things counter attack or move out. We have been here 30 days and been in 2 TICs and we have seen this movement so based on historical data as a commander I had to engage but I didn't know what I was going to engage. I always believed they were a threat to my force the additional part of that is that it was an HVI movement.

Where do you think the woman and three children entered physically we don't know if there are others that were moved.

GFC: There was a report around Prayer time that is in the mIRC chat. We asked (b)(1)1.4(a) for clarification of fight so we weren't sure if they were being forced into vehicle or what. We don't know where they physically entered. The continuous PID and composition and disposition was that they were all MAMs. That is what drove my decision. There was never a discussion about them being forced in the vehicle by (b)(1)1.4(a)

When we spoke yesterday you went into a little more detail about the southern elements. You said there were two down there one southern and another more eastern can you touch on that. Was there any contact there.

GFC: We never made contact on them.

When you say you believed there was imminent threat, what is an imminent threat to you and this is not a test.

GFC: I believed that my element was being enveloped.

When they continued beyond that third point what did you think they were going to do?

GFC: That they were going to reposition and come back. They were going to hold and move as we were moving south they were going to push back in. once we gave up the terrain in the vicinity of that objective. That is the decisive terrain we own the ground but once we begin to move.

Did something new develop that made you think of decision point four after they surpassed the first three points?

GFC: Just the (b)(1)1.4c calling for reinforcements. And from what I know of the WAADI there are only two kinds of people that travel the (b)(1)1.4(a) WAADI the bad ones and the ones who want to be bad. As soon as they passed decision point three I called up the (b)(1)1.4(a) element and brought them up. I gave (b)(1)1.4(a)

the directive to send them up to do a hand off with (b)(1)1.4(a) and to engage the targets. This was about 0830 and 0840 that they moved up.

Did you share this fight piece with team _____ yesterday.

GFC: Yes the assessment team.

AF2: the quote unquote fight was described as was that a struggle and the dialogue between the screeners was "are they fighting" but it was very brief and they did not come to a determination as to what it was. One thing that was observed they were not sure if they observed two children near the vehicles at some point earlier that morning. My directive was define children. Are we talking adolescents or toddlers? It was later determined by (b)(1)1.4(a) who asked his screeners to review to determine exactly.

About where and what time did they first report children?

AF2: Before they crossed the river. They said there were possible children in the area.

Did they say how many?

AF2: They could not get a count. Initially they believed a possibility of 2 in the vicinity of the VIC.

Did you know that there was potential kids.

GFC: I heard that during the loading of VICs was the question of kids, but never from that point on was a mention of kids. The only thing was the inquiry.

Was the question ever answered about the kids.

AF2: Yes the information that came back was if anything they were adolescent males. One thing that crossed our minds is that some of the ANA and ANP that work with us are adolescent they are fighters and warrior.

GFC: Some of them are 15 years of age Academy trained.

AF2: the assessment was that they are not children as we know toddlers to be. They were near adults with an all male...

And that came back down from the screeners and about what time was that?

AF2: Yes it was just before they crossed the river. Was it after you declared PID?

GFC: It was after they first suggested weapons were present. It was probably before because PID was after they crossed the river. They were seen somewhere in this vicinity here. I would have to refer to my notes for an exact time.

I ask that you do that so we can get a good timeline. It is good that they came back and said adolescents, we all get it. They are teenagers they are got it. it would be instructive as you go through this down the road. You felt the PID you declared the PID the potential of kids was there. What then went on what was the thought process.

GFC: My mindset once we had daylight and I got the composition on all males was that we made sure (b)(1)1.4(a) had PID on the convoy at all times. We wanted to continue to have the PID of weapons and that no women or children were in the VIC or brought to the scene.

AF2: We are always taking in the possibility that women and children not be close to any potential engagement. I query the aircraft at every stop. The demographic of the VIC what do you see? Do we still have all males. No one ever got out of the VIC so they were never identified or confirmed, but it was a conscious process that we went through to ascertain the exact demographic. The picture that was painted was by the number of adult males on each VIC was that this was in fact a fighting force that seemed to be repositioning. If they were just traveling they wouldn't have packed that many into a VIC and, they more than likely, would have had more vehicles.

GFC: the reason I went through the thought process that I did and came to the decisions that I did as the senior officer on the ground was the (b)(1)1.4c because it was always offensive in nature, always to envelop and it was always to

fix and kill my ground forces. This is the first leadership I saw in that vicinity of the BAZAAR I had never even referenced and he came up as a major player. The vicinity of the villages and the ability to pull reinforcements from based on intelligence from higher and the (b)(1)1.4(a) element. He said this is what we were looking at facing. His numbers were dead on he said 60-80 and there were at least at any given time 80 people roaming around to include the VICs. The maneuver elements, the posture, and for every radio transmission there was an equal ground reaction during the entire movement. (b)(1)1.4(a) and (b)(1)1.4(a) track all movement until daytime. Then we maintain contact with our ISR platform that we had which was (b)(1)1.4(a).

When did you first identify that there were injured children on the ground.

GFC: (b)(1)1.4(a) reported after the first engagement. They made the first run engaging lead and trail then broke left and right to come back for reengagement they PID'd 3 individuals with weapons and then PIDd bright colored clothing.

When did that report go up?

GFC: That was reported through (b)(1)1.4(a). The aircraft lifted and did their handshake with (b)(1)1.4(a) reemphasized PID and composition. They then went above terrain to confirm with (b)(1)1.4(a) authorization to engage. They went down and engaged the first time, and as they broke to reengage.

When did you relay the information about the children?

GFC: Approximately 0900 they were raised above the terrain and made the report. I personally talked to SOTB (b)(1)1.4(a) used the (b)(1)1.4(c) so I had a direct link to the BATTLE CAPTAIN and let him know what we had of initially thought 18 KIA and the women and kids. To further go down to support my decision, PIDd weapons numerous times, both mounted and dismounted elements, (b)(1)1.4(a) confirmed no women or children numerous times, just prior to the engagement we did get clarification one more time. PID was passed from (b)(1)1.4(a) to (b)(1)1.4(a). (b)(1)1.4(a) reported to (b)(1)1.4(a) of a good handshake and he relayed to me to claim him hot. I believe the demonstrated tactical patience of observing the element for 3.5 hours to maximize safety for civilians and collateral damage. I also wanted to maximize the effects of the intelligence. Once we got the report of possible women and

children we contact SOTF (b)(1)1.4(a) to see what was going on with BDA patrol. I was informed (b)(1)1.4(a) was going to execute the BDA patrol.

IO: Who is (b)(1)1.4(a)?

Rangers, they are now (b)(1)1.4(a) or something like that.

GFC: I was told it was going to be parts of the AVI team to be doing it. Then I was told that ODA (b)(1)1.4(a) was going to be doing it.

This is an interesting part because the directive is that after an engagement you do an SFC. You don't always have to do one and those are specified in the tactical directive. When you can you need to do it and this is a time they could have done it, but the separation in time allows for other characters to possibly forage the sight that was struck.

