

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

TSGT: When I came back down to the road before the villagers showed up to collect the deceased, he said he had passed up the information and asked me to pass it up to (b)(1)1.4 or (b)(1)1.4(a) to relay.

COL (b)(3), (b)(6) Did he share with that one woman and one child was injured?

TSGT: I believe he did, I cannot confirm that at that point. I know that he had handed me the nine lines for seven individual. When the MEDEVACs arrived the 18D were on site, made a determination to send all personnel just to get everyone off the target. I remember talking with the medic and told them 7 will be MEDEVAC but 12 ended on the MEDEVAC. I remember the one woman walking towards the aircraft with a laceration on her face.

COL (b)(3), (b)(6) Let me just back up. After he called higher from objective (b)(1)1.4(a) to inform them of the potential of civilians injured on the objective, the commander indicated that he pulled the team together. Can you confirm that he pulled the team together and what did he share?

TSGT: Yes he did pull the team together with exception of some of our support by fire security elements. He informed everyone that there was a possibility of civilian casualties at the engagement site that he was attempting to get us pick up to go and do BDA. Initially that it was reported another element out of (b)(1)1.4 was prepared to go and do the BDA, if they could not (b)(1)1.4(a) the first group team at FB (b)(1)1.4(a) would do the BDA, and he also told SOTF that he was prepared to do BDA if they could get some aircraft to him and pick him up in the (b)(1)1.4(a) objective area.

LTC (b)(3), (b)(6) Going back to the SSC site was there ever any confusion as to where there ever any women and children.

TSGT: I don't think so. I think the confusion that might of existed was whether or not the required MEDEVAC, I know the one woman I saw had a pretty large laceration on her face but she was conscious and coherent. I know when we got there the 18D were assessing her as the whether she needed to be MEDEVAC. I think they erred on the side of caution and decided to MEDEVAC her as well.

COL (b)(3), (b)(6) TSG that is all we go, I really appreciate the service to the nation, particularly to freeing the Afghan.

TSGT: Thank you sir. I will be standing by this number if you have any further questions.

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

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 21. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

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

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
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ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 21 OF 21 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 into civilian casualty incident in vicinity of Shadid-e-Has, Unqizgan District on 21 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) /SFC  
Printed Name/Rank  
(b)(6)

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

@ March 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.

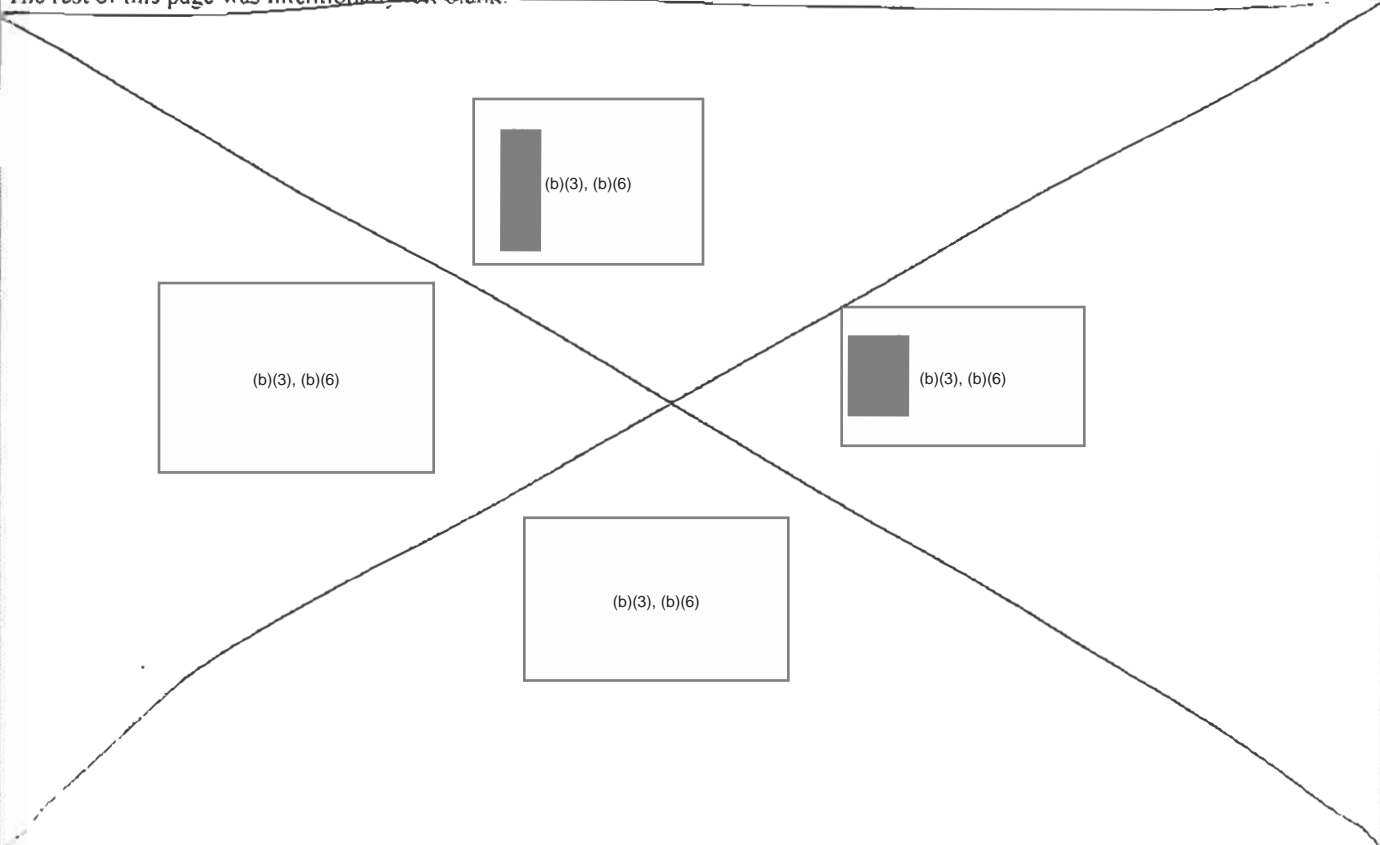
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION SOTI-SOUTH/KAF. OEF-A	2. DATE (YYYYMMDD) 2010/03/24	3. TIME 0241L	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS SFC/E7	
8. ORGANIZATION OR ADDRESS 2/1 SPECIAL FORCES GROUP FT LEWIS, WA 98433			