GFC: once we realized the BDA wasn't being launched we called back to the operations sergeant to talk to MAJ (b)(3), (b)(6) to ask what the status of the BDA team was. The BDA aircraft was still on the ground at (b)(1)1.4(a) and MAJ (b)(3), (b)(6) was at the aircraft talking to them. I think there was some confusion on who was going to do the BDA. I requested that they send out UH-60s we used (b)(1)1.4(a) to relay to their higher that we were going to set up an HLZ and be ready to accept the UH-60s on station. I also relayed that our team was ready to go and execute the BDA.

(b)(1)1.4(a) is who?

GFC: The OH-58, we only used them as a relay

(b)(1)1.4(a) and AVI are different units I think, who was the third unit?

GFC: ODA (b)(1)1.4(a) the other team at (b)(1)1.4(a). I was under the understanding at first that the UH-60s were going to fly to (b)(1)1.4(a) and pick them up. Then fly to the site and conduct the SSE. We got that understanding from _____

That was sometime after 0900 when you realized that no one was coming.

GFC: We didn't get on ground until around 1130 at the engagement site.

When you got there was there a lot of town people there?

GFC: We set up our HLZ. We assured everyone was familiar with task organization for the BDA. We had about 20 people on ground. 5 ANP, 2 EOD incase of ordinance, 2 (b)(1)1.4(a) medics, my team SGT, myself, (b)(1)1.4(a), an SF military working dog with his handler, and an (b)(1)1.4(a) engineer. We launched out to the site. We were initially supposed to be 200-400 meters from the target we were actually dropped 1200 meters away. After we crossed the first piece of terrain we thought we were going to come up on the VICs but we didn't so we continued to move. It took us about 20 minutes to move to the target. While moving we were

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

The assessment was 10-12 KIA in VIC 1 it was a catastrophic kill and we are still not sure the exact number, 2 KIA in VIC 2 and 3 in VIC 3. Among the KIA identified no women or children were reported. Once security was established, we got the initial assessment of 7 MEDIVACs 6 priority and 1 urgent we considered all litter. The appropriate markings were sent up Enemy situation hostile based on (b)(1)1.4c that they had positive eyes on our location. I passed that to (b)(1)1.4(a) and he passed it to (b)(1)1.4(a) who further relayed it back to (b)(1)1.4(a). From BOG to on site calling MEDIVAC was about 5-7 minutes this was probably the quickest I have seen of about 20 minutes. We loaded the 3 litters on A/C1 with two in the seats, and two litters on A/C2. The initial report of 7 medivacs went up to get all persons away from the site my (b)(1)1.4(a) stuffed all superficial wounds into A/Cs as well to get them off station. So that made a total of 12 people. We then started the next part of (b)(1)1.4(a) knowing parts of the Muslim religion and after talking to my ANP and CAT1 TERP who was with me my last rotation here, I was informed that it is not appropriate to have Americans around the bodies. What is notable is that some bodies were already removed and it was distinguishable from those thrown from the VICs and they had already been covered. My lead EOD member Ensign (b)(3), (b)(6) told me the site was contaminated. He stated that the bodies do not match the

blast pattern. I agreed because some bodies were covered. Another key note is that the females never drifted away from VIC 2. After the engagement they were seen pushing west, the others were pushing to the east. Three individuals left and never came back 1 to the south that linked up with PAX in a VIC and 2 to the northeast and we never heard or seen them again and I have been told there are still three missing.

AF2: one piece that I found astray is that they said they originated in (b)(1)1.4(a) which is in the northwest. Every ASG I have ever worked with comes from that town so I believed that is what they were talking about.

What is ASC?

GFC: Afghan Security Guard ASG.

AF2: And I knew that was inaccurate because we had follow the vehicle all morning. At that time I dint think there was a break in contact and at this time I still believe there was not a significant break in contact from (b)(1)1.4(a) and the VICs. At this time the TERP was directed to call the ANP Chief in (b)(1)1.4(a) because that is where they said they were from and the GFC wanted cultural support if that was indeed true. At that time, my assessment was that those vehicles were going to be coming into the scene in about 90 minutes to two hours. I then notified (b)(1)1.4(a) and informed (b)(1)1.4(a) that we would be having two additional VICs come to the scene. 20-30 minutes later the vehicles appeared. I found that unusual because of the distance from (b)(1)1.4(a) the scene. The aircraft should have seen them coming from miles away, but they reported them at just under 2K from the area.

____: Who is on that course track?

AF2: The Police Chief. I wanted to ensure the aircraft didn't think they were unfriendly forces.

____: Di d you ask him where he came from?

AF2: it wasn't the police chief that came. I have extremely good report with the village of (b)(1)1.4(a).

Did you feel that these are the guys who fled the objective?

AF2: I don't know if that was them. I told the A/C to be expecting tan or dark green vehicles with light bars. What arrived was Hilux's with FAM's. They showed up rather quickly. I do remember looking at the individuals.....

IO: we have about 10 minutes until we have to leave.

GCF: once they came in the Medivac birds came in and the ANP removing bodies. I could tell these guys weren't ANP by the way they were dressed. I asked them where they came from and all I got was that they were from the same village that these people were from. There is no way that they could of dismounted back to that village to get people and come back and we not see them. Where they came from I cannot factually tell you and as (b)(1)1.4(a) was trying to tell you is that they were first notice 2K away from the site. They hit ground I talked with the TERP. They began to help with organizing the remains. When I counted I counted 15 twice but I still believe that it was 16. They were allowed to gather personal items. This convoy was going two different places. I was told the women were going to (b)(1)1.4(a) and all the males were relocating to Iran. There were no objects that would show that they were leaving and not coming back. There were no bags blankets, nothing. There were 11 individuals in a HILUX truck and the only time I see that composition is if they are moving for an engagement. A female was in the back of the second truck and I mean the back of the SUV. Her injuries as I got from my medic were facial lacerations. This is consistent with the damage to the vehicle. It was a Hell Fire strike that impacted approximately 3-5 meters behind the VIC and the only damage to the VIC was the back window and that is why I say she was riding in the back of that VIC. The two MAMs in the front were killed and I cannot begin to tell you the cause of their death. The females never drifted away from those vehicles. They never went toward any other vehicles. I assume that they didn't have a lot of interaction with the occupants of the other vehicles.

Where were the kids?

GFC: I believe they were with their mothers. They were to the West and all the other males were to the East of the vehicles. VIC 3 was all males. We made sure

we kept eyes on the items being removed. They were initially all over the vehicles. They loaded the bodies up. I conducted a 20 to 30 minute meeting telling them what happened, I never admitted fault but did tell them that I was the one who authorized the engagement. So that way if they had to put a face to the incident it was mine. I met with the senior elder. I never saw any hostility in their faces. They used the normal cultural response that this was God's will that this happened for a reason. We then conducted a detailed (b)(1)1.4b VIC 1 was completely destroyed. Nothing was found in VIC 2. VIC 3 was destroyed and was a catastrophic kill as well. There was debris thrown out 200-300 meters. We conducted a further search pattern of 300-500 meters from the engagement area. My EOD led the search while I finished (b)(1)1.4a We pushed back INFILL to approximately 1600. Two UH60s landed about 600 meters from the engagement site. We jumped on the birds flew back to the target area and waited about 2 hours for XFILL. In route myself and (b)(1)1.4(a) were directed to stay on the aircraft to come here.

How many Women and children knowing what you know now were in that convoy?