9. I, (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 9.

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

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

STATEMENT OF SFC (b)(3), (b)(6) DATED 01 MARCH 2010

COL (b)(3), (b)(6): Are you familiar with the CIVCAS incident on 21 February?

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

COL (b)(3), (b)(6): How long have you been in the Army, where have you been, when did you graduate the Q course, and what are some different positions that you have held.

(b)(3), (b)(6): Joined in 1998, graduated basic and AIT then went to airborne training and proceeded to Fort Bragg for my first duty station in the 1<sup>st</sup> of the 505. I have been a team leader, squad leader, and a section sergeant in the Infantry. I was at Bragg for 4 years then went to the Q course as an E5 in early 2002. I graduated in 2004 and proceeded to 1<sup>st</sup> SF Group in Lewis. I have been on 4 or 5 teams and have been the senior NCO on each team. I have been on positions in an AOB and SOTF as well as SOTF here.

COL (b)(3), (b)(6): What is your current duty position?

(b)(3), (b)(6): I am currently the night OPS NCO.

COL (b)(3), (b)(6): Were you day or night and what was your shift schedule on the 21st of February?

(b)(3), (b)(6): My schedule is from 2000D to 0800D.

COL (b)(3), (b)(6): Were you on duty during this incident?

(b)(3), (b)(6): I was on for part of the situation.

COL (b)(3), (b)(6): To the best of your recollection can you walk us through that mission and the reports associated and the decisions as well?

(b)(3), (b)(6) (referring to the map in some portions) When I came on shift (b)(1)1.4(a) launched out of FB (b)(1)1.4(a) at roughly 0300. They began to report (b)(1)1.4c every 2-3 minutes. I start gathering those communications reports and SALT reports and push them to the BTL CPT as well as pushed those communications reports on the MIRC chat as well. They were stating the convoy was comprised of 2-3 vehicles with about 25-30 personnel moving from north to south at the time between 0300 and 0400. Looked at the ISR and we reconfirmed that there were 2-3 vehicles moving from north to south with about 25-30 personnel. The convoy was moving slow and was making frequent stops here and there along their route that they were using (b)(1)1.4(a) opened an AIR TIC which we obliged and we did not push I say again we did not push fast movers to them. The fast movers just came over the area without our knowledge our without the teams knowledge. The team calls us up on the Iridium and asks us why did we push fast movers to them. We replied we only opened an air tic, and we did not push fast movers to your location. We told them over the phone and stated we will close the air tic so that the fast movers will leave your area. So then Cpt (b)(3), (b)(6) closes the air tic and tells the fast movers to leave the area immediately. Now all this was tape recorded while I was giving my statement. I do not know how they got this part confused saying that we pushed them fast movers.



STATEMENT OF SFC (b)(3), (b)(6) DATED 01 MARCH 2010

COL (b)(3), (b)(6): Can you define AIR TIC and are there distinct criteria to declare one?

(b)(3), (b)(6) AIR TIC was initiated by the GFC so that he would have an air asset above him when he needed them due to the vehicles with 25-30 pax was moving toward their location with weapons that was PID by the predator as well as the significant ICOM chatter that fox 24 was relaying to us.

COL (b)(3), (b)(6): How did he request the AIR TIC?

(b)(3), (b)(6) Through (b)(1)1.4(a) GFC called AIR TIC. The vehicles started moving north to south. The team did not want the fast movers on their objective, because they wanted the situation to develop more. They were moving at about 10 miles per hour and slower at times and were also making determined stops. The two (b)(1)1.4(a) call sign (b)(1)1.4(a) burned the whole objective and by burn I mean they came on station without taking the team request into consideration to push south of FB (b)(1)1.4(a). At that time we believe the vehicles saw them and diverted movement from North to South to Westerly travel. From there the GFC called asking why the sight was just burned (b)(1)1.4(a) couldn't get contact with (b)(1)1.4(a) so we closed the AIR TIC to get him off the station. This process took about 30 minutes to an hour. We explained that we closed the AIR TIC to get the fast movers off the site and allow the situation to develop if need be so that you can make your assessment of them. The GFC still wanted an air platform for support so we contacted the (b)(1)1.4(a) element and pushed them to FB (b)(1)1.4(a) to stage if needed. The reason we were assuring the assets were there is because (b)(1)1.4(a) had PIDd an unknown number of weapons with the personnel. Taking that into consideration with prior SIGACTS the GFC called for the rotary wing assets. Around 0500 to 0600 we were still tracking the convoy heading west.

COL (b)(3), (b)(6): Did you hear or read any reports that mentioned women or children?

(b)(3), (b)(6) Yes (b)(1)1.4(a) had PIDd weapons as well as mentioned kids scattered in the 2-3 vehicle convoy. The one issue that came up was the AOB called not on the iridium but on the SVOIP to my direct number asking if I was tracking the ISR feed. I told him I was and that I had been on it for the past 5 hours. He asked me what the ROE were for the convoy. I told him that the GFC has the call to make but also stated to him by phone that (b)(1)1.4(a) has PID kids mixed in with the personnel as well and that is why he probably did not engage the vehicles within the past 5 hours. I do not remember his name but it came from (b)(1)1.4(a) or (b)(1)1.4(a) told them that (b)(1)1.4(a) PIDd weapons as well as identifying kids. He acknowledged why they hadn't fired was the ID of kids. That was around 0400 or 0500 in the morning. It was from (b)(1)1.4(a) but I am not sure if it was (b)(1)1.4(a) or (b)(1)1.4(a) that called to ask.

COL (b)(3), (b)(6): Were there any other reports of children that day, or adolescents?

(b)(3), (b)(6) That is the only time the ISR manager said anything. At that time we yelled it out to the floor so that everyone knew what was going on.

COL (b)(3), (b)(6): What were the discussions between you and the BTL CPT, the FIRES Officer, or anyone else in the room when they continued west and didn't turn?

(b)(3), (b)(6) We kept receiving (b)(1)1.4c and continued to push it up as SITREPs. The Fires Officer pushed the (b)(1)1.4(a) element to its battle position at FB (b)(1)1.4(a). After the phone call from (b)(1)1.4(a) or (b)(1)1.4(a) we

STATEMENT OF SFC (b)(3), (b)(6) DATED 01 MARCH 2010

were pretty sure that the team was not going to engage. And that was between 0600 and 0700. CPT (b)(3), (b)(6) gave me an update that the OH-58's were on station at (b)(1)1.4(a) and that was around 0700-0800. Therefore when the next shift came on we did a hand off and read him in on all of the events that had and were happening at this time. ATT the JTAC has communications with (b)(1)1.4(a) and the GFC and he is essentially relaying everything that (b)(1)1.4(a) is telling him to the GFC. At this time we were still under the impression that (b)(1)1.4(a) was at FB (b)(1)1.4(a) for prestage. We did our shift change and I was still under the impression that they were not going to do anything because the vehicles were still heading west and (b)(1)1.4(a) was still at FB (b)(1)1.4(a) when we did shift change at 0800L.

COL (b)(3), (b)(6) What could have happened earlier that would have caused you to wake up the Battalion Commander?

(b)(3), (b)(6) To wake up the Battalion Commander the convoy would have had to continue down towards the team. That never came into effect because the vehicles continued west.

COL (b)(3), (b)(6) Where exactly were the vehicles when you left your shift?

(Interviewee points to a place 3-4K north of the engagement area)

(b)(3), (b)(6) This area and I base that on the vehicle speed and the various stops that they were making.

COL (b)(3), (b)(6) At any point during your shift, in your mind, did you believe the ODA was in imminent threat?

(b)(3), (b)(6) No, the only time I thought the ODA was in threat was before the fast movers came in, and the vehicles were still traveling South about 10K from the ODA. If that situation would have continued that way I would have woken up the command team.

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

(b)(3), (b)(6) The only time I thought the ODA was in threat was before the fast movers came in, and the vehicles were still traveling South about 10K from the ODA towards their location.

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

(b)(3), (b)(6) MAMs or AAF personnel getting onto vehicles and head towards blue forces. With weapons and gear as if to engage in an ambush. This is what this convoy was doing, so I considered that imminent threat, and that is why we opened the AIR TIC and later pushed (b)(1)1.4(a) for prestage at FB (b)(1)1.4(a) for the situation to further develop.