GFC: 3 women 3 children, and we XFILLED 1 woman and 1 child.

You talked about after the engagement you reported that we had squirters in all directions. They never returned?

It was reported that bright clothing was seen on location. We believed them to be women but no confirmation at that point. Additional ISR platform (b)(1)1.4(a) and (b)(1)1.4(a) were on location. I do not know the nomenclature because they were sent by the SOTF. COMMS were spotty at best but they did report that they had personnel leaving the scene. POI that I did have them track was one that started walking from the site to the south. He started walking the first 500meters then started running a distance of about 4 miles total. The analyst said that he was only swinging one arm. We do not know if it was because he was injured or because he was carrying something. He did link up with about 6-8 MAMs in a HILUX. He got in and they drove away, and he never returned. Two others ran off to the NE in the direction of the original route they came in on. I tracked him with the (b)(1)1.4(a) for about 2-3 hours and all he did was walk. This is when we started to

get a more oppressing feeling that we needed to get to the site. We continued to get assessments from the ISR's to try and get a beginning to the BDA at that point.

END

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 (b)(1)1.4(a) Feb 2010

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

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

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

(b)(3), (b)(6)	(b)(3), (b)(6)	
<i>AIC</i>	<i>[Signature]</i>	<i>28 FEB 2010</i>
Printed Name/Rank	Signature	Date

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD) 2010/02/28	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E3	

8. ORGANIZATION OR ADDRESS

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

Statement begins on page 1, transcribed statement from pages 2-14

10. EXHIBIT	11 INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 14 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.

A1C (b)(3), (b)(6) ISR MONITORER SOTF 12

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

(b)(3), (b)(6) Sworn in and Acknowledged and consented to Privacy Act statement

CO (b)(3), (b)(6) What is your job?

A1C: I am an imagery analyst by trade, but for this instance I am an ITC, intelligence tactical coordinator. We tell the predator where to go and we give it essential elements of information (EIs). We tell the exploiting crew what to look for and what we want, we pass them products that they can make for us. We will tell whatever Squadron is in control what our concerns us and what we want to look at.

CO (b)(3), (b)(6) How do you communicate to the (b)(1)1.4(a) guys?

A1C: Via the 1.4(c) chat.

CO (b)(3), (b)(6) Do you use any other means to communicate with them?

A1C: Not at this time, but if there is a serious problem we may call them or email back and forth.

CO (b)(3), (b)(6) Did you do any of that during this time?

A1C: No.

CO (b)(3), (b)(6) Did you go whisper at anytime during this operation?

A1C: With the screener there were a couple questions on how to label some products.

CO (b)(3), (b)(6) What is your role during an operation like this?

A1C: I take a step back and really.... The exploiting crew has a screener and two FMVs and a GOA. One FMV is watching the screen at all times and the other is normally making the products. They are working with the MC who is relaying to the JTAC on the ground. Occasionally I will ask a question or two. I am not always watching the screen at all times because I am trying to relay other information as well. For this operation we were trying to get another asset as well so I was trying to coordinate that.

CO (b)(3), (b)(6) What is your relationship with the screener?

A1C: I will tell him what we want but for an over watch operation the JTAC has the control he tells them what he wants and he is basically driving the predator at that time.

CO (b)(3), (b)(6) What is the purpose of your role as you are looking at the screen with your background?

A1C: I make assessments or tell them what I think is going on or I make recommendations to them to look at something.

COL (b)(3), (b)(6) Who has the overall decision on what that is on the screen?

A1C: Typically it is the screener. The FMVs are going to tell the screener what they see and if they don't agree they may ask for a review but ultimately it is the screener who puts it in the chat. They are the only people who have the ability to do reviews. The (b)(1)1.4(a) Crew and I do not have that ability.

COL (b)(3), (b)(6) To your knowledge if the predator crew and the screener have a different assessment how is that resolved?

A1C: Ultimately in an over watch it should be the screener but the MC is the one relaying the information to the JTAC. We cannot hear what he is saying, so we hope that he is providing the best information possible. We would hope that if there was a disagreement that the MC would say that we disagree with the screener but this is what they saw. For a standard product we would ask for video for ourselves to make a review.

COL (b)(3), (b)(6) In the SOTF (b)(1)1.4a TOC what can you hear? I know what you can see but what can you hear coming from the battle space?

A1C: I cannot hear what the MC is saying to the JTAC. Sometimes I can hear what the JTAC is saying back to the TOC on (b)(1)1.4(a) but from where I sit it is muffled sometimes. I try to listen but I cannot always hear clearly, but they do put it in the (b)(1)1.4(a) room on mIRC chat. So I can get the information if I don't hear it.

COL (b)(3), (b)(6) If you see an assessment that you feel is not being made or is being made improperly, what are you allowed to do and what are you not allowed to do.

A1C: I can put into the mIRC chat please review I do not agree with this. Then it will go from there. I can voice my opinion.

COL (b)(3), (b)(6) What does PID mean to you?

A1C: The positive identification of whatever they are referring to. In this instance a weapon, then that means that they positively identified a weapon.

COL (b)(3), (b)(6) What does hostile intent mean to you?

A1C: The enemy posing a serious threat to our forces.

COL (b)(3), (b)(6) What does imminent threat meant to you?

A1C: That if some immediate action is not taken, then bad consequences could take place like life endangerment.

LT (b)(3), (b)(6) If they said they had PID, what would you think they were talking about?

A1C: I would ask for verification or what they were talking about.

LTC (b)(3), (b)(6) So PID by itself does not mean anything by itself?

A1C: Unless they are referring to something in the pre-context.

LTC (b)(3), (b)(6) PID by itself means nothing then?

A1C: That is right.

COL (b)(3), (b)(6) What was your role during this event?

A1C: I gave the MC the communications information to get in touch with the JTAC. I told the MC to take direction directly from the JTAC and just asked that he passed the information back to us so we knew what he was looking for and to keep everybody abreast of the situation. At this time I was also trying to get another predator so I was in touch with the clutch manager at CJSOTF. A reaper was on its way but was war hocked for another mission. I was also trying to keep the other people informed. I was relaying what was being said in the mIRC chat to the FIRESO and the BTL CPT so they knew like when the children were mentioned.

(Interrupted by the TANDBERG)

COL (b)(3), (b)(6) Do you do that from your seat or do you have to get up?

A1C: I can normally do it from my seat but sometimes I have to get out of my seat to move to them.

COL (b)(3), (b)(6) Does the rest of the JOC have access to the mIRC or are they limited to just your seat?

A1C: They can look at mIRC however I do not know if they are in the (b)(1)1.4(a) main mission room.

LTC (b)(3), (b)(6) Who specifically in the JOC do you inform?

A1C: I was informing the FIRESO, the BTL CPT, and the BTL NCOs.

COL (b)(3), (b)(6) What caused you to track these vehicles?

A1C: The (b)(1)1.4(a) was actually getting ready to be tasked to a different unit at the time and the MC came on and said that they had a lot of (b)(1)1.4c and while we were panning away and the MC said they saw vehicles at a certain coordinates. We saw two vehicles that were signaling with their headlights and it looked very nefarious. We stopped on them and the screener called out all MAMs roughly 17-18. We followed them because they were relatively close to the objective. We were trying to put the (b)(1)1.4a, (b)(1)1.4c (b)(1)1.4c and their movements together. We assessed this to be a bad situation.