COL (b)(3), (b)(6) Did you have any direct contact with the GFC or JTAC during this mission?

(b)(3), (b)(6) No, we usually don't have communications with the JTAC because he is usually on his own network talking with the ISR Platform. I did have communications with (b)(1)1.4(a) but I am not sure if it was the GFC because he did not identify himself as "A".

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

STATEMENT OF SFC (b)(3), (b)(6) DATED 01 MARCH 2010

COL (b)(3), (b)(6) Did you have any discussions with (b)(1)1.4(a) about anything other than SALT reports?

(b)(3), (b)(6) Only to let him know that we were closing the AIR TIC so to get the fast movers out of there.

COL (b)(3), (b)(6) Were you able to monitor the MIRC chat between screener and (b)(1)1.4(a), and then again the radio traffic from (b)(1)1.4(a) to the JTAC?

(b)(3), (b)(6) NO. We have an ISR manager; he deals with nothing but that and monitors all traffic that pertains to ISR platforms and he monitors that on his MIRC Channel at his computer.

COL (b)(3), (b)(6) Did your ISR have any significant reports during this particular mission?

(b)(3), (b)(6) As I stated earlier he only sent up the PID of weapons and PID of children; he never said anything about women because the feed isn't that great. I believe that is highlighted in the chat.

COL (b)(3), (b)(6) What time did you leave the command post?

(b)(3), (b)(6) 0800L

COL (b)(3), (b)(6) So basically as soon as you completed your shift change you left?

(b)(3), (b)(6) Yes but I always do my battle handover and debrief with the next OPS NCO for what is going on so I would say I leave at about 0800-0815L. At the time that I went off shift I did relay to them that the OH-58D's were still at (b)(1)1.4(a) and ready for call.

COL (b)(3), (b)(6) Were you surprised when you came in for your next shift that this engagement had occurred.

(b)(3), (b)(6) I was very surprised that the incidents had happened. Before coming off shift I told the OPS NCO to keep an eye on this battle right here because they do have two rotary wing platforms up staged at fb (b)(1)1.4(a). I say this because I am a former JTAC so I know what is happening on the battlefield and what is being relayed to the GFC I know how things happen. My expertise is pretty knowledgeable, and I read GENERAL McCRYSTAL's Tactical directive if they don't pose an imminent threat, there have been children PIDd so just keep an eye on this.

COL (b)(3), (b)(6) Who did you turn over with?

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

COL (b)(3), (b)(6) Were there any other ODA's that declared a TIC or that you were tracking that night?

(b)(3), (b)(6) I do not recall I would have to go back and look at my charts. Most days we have about (b)(1)1.4(a) CONOPS operating and we always at least have a TIC a day. So I cannot recall but I can come back with that answer at another time.

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

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STATEMENT OF SFC (b)(3), (b)(6) DATED 01 MARCH 2010

COL (b)(3), (b)(6): Did you ever hear any discussion about this particular target egressing or attempting to XFILL out of the area or the mention of HVI's?

(b)(3), (b)(6) I did hear that based on the (b)(1)1.4c in the mIRC chat that they were gathering more personnel to attack the ODA at first day break. Even after the fast movers burned the site the GFC was probably thinking that they were trying to flank them and attack at day break because of the significant (b)(1)1.4c. If I were the GFC or Platoon Leader, that is what I would presume as well. The battlefield changes all the time and it is hard to tell what they are doing. The (b)(1)1.4c stating the use of an ambush or attack that was consistent with what they saw it hell yeah I would put up a self contained patrol base with 360 degree security with the guns on line. I would definitely be preparing for daybreak at that point.

COL (b)(3), (b)(6) What is your definition of adolescent?

(b)(3), (b)(6) It depends how it is used.

(Colonel (b)(3), (b)(6) reads from mIRC chat log)

(b)(3), (b)(6) I would say that would be a younger male or a small kid.

COL (b)(3), (b)(6) If you are the JTAC what does that mean to you?  
Sentence repeated.

(b)(3), (b)(6) I would presume that since he stated children first then came back with adolescents, and that he was still talking about the children. If I were the JTAC at that point I would copy his transmission, using the term kids, and go from there.

COL (b)(3), (b)(6) Do you engage at that point based on the situation?

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

MAJ (b)(3), (b)(6) You mentioned a couple of things about location and moving data, you said they were coming from the north and then you said that you didn't think they were a threat any longer?

(b)(3), (b)(6) When they turned from there south heading and started the westerly heading and got about 30K away.

MAJ (b)(3), (b)(6) Was that your assessment at the time or your assessment now after seeing the map?

(b)(3), (b)(6) My assessment at the time because of the (b)(1)1.4c and moving to the south they were an imminent threat. Once the fast movers burned the site they started moving west, and from there they still receive (b)(1)1.4c for the next 4 or 5 hours that coincides with their routes and the possibility of an ambush and attack at day break. From 0700 to 0800 as they continue to the west they are no longer a threat.

STATEMENT OF SFC (b)(3), (b)(6) DATED 01 MARCH 2010

MAJ (b)(3), (b)(6) What was your thought that night or early morning?

(b)(3), (b)(6) Once they continued heading west from this point they were no longer a threat in my mind. I was not on shift and I was not listening to the (b)(1)1.4c or anything to see what was being said, but my assessment if I were on station from 0800 until strike I would have voiced that I did not see them as a threat.

MAJ (b)(3), (b)(6) Do you have the authority to have someone put something in the mIRC chat?

(b)(3), (b)(6) Of course.

MAJ (b)(3), (b)(6) Did you direct or did anybody at anytime from the JOC that you were in put in that they were not an imminent threat?

(b)(3), (b)(6) I do not put my assumptions on the chat because I am not on the battlefield at that point of time because I am sitting in an office looking at a power point. Also I relay to CJSOTF information that is said by the team. Also my assumptions and opinions is as different as someone elses opinions on what he thinks of the matter. I pass what the GFC gives to me through to higher. Why do I do that? Because that is Intelligence that the GFC is giving me.

MAJ (b)(3), (b)(6) Do you put your assessments on the chat?

(b)(3), (b)(6) I don't even put my assessments in because you only send the facts to CJSOTF and the GFC has the facts.

MAJ (b)(3), (b)(6) Did anyone ever tell you that there was HVI in the vehicles?

(b)(3), (b)(6) I will retract the term HVI and use the term POI because HVI is not what I should have used. That word is misleading. The CONOP did not state that they were to conduct a hit or capture a target. They knew they once they INFILLED and got the (b)(1)1.4c all night of a guy telling everyone to gather the men, then that makes that person a person of interest.

MAJ (b)(3), (b)(6) What is the difference between an HVI and POI?

(b)(3), (b)(6) POI would be a person of interest. Like an AAF leader that has 20 guys that he leads. HVI would be a high value individual and that would be a JPEL target.

MAJ (b)(3), (b)(6) While you were on shift, did anyone ever tell you that those vehicles were going to be engaged because they thought there were POIs?

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

MAJ (b)(3), (b)(6) How were you actually talking to the ground force?

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

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(b)(3), (b)(6) By (b)(1)1.4(a) and Iridium as backup.

MAJ (b)(3), (b)(6) Who specifically did you speak to?

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

MAJ (b)(3), (b)(6) What conversations did you have?

(b)(3), (b)(6) He asked why I put fast movers on his site.

MAJ (b)(3), (b)(6) You said you yelled out kids on convoy. Why did you do that?

(b)(3), (b)(6) It is SOP that we utilize to get everyone on the same page. Let me clarify I said it I didn't yell it.

MAJ (b)(3), (b)(6) Does that mean a different set of rules or matrix is used?

(b)(3), (b)(6) Yes to be cautious and not engage the convoy because of the kids. I didn't say that out loud on the floor, and I will use the word common sense, that it is common sense not to engage a target with that potentially has kids in it.

MAJ (b)(3), (b)(6) What was the BTL CPT doing while you were saying kids on the floor?

(b)(3), (b)(6) He was sitting to my left in my immediate area.

MAJ (b)(3), (b)(6) Are there certain situation that you would call a MEDIVAC?

(b)(3), (b)(6) We call MEDIVACs for all persons who need it.

MAJ (b)(3), (b)(6) Did your TOC call a MEDIVAC for this incident?

(b)(3), (b)(6) I am not sure because I was not on shift.

COL (b)(3), (b)(6) Do you have any recommendations or lessons learned?

(b)(3), (b)(6) It is hard to say. There are pros and cons. I rack my brain over how this could have gone differently but I still didn't know the steps the GFC was taking. If I knew more that was said between all elements I could make a more accurate recommendation. I can only give you opinions and assumptions off of what I was getting on my end and the the events that were taken place while I was on shift.

LTC (b)(3), (b)(6) Is there a communications recommendation so that you would have better situational awareness?

(b)(3), (b)(6) I would say that we need to get something so we can have communications with all assets in the field. That way OPS can break in and intervene when the wrong data is pushed out and ensure almost a QA and QC of the information that we can monitor.

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LTC (b)(3), (b)(6) Are you an 18E?

(b)(3), (b)(6) Yes I am.

LTC (b)(3), (b)(6) Then you are very familiar with all of the communications equipment. Are there any systems out there that we could put in that would allow for that type of monitoring?

(b)(3), (b)(6) I would have to take a look out there. I know the only aircraft we have good communications with is (b)(1)1.4(a) because they come up on (b)(1)1.4(a) there are the only aircraft they are MH47's they are fixed wing so they don't have that SAT capability. I don't even think the ISR have direct ties with the platform. I think we need to go and see what the aircrafts are using and use those as well. A FOX too, I have done intelligence reports before and having the TTPS and the battlefield alignment to make a better report.