COL (b)(3), (b)(6) Were you looking at the imagery when they were making the assessments?

A1C: Yes.

COL (b)(3), (b)(6) Did you see any weapons or anything like that? What was your thought on the screener's assessment?

A1C: I agreed completely with screener's call of 17 MAMs. I did not see anything that was not anything but adult males. I did not see any weapons myself.

COL (b)(3), (b)(6) Did you ever identify any weapons that you saw, either actual or possible?

A1C: At one point I saw a possible rifle on the ground and again later I thought I saw a possible weapon.

COL (b)(3), (b)(6) How long have you been doing this job?

A1C: Almost a year.

COL (b)(3), (b)(6) How long have you been in the Air Force?

A1C: Two years.

COL (b)(3), (b)(6) During this entire operation how many times did you identify possible weapons?

A1C: Just one time.

COL (b)(3), (b)(6) You communicated that to the TOC?

A1C: Yes.

COL (b)(3), (b)(6) What was your reservation about going from possible to actual?

A1C: I was pretty confident that it was a weapon. If I had to put a percent on it I would say 80% positive that it was a weapon.

COL (b)(3), (b)(6) When did you identify it to be a possible threat force? At any point did you ever make the decision that it was ever an actual threat force?

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

COL (b)(3), (b)(6) How positive were you that they were washing vs. praying?

A1C: I was pretty confident that they were washing and praying.

COL (b)(3), (b)(6) What washing and praying or just praying?

A1C: No, they were washing up and then praying.

COL (b)(3), (b)(6) When in your mind or did they ever go from potential threat grouping to an actual threat grouping?

A1C: When they continued heading west it was my assessment that maybe they were intending to flank or hook up with another force or at a cache site. I don't believe that it was ever an imminent threat, but

at one time I said we were thinking about possibly striking and I asked about the possible children in the vehicle. I thought maybe a SOFT interdiction would work to stop them from where they were going or to just talk to them.

COL (b)(3), (b)(6) Did you annotate those thoughts to anyone?

A1C: We were talking about that in the TOC. CPT (b)(3), (b)(6) and I were discussing the possibility of children and the fact that we thought we only saw one or two weapons. That was put into mIRC chat about the fact we didn't see any recoilless rifles or RPGs or anything of that nature, and with them traveling away like they were; we didn't think that they posed an imminent threat at that juncture.

COL (b)(3), (b)(6) And you described imminent as what?

A1C: For me it would be something that you would need immediate action against the enemy forces.

COL (b)(3), (b)(6) Were you confident as the vehicles moved west that they were a future threat?

A1C: Yes, with it being that early in the morning and all of the MAMs and the possibility of weapons and how close they were to the objective with the (b)(1)1.4c

COL (b)(3), (b)(6) Were you watching the route of this convoy moving?

A1C: We would take coordinates and map them on a Google overlay, and you could see the distance away they were.

COL (b)(3), (b)(6) Was the TOC and you looking at where this formation may have flanked in to create problems for the ground force?

A1C: It looked like they were possibly going to higher ground. At one point some of them got out of the vehicle for what we thought to lighten the load to get up the hill. So we thought they were trying to get to higher ground but the distance they were traveling was getting farther away.

COL (b)(3), (b)(6) As they were moving further away what was going on in your mind about the potential threat of this formation?

A1C: The furthering away they traveled, I thought the less dangerous they were. CPT (b)(3), (b)(6) was even thinking about taking off the AIR TIC because of the distance away. It didn't feel to me as if it were an imminent threat.

COL (b)(3), (b)(6) At any time did CPT (b)(3), (b)(6) communicate to anyone of the S3 personnel that this was going on?

A1C: Yes he was, and I believe LTC (b)(3), (b)(6) was on the phone.

COL (b)(3), (b)(6) What time was this?

A1C: It was right around the time of the engagement. He was calling to set up a SOFT intervention.

CO (b)(3), (b)(6) Was that ultimate course of action ever communicated to the GFC?

A1C: I am not sure.

CO (b)(3), (b)(6) As you are watching west what are your thoughts?

A1C: That these vehicles don't pose a threat.

CO (b)(3), (b)(6) You had that dialogue with who?

A1C: The people in the TOC.

CO (b)(3), (b)(6) When in this process from 0630-0845 when did you start to communicate that?

A1C: Towards the end, pretty close to the engagement time.

CO (b)(3), (b)(6) At any time before that did you communicate that analysis

A1C: No, we thought that they were still going to attack, so at that time we believed they were still dangerous.

CO (b)(3), (b)(6) What caused you to come to that analysis?

A1C: Just the timing of them not making a move. It just got to a point that they were not going to make an attack; if they were they would have done it by now.

CO (b)(3), (b)(6) So at the beginning there was one vehicle and as they started moving they picked up the other two at different points is that correct?

A1C: No, there were two vehicles in the beginning and they linked up with the third after crossing the river.

CO (b)(3), (b)(6) At any time were you ever able to identify who was in the SUV?

A1C: No, however I do believe they did stop at another point and got out, but throughout this time we only identified adult males.

CO (b)(3), (b)(6) You never identified any children?

A1C: The screener at one point said children and I asked if they could confirm the two children and which vehicle they were in. They reviewed and said that they saw two children believed to be adolescents in the SUV. So I thought that was the only two children in the convoy at the time

CO (b)(3), (b)(6) What does adolescent mean to you as an imagery guy?

A1C: To me it would be a 9-13 year old.

CO (b)(3), (b)(6) Do you see those as combatants?

A1C: Yes, for the most part, but I do know that a 9 year old is old enough to hold and shoot a weapon.

CO (b)(3), (b)(6): When you determine adolescents 9-13 what does that do in terms of your inputs of the analysis?

A1C: For me adolescents it would be a no hard fire unless they are taking direct fire from them or they pose a direct imminent threat. I don't believe with them in the vehicles that you should use hard strike first.

CO (b)(3), (b)(6): Were you aware up until the decision to fire that the GFC intended to destroy these vehicles?

A1C: I was not aware that he was going to destroy the vehicles, I was aware that they wanted to follow them to see where they led to.

CO (b)(3), (b)(6): What was LTC (b)(3), (b)(6) role during this particular operation in the JOC from start to finish?

A1C: He came in about half way through. I did not communicate a lot with him. CPT (b)(3), (b)(6) and I had a pretty free flowing conversation about what was happening. I believe he voiced those to LTC (b)(3), (b)(6) about how we saw the children and only one or two possible weapons and how we thought a SOFT interdiction would be the best thing to do, and to keep following them on. I believe CPT (b)(3), (b)(6) also said to take off the AIR TIC. At that point LTC (b)(3), (b)(6) got on the phone to setup this SOFT interdiction.

CO (b)(3), (b)(6): Who did CPT (b)(3), (b)(6) say take off the AIR TIC to?

A1C: I don't know if he just voiced that to me or if he was going to act on that or if he was just thinking out loud. I don't believe he did it.

(BREAK)

CO (b)(3), (b)(6): Did the FIRESO or you ... This was a direct explanation to the BC?

A1C: CPT (b)(3), (b)(6) was talking to the BC I was not but I was present during the conversation.

CO (b)(3), (b)(6): What was the context of that conversation?

A1C: CPT (b)(3), (b)(6) and CPT (b)(3), (b)(6) were voicing their opinions on what they thought we should do. At one point I actually printed out part of the mIRC chat about the children and the one or two possible rifles. They told him about the children and the two possible rifles and that because of their distance away from the objective that we did not feel that they were an imminent threat.

CO (b)(3), (b)(6): What did the Commander do?

A1C: It seemed that he agreed with the analysis and assessment. At that point he was trying to set up a SOFT vehicle interdiction.

CO (b)(3), (b)(6): Is there a procedure in the TOC when the identification of a threat is made, is there a battle drill that that TOC goes through?

A1C: Not that I know of. Just to give you reference, the ISR just moved into the OPCENT recently about two weeks ago. Before that we were in the SCIF, and we only communicated to them through the mIRC chat or phone.

CO (b)(3), (b)(6): When there is the ID of civilians on the target is there a battle drill or is there an information requirement that has to go to the BC?

A1C: If the screener sees children or civilians they put it in the chat and the MC pushes that to the JTAC and then gets pushed through from there.

LT (b)(3), (b)(6): Do you pass that information to anyone else?

A1C: In this case we told everyone in the TOC about the children.

CO (b)(3), (b)(6): What did the BTL CPT do with that information?

A1C: I know they talked about it but I don't know what he did with it after that.

LT (b)(3), (b)(6): About what time was the first discussion of a SOFT interdiction was?

A1C: It was pretty close to right before the engagement.

LT (b)(3), (b)(6): It wasn't when you first saw the vehicles was it?

A1C: No.

CO (b)(3), (b)(6): When the AIR TIC was declared what does that mean to you?

A1C: We use fast movers, fix-wing aircraft, they are on call and that there is the possibility of imminent threat, and that there is a need for CAS or CCA.

CO (b)(3), (b)(6): Does that mean that they can engage on their own or do they still need authority.

A1C: To me, I think they would still need authorization from the GFC.

CO (b)(3), (b)(6): When a TIC is declared in the TOC is there a procedure that the team goes through?

A1C: For the most part everyone is aware of the situation and they put outside that there is a TIC in progress. It seems like everyone is livelier or more attentive to the situation. I do not know of any guidelines or anything like that.

CO (b)(3), (b)(6): DO you know who the lawyer is in the SOTF?

A1C: I do not know.

CO (b)(3), (b)(6): When did you ever look at imagery and say child, adult, or adolescent?

A1C: Through our training at 11th we look at a lot of FMV, but there are no set pictures that say this is an adult, this is an adolescent, and this is a child. You can just tell through size and shape of what a child looked like in reference to an adult.

COL (b)(3), (b)(6) Did you ever make an assessment that there were children?

A1C: No, I did not.

COL (b)(3), (b)(6) Did you ever see?

A1C: No, I personally did not, that is why I asked for the review.

COL (b)(3), (b)(6) What was your assessment?

A1C: I thought that they were all MAMs.

COL (b)(3), (b)(6) Did you relay this to your team?

A1C: Yes I did.

COL (b)(3), (b)(6) Did you counter the screener assessment?

A1C: No, I agreed with the screener.

COL (b)(3), (b)(6) So your team knew that even though you thought one thing that you accepted the screeners call?

A1C: Yes.

COL (b)(3), (b)(6) Was there anytime from that point forward that the JOC thought there was anything other than two adolescents?

A1C: No.

COL (b)(3), (b)(6) Was there a point in time from once that was declared that it was only MAMs in that convoy?

A1C: Yes, that is what we thought was in there.

COL (b)(3), (b)(6) Clarify that.

A1C: We believed that there were only two adolescents and the rest were MAMs.

COL (b)(3), (b)(6) There was never a change to that assessment form that point on?

A1C: Not until after the strike.

COL (b)(3), (b)(6) Did you guys hear any discussion of the rational... first of all did you know that the strike was going to occur?

A1C: No I didn't.

CO (b)(3), (b)(6) What did you think had happened?

A1C: Actually I was a little perplexed at the situation. At that time I was standing up and I was not in front of the chat. I went back and it said OH-58 cleared to engage and about a minute later it said splash. Then we saw the strike on the screen. I believe they said it was four hell fires and 3 rockets fired. At that time I believe the GFC Ok'd the decision, so it was out of my hands. I don't believe I really had a say in it.

CO (b)(3), (b)(6) Who was the senior officer in the JOC during the most of the time while this was going on?

A1C: CPT (b)(3), (b)(6) was in there and then LTC (b)(3), (b)(6) came in. CPT (b)(3), (b)(6) and CPT (b)(3), (b)(6) were there as well.

CO (b)(3), (b)(6) Was the S3 in there?

A1C: He was not in there at the time but he did come in later at some point. He was not there for most of the mission.

LTC (b)(3), (b)(6) When you saw OH-58s cleared to engage did you tell anyone?

A1C: No I wasn't at my seat to see it in chat. When I saw that I was just looking back through chat.

CO (b)(3), (b)(6) At anytime did the JOC/TOC let the BC know, to your memory, when the threat force was determined, children were identified, or weapons were identified?

A1C: I do not recall.

LTC (b)(3), (b)(6) Do you remember when the BC came back in the TOC?

A1C: Roughly 25 minutes before the engagement.

LTC (b)(3), (b)(6) Do you know why he came back in?

A1C: I was not told.

CO (b)(3), (b)(6) When you were reading the screen did you see any disconnects or did everything make sense?

A1C: It all made sense.

CO (b)(3), (b)(6) After the strike occurred what happened next?

A1C: We tried to identify squitters and keep all the vehicles in FOV. At that point we noticed women and children.

CO (b)(3), (b)(6) What vehicle did the come from?

A1C: I think one of the SUVs. Then we tried to maintain the people who got out. But because of the spacing of them and some running off, we could not keep them all in the FOV.

COL (b)(3), (b)(6) How long did you stay in your job on the screen after the strike?

A1C: Roughly an hour and then shift change with LT (b)(3), (b)(6)

COL (b)(3), (b)(6) What time is your shift change?

A1C: 0730Z, 1200L. It was a little earlier than that he came in about 20 -30 minutes early.

COL (b)(3), (b)(6) So you were on from 0800 to about 1145.

A1C: 0800 that seems accurate.

COL (b)(3), (b)(6) Where you observing the objective sight that whole time?

A1C: No, not to long after the strike we went feed frozen and that lasted until after shift change if I recall correctly.

COL (b)(3), (b)(6) When you got the report of CIVCAS do you know what the JOC/TOC did with that?

A1C: No.

COL (b)(3), (b)(6) What conversations did you have on whisper?

A1C: With the screener I talked about products and how to label them, and I was talking to one of the screeners about them praying and washing, other than that not too much.

COL (b)(3), (b)(6) Do you remember the BTL CPTs assessment on whether this was a good hit or a bad hit right after it went down?

A1C: No, I do not recall anything about that.

COL (b)(3), (b)(6) So the discussion between CPT (b)(3), (b)(6) and the BTL CPT you were only paying attention to CPT (b)(3), (b)(6) ?