Was warned and excused.

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

STATEMENT (Continued)

Original statement was taken on 1 March 2010. The statement begins on page 2 and ends on page 9.

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

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

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

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

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 \_\_\_\_\_. 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 USE OF FORCE OR DURESS, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

(b)(3), (b)(6)  
*(Signature of Person Making Statement)*

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_

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)*

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_

PAGE 10 OF 10 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: The air to ground fire incident in the vicinity of Shadid-e-Haas, Uruzgan District 21 Feb 10

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

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

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

(b)(3), (b)(6)	<i>SSgt</i>	(b)(3), (b)(6)	—	<i>21 Feb 10</i>
Printed Name/Rank				Date

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

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

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

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

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

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

Original statement was taken on 26 February 2010. The statement begins on page 2 and ends on page 6.

The rest of this page was intentionally left blank.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>7</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

**DRONES / CENTCOM / 1578-1590 DIF**

Interview of SSG (b)(3), (b)(6), JTAC ODA (b)(1)1.4(a)

LTC (b)(3), (b)(6) Privacy Act Statement/Consent to be Recorded Notification

CO (b)(3), (b)(6) Introduction

SSG: My role is in the OPSEC, observing some of the Predator feed and coordinating via phone back to (b)(1)1.4(a) and the fire's desk and basically relaying any communications from the OPSCEN here at (b)(1)1.4(a) to the ODA team; and also soliciting other information that was received over the phone, trying to get a hold of them via Fox Mike. I also talked to some of the aircraft early on before the incident and relayed some other COMS after the incident.

CO (b)(3), (b)(6) Did you assist in the handoff between the Pred and the OH 58?

SSG: No sir. We were due to head out on a CRP, and got held back because of the events that were occurring that morning. The only time I had actually COMS with the Predator was later that afternoon. My only role in that was to see if the Predator was to remain on station or if he was to check off station. He tried to get a hold of (b)(1)1.4(a) via UHFAM frequency and he could not get a hold of them. I had COMS at that point because I was further up north from the fire base and I could hear him breaking in and out and I just relayed the information to him.

CO (b)(3), (b)(6) As it pertained to this mission was your specific support it?

SSG: Initially I was awakened by the Field Artillery guys. They requested me in the OPCENT to try to coordinate air. The team that had already coordinated (b)(1)1.4(a) to support, the helicopters.

CO (b)(3), (b)(6) The OH58s?

SSG: They were requesting Apaches, but when I called they said the OH58s were on their way. When they got there I got a call from CPT (b)(3), (b)(6) stating that he wanted me to hold them south of the firebase. The helicopters requested to land at (b)(1)1.4(a). The (b)(1)1.4(a) came up overhead, CPT (b)(3), (b)(6) also request that I hold them back south of the firebase, to keep them outside of any noise. They wanted the situation to develop. I went ahead and did that, I was observing the rotary feed from time to time. I peeked over and grabbed the grid coordinates of what they were observing. I would pass it off to the aircraft in the event something escalated in that area. Then the Apaches, I sent them back to (b)(1)1.4(a) to refuel; I released the F18 once they ran out of play time.

CO (b)(3), (b)(6) In terms of execution what were you doing what did you do?

SSG: Execution I was on the phone with the fires desk I really took no part in that. I was back and forth, between relaying and trying to solicit information to the SOTF from the actual team on the ground. I had no part in execution. I was actually on the phone with CPT (b)(3), (b)(6) At that point my Echo was working on my rover feed, he had to unplug one of the USB ports and CPT (b)(3), (b)(6) advised me they had completed the strike.

CO (b)(3), (b)(6) Once the OH58s were released into the objective area, did you control them at all?

SSG: No sir.

CO (b)(3), (b)(6) Did you coordinate any moments between the OH58s and Predator at all?

SSG: No sir.

CO (b)(3), (b)(6) What was your role once the OH58s came on station through the actual strike?

SSG: I had no role.

CO (b)(3), (b)(6) What did you do?

SSG: I was prepping my gear getting ready to go on a reconnaissance at that time with my team.

CO (b)(3), (b)(6) You were not in this portion of the fight at all?

SSG: No sir.

CO (b)(3), (b)(6) At any time, when you called earlier in the evening to assist with the assessment of threat forces or to deliver coordinates from when they first entered the fight all the way up until the fight.

SSG: No sir I got very limited data as to what was going on. When I was awakened I received reports that (b)(1)1.4(a) was observing 25 to 30 MAMs, and 3 HVI. At that point I also got word that the Predator had PID weapons. I immediately got on the feed and tried to acquire feed. I couldn't PID anything; my rover feed was very intermittent during the whole time. And that is pretty much all I did from that point on.

ODA (b)(1)1.4(a) was stationed where?

SSG: Up at (b)(1)1.4(a) the roads of (b)(1)1.4(a)

CO (b)(3), (b)(6) was under the impression that you were relay for TSgt (b)(3), (b)(6)

SSG: No sir, they were at a distance where Fox Mike was in and out basically trying to solicit and make sure they got their air and that was to the extent.