A1C: That is right.

LTC (b)(3), (b)(6) After the first missile struck did the TOC discuss any alternate course of action?

A1C: It seemed as if it caught everyone off guard. All the following actions were close to right after the first missile and they didn't really discuss with me what was going to be done.

LTC (b)(3), (b)(6) Do you know if anyone in your center had communications with the GFC when the first missile struck?

A1C: No I do not.

A1C (b)(3), (b)(6)

COL (b)(3), (b)(6) closes out.

LTC (b)(3), (b)(6) warned and excused.

STATEMENT OF (b)(3), (b)(6) TAKEN AT _____ DATED 2010/02/28

STATEMENT (Continued)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 14. 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 14 OF 14 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regards to: Investigation of 21 Feb 10 CIVCAS incident.

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

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

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

Printed Name/Rank

Consent obtained by /
via telephonic interview

Signature

25 Feb 10

Date

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION	2. DATE (YYYYMMDD)	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 CIV
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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 25 February 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 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.

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

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

PRIMARY SCREENER

MG: Introduction and explanation of investigation

(b)(3), (b)(6): Sworn in, Obtained Privacy Act statement and consented, as well as consent to recording.

Round table introduction.

MG: How long have you been working in your present position?

(b)(3), (b)(6): About 7 months, but I have also over a year of FMV experience.

MG: The name of your position is?

(b)(3), (b)(6): I am a screener, but I am also qualified as an FMV.

MG: FMV is?

(b)(3), (b)(6): Full Motion Video Analyst.

MG: On the day of the event we understand that you were the primary screener, is that right?

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

MG: So in the mIRC chat under the primary screener, this is you typing correct?

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

MG: And you were spelled a few times by SRA (b)(3), (b)(6) ?

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

MG: Do you have the mIRC chat in front of you?

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

COL (b)(3), (b)(6): Are you authorized to assess hostile intent, and if so what is your definition of hostile intent?

N: In my position anything observed FMV wise, weapons any kind of military movement around our blue forces or anything that could cause death or injure them, or activity that looks like sentry activity.

COL (b)(3), (b)(6): When you say weapons, is it one weapon or is there a certain ratio that you look for to line it up with hostile intent?

(b)(3), (b)(6): Well the presence of just one weapon isn't enough to say hostile intent, which is why we have to analyze the actions and movement, and of course if there are blue forces around then that is something that we will assess as hostile intent.

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

COL (b)(3), (b)(6) When you are sitting at your station what can you see and hear?

(b)(3), (b)(6) When I look at my screen?

COL (b)(3), (b)(6) Yes, remember you are educating us about this. What are you seeing or hearing so we have an appreciation for what you do?

(b)(3), (b)(6) We normally have the mIRC chat open with four rooms up, because that is how we communicate with the customer and the predator crew. Another we have up is FALCON VIEW which is for SA. Another tool we have is our real time streamer, and with that we can go back over anything that is recorded. We also have the (b)(1)1.4(a) which allows us to listen on (b)(1)1.4(a) and CJSOTF only have one station that we can listen to. We also get products from downrange from the customer like CONOPS that the think would be helpful.

COL (b)(3), (b)(6) Were you able to hear the GFC throughout this operation?

(Phone Disconnected)

(Phone Reconnected)

COL (b)(3), (b)(6) Same question as before we were disconnected. Were you able to hear the GFC or the JTAC throughout this operation as they communicated with (b)(1)1.4(a)?

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

COL (b)(3), (b)(6) At anytime did you call directly to the GFC or the SOTF to relay your assessments?

(b)(3), (b)(6) No, everything is passed through chat and the MC passes to the JTAC.

COL (b)(3), (b)(6) What was your role during this operation?

(b)(3), (b)(6) I was the primary screener.

COL (b)(3), (b)(6) Were you on the screen the whole time?

(b)(3), (b)(6) Yes, I don't believe I took any breaks.

COL (b)(3), (b)(6) So as I look at the chat you were on or next to the screen the whole time through the strike?

(b)(3), (b)(6) There might have been one time that I stepped away, but that is why we have the back up.

COL (b)(3), (b)(6) Who supervised you during this mission?

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

COL (b)(3), (b)(6) What was the organization to assess what was going on? Was it just you? Are there procedures in place for different situations?

(b)(3), (b)(6) Usually we have a crew of 2 FMVs, a screener, a GEO A, and an MSA. We were double stacked that day so we had at least 3 FMVs, 2 screeners, and 1 GEO A making the assessments that I am ultimately responsible for when I put them in chat.

MG: what is the GEO A?

(b)(3), (b)(6) Geospatial Analyst. He is responsible for getting coordinates or making any geospatial products the customer may need.

COL (b)(3), (b)(6) What was the factor that put you on the vehicles?

(b)(3), (b)(6) We were called off target, and the MC said that they are looking for vehicles that were flashing lights, we came across the pick-up and an SUV and it had the flashers on.

COL (b)(3), (b)(6) So you stayed on the vehicles. Was it assessed that you had the vehicles that the GFC was looking for.

(b)(3), (b)(6) We found that they were vehicles of interest because they were looking for vehicles moving together which these vehicles were.

COL (b)(3), (b)(6) Was there something unique about these vehicles that made you stay on them?

(b)(3), (b)(6) Definitely, that they were such a large group at that time of day. The pick-up and the SUV had crossed the river and that is very suspicious to us because we never see that. So we followed and at another point we had a vehicle stop and then another SUV joined the group. So we now had three vehicles so a large group is now together. They stopped and a large group of MAMs began to get water, wash, and pray. To us that is very suspicious because we are taught that they do this before an attack.

COL (b)(3), (b)(6) When did you or did you identify weapons?

(b)(3), (b)(6) We identified weapons several times throughout their stops. At 0103 is when we thought we saw a possible weapon.

COL (b)(3), (b)(6) How many weapons did you see then and if you can give me a roll up on how many you think you saw throughout the whole movement?

(b)(3), (b)(6) That is hard to say. We had mentioned weapons about five times. The most we seen at one time was two weapons by two different individuals. We never called out multiple weapons. It was only a possible here or there. Going through the chat you can see that it isn't assessed that we have this number of weapons.

COL (b)(3), (b)(6) In your assessment how many weapons do you believe that you saw?

(b)(3), (b)(6) I would say two or three.

COI (b)(3), (b)(6) What was your assessment as to the number of MAMs in the convoy?

(b)(3), (b)(6) We had the 23-24 MAMs and that was the count that we received when they stopped to cleanse themselves.

COI (b)(3), (b)(6) How many children or children like people did you assess during this operation?

(b)(3), (b)(6) Two children, or as I called it out in chat, adolescents.

COI (b)(3), (b)(6) When did you identify them? Was it before or after they stopped for prayer?

(b)(3), (b)(6) When we initially picked up the two vehicles we called out two children by the SUV, we then assessed them to be adolescents.

COI (b)(3), (b)(6) Other than the prayer stop when they washed, what else gave you the thought of hostile intent or did you ever have hostile intent?

(b)(3), (b)(6) Initially they were heading toward blue forces and with the number of people and the activity we assessed that it could be hostile intent. At some point we said in chat that they weren't heading towards blue forces and they didn't appear to be flanking. This could have been because they were spooked and that is why they changed to moving west instead of towards the blue forces. When they started going west is when the hostile intent stopped.

COI (b)(3), (b)(6) What does adolescent mean to you?

(b)(3), (b)(6) Anything under 13 but not younger than 7.

COI (b)(3), (b)(6) Is an adolescent a combatant or a non-combatant in your mind?

(b)(3), (b)(6) No.... I mean it is kind of tricky. If I apply it to the States I wouldn't think them to be dangerous, but in a war situation there are considered dangerous.

COI (b)(3), (b)(6) Were you trying to communicate that this was a potential combatant or that this was an adolescent in size and description?

(b)(3), (b)(6) I'd have to report it as is and it is up to the ITC and the customer on whether they think it is a threat. I don't pass my opinion and if I do have an assessment then I will pass it. With our FMV quality there is only so much analytical things that we can do.

COI (b)(3), (b)(6) In this case when you went from children to adolescents what were you communicating in your mind?

(b)(3), (b)(6) I was trying to put in there that the age was between 7 and 13 years old.

CO: (b)(3), (b)(6) When you picked up the vehicles do you know if PID was declared and by who? PID being "this is a hostile force who intends to maneuver and cause harm on blue forces".

(b)(3), (b)(6) Initially we kept eyes on the vehicles because we thought they could have been hostile. They were as close as three miles to blue forces and then began moving west to a distance of five miles. At that point we did not think that they had any hostile intent.

CO: (b)(3), (b)(6) Where you aware of the GFC declaring PID? Did anybody declare PID on this element that it was moving toward blue forces with hostile intent?

(b)(3), (b)(6) Not to my knowledge.

CO: (b)(3), (b)(6) Did you communicate to (b)(1)1.4(a) that you no longer considered this hostile intent or a hostile force?

(b)(3), (b)(6) When we told them that we didn't assess them to be flanking blue forces. That is when we determined there was no hostile intent.

CO: (b)(3), (b)(6) Do you remember communicating to (b)(1)1.4(a) in any other manner than the mIRC chat?

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

CO: (b)(3), (b)(6) How would you characterize what you painted for (b)(1)1.4(a)? In terms of initial hostile intent, to no intent, to number of people, to number of weapons, and to the number of children.

(b)(3), (b)(6) I think we were both initially concerned with the vehicles and the large number MAMs and the activity that was happening, but we didn't emphasize that there were a large amount and we were sure to put possible weapons in an imagery since that is a 50-50 chance. We had so many MAMs associated with the three vehicles and never once did we see an adult female, only the adolescents. I think the most adolescent they had counted on the next shift was three. The information that we passed them is nothing more than what we see, what happened, and we gave them the assessment of them moving west and no longer being a threat. There is only so much I can pass without risking my position as a screener.

MG: What do you mean risking your position?

(b)(3), (b)(6) If I suggest or make an assessment I have to make sure that I am 100% ok with that decision. That is kind of testy because you have two FMVs that don't always agree. they make assessments that one sees a weapon and the other one doesn't. They see children that are present, but that is my call to make so if one of my team members makes a bad assessment that is on me.

MG: At 0240 you said these vehicles look like they are evading the area and (b)(1)1.4(a) wrote "C" I guess that is for copy?

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

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

MG: Then (b)(1)1.4(a) came on and said "may be flanking too soon to tell right now". Then you came back and said five miles northwest from blue forces? You came back again and said "too far away from blue forces for flanking". Then (b)(1)1.4(a) came back and said "they were spooked earlier from (b)(1)1.4(a)". What is that?

(b)(3), (b)(6) That is (b)(1)1.4(a), the fast movers.

MG: What was your read at that time while these assessments are being made?

(b)(3), (b)(6) This is a team effort. My GEOA is passing information, our FALCON VIEW follows the birds footprint of what we are looking at on the bottom and the movement that they have been heading south until a certain point. At this time that they changed direction was when the (b)(1)1.4c had said they had spooked the insurgents. With all that in chat and the movement of the vehicles we had assessed they weren't moving towards blue forces. We didn't know where they were heading at that point.

COL (b)(3), (b)(6) Did you believe that your assessment was being accepted by (b)(1)1.4(a) at this time.

(b)(3), (b)(6) I think he believed they were spooked and were in contact with another group of insurgents. At that time I am not too sure if he was just waiting to see if we got further out.

COL (b)(3), (b)(6) Go to 0305 on the mIRC. Can you clarify what you meant when it talks about what count, no females, and no children.

(b)(3), (b)(6) That was at that specific point in time. When the vehicles stop we only get the lead and part of the second because our FMV isn't that great.

COL (b)(3), (b)(6) When did you start having reservations that this was not hostile intent and what was the criterion that went into that?

(b)(3), (b)(6) When I said I assessed the vehicle to far west to be flanking. We were watching the feed and following FALCON VIEW. The vehicles started on the east side of the river, crossed the river, moved south through the terrain, and at that point while they were heading southwest and it looked like they were heading towards blue forces. On our CRD we can see dirt roads, it is a little out dated, but we still see them. As we followed the vehicles they continued past all of the roads that they could have turned and been able to flank blue forces. That is how the assessment was created.

COL (b)(3), (b)(6) When, In your mind do you think the GFC decided they were going to strike these vehicles?

(b)(3), (b)(6) There was passing chat that the KIOWAs were clear to engage. At that point we really didn't know because they normally pass a nine line on what they are getting ready to strike.

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

COL (b)(3), (b)(6) Got to 0405 if you would. Somewhere in there is when you first understood the GFC had first intended to strike the vehicles?

(b)(3), (b)(6) Yes, that is when I saw that they were planning to go kinetic.

COL (b)(3), (b)(6) Do you remember what you were thinking at that time? How did that entry register with you?

(b)(3), (b)(6) At that time I had my FMV reviewing for children and anything else like weapons. When they pass information like this I believe they have additional information or other intelligence that gives them a reason to go kinetic. We are not always given that information. All we can do is pass what we see and then it is on them if they are going to strike or not.

COL (b)(3), (b)(6) Just need to know what you were thinking at that point in terms of the target and what you thought was going to happen.

(b)(3), (b)(6) I was thinking that they had additional intelligence to say that these are the guys are who we were looking for.

COL (b)(3), (b)(6) Did you have any reservations at this point about the strike?

(b)(3), (b)(6) Not at this point because we had passed the information and I think that they will make the decision.

COL (b)(3), (b)(6) After the strike how many women and children did you identify on the engagement site?

(b)(3), (b)(6) We initially saw three women and a child near the second vehicle.

COL (b)(3), (b)(6) When you saw the women and children what are the procedures that you guys follow to report that?

(b)(3), (b)(6) We pass the information that we see through chat to the ITC, our whole crew already knows what is going on.

COL (b)(3), (b)(6) The ITC is LT (b)(3), (b)(6)?

(b)(3), (b)(6) The ITC in the LNO for the customer and in this case was A1C (b)(3), (b)(6)

COL (b)(3), (b)(6) During this operation did you have any conversations on (b)(1)1.4c?

(b)(3), (b)(6) We did have (b)(1)1.4c

COL (b)(3), (b)(6) During those whispers did you talk about operational matters?