LT (b)(3), (b)(6) Sir, Do you mind if I ask him a few background questions on ROE and what not. What does PID mean to you?

SSG: Positive identification of hostile intent, hostile acts, weapons, anything that could cause harm to friendly forces.

LT (b)(3), (b)(6) if you have MAMs with weapons, is that PID to you?

SSG: No sir, just because they have a weapon does not constitute the right to engage. You have to have, (b)(1)1.4c stating certain locations. If they state we are here, we are going to ambush the team, get ready for the ambush, we are setting up IEDs, gather whatever tools we have available, that sort of



thing. Whether it be some sort of a feed, Intel stating a specific area is hostile, or an ambush is about to take place.

LTC (b)(3), (b)(6) if you have 20-25 MAMs identified in a convoy, how many weapons would you need to see, would a single weapon be PID?

SSG: That's not my decision to make, I merely advise the ground commander of the situation and what's going on. I go off of what he tells me to do.

LTC (b)(3), (b)(6) what do you assume hostile intent to be?

SSG: Setting up ambush, IEDs, RCIEDs, basically you are planning to commit a hostile act against friendly forces.

LTC (b)(3), (b)(6) if you assess a force as being an anti-Afghan force but they are fleeing the area would the ground forces commander have the authority to engage.

SSG: no. I would say know if they are fleeing the area according to the tactical directive, we are not in an imminent threat or directly engaged, or pinned down; we cannot do anything about it.

LTC (b)(3), (b)(6) is there a procedure to engage that force and you know that they are a part of the insurgency?

SSG: I would leave that up to the ground commander he could coordinate that with the SOTF.

LTC (b)(3), (b)(6) what would not be your responsibility?

SSG: No sir.

LTC (b)(3), (b)(6) But you think some coordination would be required?

SSG: Yes sir. If we are picking up (b)(1)1.4c that says they are moving to another location and we observe them there is nothing I can do. I'd basically let the ground commander know, based on the signal Intel, and then he can call higher and find out what he wants to do.

LTC (b)(3), (b)(6) have you ever been in a situation where the ground force commander wanted to engage, but you didn't think the ROE allowed you to?

SSG: No sir.

LTC (b)(3), (b)(6) if you were in that situation, what would you do?

SSG: I would let him know sir I don't think that this is a good shot, or I don't think we should engage.

LTC (b)(3), (b)(6) That has never come up?

SSG: That has not ever come up.

CO (b)(3), (b)(6) Did the Kiowa talk to you when they landed at the [unintelligible]

SSG: Yes sir. They talked to me I went ahead and relayed all the coordinates the movements, the disposition of the vehicles.

CO (b)(3), (b)(6) Did you push the Kiowa forward?

SSG: no sir I had them on the deck, I can't recall what I was doing, but next thing I know they were up in the air and they were moving out, just based on the Fox Mike traffic that I received.

CO (b)(3), (b)(6) Thanks a lot I appreciate your time. I know you are hearing this in periphery; we are trying to figure out a couple things. First, what happened, second what went right and what went wrong and probably the most important thing, what can we do to prevent this in the future. If you weren't involved in this enough, I got it. From what you've heard, understand, and listening are there anything you would like to offer us to consider in terms of recommendations that we could help get in the place to prevent this from happening in the future.

SSG: Sir, my biggest thing the rover feed. I don't know if everybody understands the way that rover feed actually works, it's in and out, intermittent, and it's really scratchy. Trying to watch scrambled form, it is hard, we have a tiny screen and the sun's glaring on it, it's in and out. For us we can see the activities going on, but I know the SOTFs have the huge TVs they can see a crystal clear picture because they get it directly from the satellite. My biggest thing is if something like that occurs again they need to Pony up.

CO (b)(3), (b)(6) What rover system do you have?

SSG: I have rover three set up in the OPSCEN but right now we are having issues with it. There are so many antennas around it is difficult. If they are mounted on the trucks you have the same problem because you have to have direct line of sight with the aircraft. I also have the rover five, that's the small portable. You have to have it nice and flat, any buildings, trees obstruct the signal. During the day, you are basically looking at your face, it's a huge mirror.

CO (b)(3), (b)(6) What can we do better on the COMs side? The FMVs, the actual Fox Mike, telephones, verbal communication, what can we do there?

SSG: It seems to me are met by the lowest bidder. They are not designed for the guy on the ground using it. I think when they test it, they need to give it to us and let us break it versus sitting in an air conditioned room having the techies work it. Other than that, our biggest challenge out here is the terrain.

CO (b)(3), (b)(6) How many camps have you been in?

SSG: This rotation?

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

SSG: I have had five rotations to Afghanistan and one to Iraq, about seven or eight teams.

CO (b)(6)ook sergeant thanks a lot. I appreciate everything you have done.