(b)(3), (b)(6) I myself don't recall any (b)(1)1.4c but I do recall SRA (b)(3), (b)(6) having (b)(1)1.4c

COL (b)(3), (b)(6) You didn't do any (b)(1)1.4c?

(b)(3), (b)(6) I did with the ITC when we were going off target. We were talking about giving the bird up.

CO: How long have you been doing this?

(b)(3), (b)(6) 2 years with FMV and about 6 years in imagery analysis.

CO: With your experience and knowing what you know now. What is your assessment on whether was good to go or was this not good to go?

(Phone Disconnected)

(Phone Reconnected)

CO: In your mind and with your experience was this good to go or not good to go? I am not speaking of your actions I am asking as an event in whole.

(b)(3), (b)(6) I think there are a lot of disconnects in the intelligence world, and communications are the largest one that I can think of. I think if this situation would have had more communications, I don't think it would have been prevented but we would have had a better idea of the situation at hand. I can say that on our side we do not have all of the information of what is going on.

CO: If you were sitting on our shoes, what is your assessment of the situation?

(b)(3), (b)(6) My assessment was that this was a good target given the circumstances, but I cannot speak for what others did only our actions.

CO: After the strike how many if any weapons did you identify?

(b)(3), (b)(6) None.

MG: From the time you started tracking the vehicles, how much eyes on time did you have?

(b)(3), (b)(6) Because of our FOV and having three vehicles we only had the front pick-up and part of the second vehicle in frame most of the time. When they would stop we could zoom out and see all three vehicles but we could not see the passengers unless they got out and the video quality is poor like that and we cannot make anything out. That amount of people and activity it was difficult to keep them in the same FOV.

MG: You felt comfortable that we still had the same three vehicles right?

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

MG: And they made many short stops along the way right?

(b)(3), (b)(6) That is correct there were a couple times when they stopped for longer periods of time such as when they prayed and for vehicle maintenance. There was one time that they stopped for maintenance and a

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

large group of MAMs got out of the front vehicle and fixed the problem and then just a minute later they had to stop again for another repair on the same vehicle.

MG: What did you assess those MAMs to be doing?

(b)(3), (b)(6) Maintenance on the truck.

MG: When did you first report that you saw children or adolescents?

(b)(3), (b)(6) Children when we first got eyes on the first two vehicles. The specific time would be 0106Z.

MG: Then about a minute later did you say that two children were near the SUV?

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

MG: Then we talked about a MAM assisting a child into the rear of the SUV and that was before the adolescent talk at around 0400Z correct?

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

MG: About three hours before that we have children and then we have adolescents?

(b)(3), (b)(6) Yes, I had my FMVs review it or to see if we missed any children and we determined them to be adolescents.

MG: In the same hour you said adolescents in the rear at 0150. So before the strike what were your slant lines?

(b)(3), (b)(6) At least 24-25 MAMs, no adult females, and two children.

MG: Is there anything you would like to follow up saying?

(b)(3), (b)(6) I just hope that the information helps and I feel that my tech crew and I did our job and made the right calls.

MG: You made a comment about the intelligence community and communications. What recommendations would you give because that is another aspect of this investigation that I have to look into is the possibilities of bettering our processes and mitigating these incidents?

(b)(3), (b)(6) For this instance I think with the pilots and his communication with the JTAC, we have no idea what he is saying. To be able to listen in on the conversation would be nice because when we pass through chat we are unsure how it is getting passed to the ground. I think that break in the communications could create a miscommunication with anything that we assess. At least some kind of way to know what the pilot says and how our information is passed.

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

MG: Do they have in your training or in your SOPs if you think something is wrong or an issue on the board that you can speak up or put it in the chat and let them know that you are concerned?

(b)(3), (b)(6) Yes, as the screener it is on us to pass the information, but again I pass with great caution because I do not know how it is getting interpreted so I have to be cautious.

MG: Cautious how?

(b)(3), (b)(6) With the tools we are given there is only so much analysis we can do. I have to be able to back up any assessment that I make. I do not feel that I failed to make any assessments that I was 100% sure about.

MG: Back to my question, is there a technique that they teach you to raise a red flag so to speak if something is wrong or you see something that you need to bring forward?

(b)(3), (b)(6) I could whisper the ITC to ask what is going on or if there is more information. If we can't do that then it is just trying to make an assessment out of nothing.

MG: Look at 04:05:13 it has SOF SOUTH saying working on possibilities of going kinetic. What did you think at that moment?

(b)(3), (b)(6) That they may have had additional intelligence.

MG: Just over a minute later SOUTH comes back requesting clarification on the children and where they were. Then you say "asterisk" two children identified as adolescents and last seen in dark SUV with white top. What does the asterisk mean?

(b)(3), (b)(6) It means correction to the children and calling them adolescents. That referred solely to the age range of them.

MG: Why would we say from children to adolescents other than age?

(b)(3), (b)(6) To change from children to adolescents on my part was not What was happening was the original assessment was that they were MAMs, but my predator crew and the information being passed we had assessed them to not be children because based on size they were still capable of having weapons and being age ranged from 7-13 years old.

COL (b)(3), (b)(6) What company do you work for?

(b)(3), (b)(6) SCRC.

COL (b)(3), (b)(6) How do you treat these issues of mistaken assessments?

(b)(3), (b)(6) If the Air Force were to complain about our performance then it is something that they would take on themselves to correct. I don't really know because I have not seen any instances that needed to be

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

corrected. There have been a lot of times where someone has called out something that was later found to be a mistaken assessment, but again that is going with making the call outs in real time. That is why we continuously do reviews to correct anything that we may have called wrong.

Sworn to the statement.

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

Warned and excused.

STATEMENT OF

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

TAKEN AT

DATED

STATEMENT (Continued)

Original statement was taken on 25 February 2010. The statement begins on page 2 and ends on page 12.

The rest of this page was intentionally left blank.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 13 OF 13 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 (b)(6)	7. GRADE/STATUS SrA	

8. ORGANIZATION OR ADDRESS

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

STATEMENT ATTACHED

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 12 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

Interview of SrA (b)(3), (b)(6)

Introduction provided by MG McHale

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

MG: How long have you been working in your position?

SrA: Approximately two years.

MG: So you have done many of these rotations, how many would you say you've done?

SrA: It would be hard to estimate, I can respond at a later time, with number.

MG: We will be talking about the evolution that went on the 21 February; you are familiar with that incident?

SrA: Yes sir.

MG: What is your job, the title?

SrA: I am a screener, full motion video screener. What the analyst calls out, I transcribe into chat.

MG: Do you have a call sign or title on the chat, what is it labeled?

SrA: It depends on the aircraft that we are supporting at the time, that day it was (b)(1)1.4(a) My call sign was (b)(1)1.4(a).

MG: Do I understand there was another screener you were working with?

SrA: Yes sir, I was brought in as an additional body. I was not the primary screener.

MG: Who was that?

SrA: Mrs. (b)(3), (b)(6)

MG: How do you spell that?

SrA: (b)(3), (b)(6)

MG: Same last name as you?

SrA: Yes sir.

MG: Is she related to you?

SrA: Yes sir.

MG: How is she related?

SrA: She is my wife sir.