LTC (b)(6) We will take your recordings, type it up, and have you review it for mistakes. Make any corrections or anything you meant to say. You have given this testimony of your own free will.

SSG: Yes sir.

LTC (b)(6) No one's promised you any reward or threatened reprisal based on your testimony.

SSG: No sir.

LTC (b)(6) Please fill out your last name, first name, social and grade there that would be great.

Warned and Excused

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

STATEMENT (Continued)

Original statement was taken on 26 February 2010. The statement begins on page 2 and ends on page 6.

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AFFIDAVIT

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

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES.

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

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES

CW2 (b)(3), (b)(6) KIOWA AVIATOR

MG McHALE: 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?

CW2: 12 years Signal Corps, network switching.

MG: When did you go to flight school?

CW2: December 2007 and completed November 2008.

MG: Your first assignment was with the 82nd?

CW2: Yes.

MG: How many hours do you have?

CW2: Around 750 hours, and that is a combination of flight school and this deployment.

MG: How missions have you pulled over here.

CW2: We pull about (b)(1)(4) a week.

MG: What was your mission on 21 February?

CW2: We were briefed on a TIC and we responded on a TIC.

MG: Can you explain in more on depth?

CW2: When we arrived and got briefed myself and Mr. (b)(3), (b)(6); went to the CP and grabbed the performance and planning cards in preparation to go to the aircraft. The left seaters finished getting briefed on frequencies and coordinates. We all met at the aircraft conducted pre flight and shortly after we were airborne.

MG: So it was like a 911 call?

CW2: Yes.

MG: What were you briefed about the situation?

CW2: That (b)(1)1.4(a) and (b)(1)1.4(a) were conducting their operations and that they had declared TIC at that time. They just gave us a situational update on what was going on. I was flying so I was paying attention more to flying than the radio. From what I heard they were watching 3 vehicles moving westerly. We then landed at FB (b)(1)1.4(a) and continued to monitor (b)(1)1.4(a) and (b)(1)1.4(a)'s conversation (b)(1)1.4(a) was relaying to (b)(1)1.4(a) and giving them an update.



(Referring to the map)

MG: Could you walk s through what went on at (b)(1)1.4(a)

CW2: We were monitoring the (b)(1)1.4(a), (b)(1)1.4(a), and (b)(1)1.4(a) conversation while they were discussing the vehicle movements, the roughly 21 MAMs, and 3 weapons PIDd. That was the traffic that we were monitoring.

MG: After you monitored for a while then what happened.

CW2: They had fixed wing assets overhead and they were trying to push them out of the area to further develop the situation with the vehicles, to track their movements to see if they were egressing or moving closer to the element.

MG: Do you know why they pushed the fixed wing out of the area?

CW2: I think it was because of the operation that they were conducting at the time and the fix wings were making too much noise. They didn't want the fix wings to burn the target.

MG: What does burn the target mean?

CW2: Alert the individuals in the area of the objective. We then decided we needed to get more fuel so we went back to (b)(1)1.4(a) and then came back to (b)(1)1.4(a) and began listening again. The vehicle had then begun to push more to the west around the (b)(1)1.4(a) WADDI. We probably sat on the ground for about 10 minutes. We were still getting the information of 3 vehicles, 20 MAMs, and PID weapons. They called for us to go overhead of the vehicles position, so we picked up and the (b)(1)1.4(a) element had us make a hand shake with (b)(1)1.4(a). We made the hand shake with (b)(1)1.4(a) calling out targets (b)(1)1.4(a) confirmed the targets and then began to monitor the situation while we contacted (b)(1)1.4(a) to let him know that we had a good hand shake with the (b)(1)1.4(a) element. We followed for about 10 minutes to develop the situation a little more. (b)(1)1.4(a) confirmed PID again and cleared us to engage the vehicles with the intent of the GFC. (b)(1)1.4(a) cleared us for imminent threat. We set up our strike plan from there of the lead to strike vehicle 1 and that the trail would strike on the last vehicle. When we engaged I broke left to come back in and reengage with our second hell fire. At that point someone noticed people leaving the vehicles, so we broke again and lead fired 1 rocket and we fired 2 rockets and broke again. We began to talk about the fact that we thought we saw females.

MG: What did you see when you glanced down and saw females?

CW2: Normally males dress in dark colors and these were brighter colors than normal so we figured females. We pulled out and did 8's which is a move that we use to maximize our sensors then we saw what we thought to be women that moved off to the Westside and at that time we just monitored. The AMC was relaying everything throughout the engagement to the JTAC.

MG: Did you see any squirters?

CW2: Yes, initially after we fired our second hell fire we noticed people egressing to the east and the west. That is when we came back around for re-attack with rockets.

MG: What did you see? Were they carrying anything?

CW2: We saw individuals who looked like they had weapons crouched down looking up at the aircraft. But I cannot be specific on what kind of weapons but they looked like weapons.

MG: Can you explain that more when you say it looked like they had weapons.

CW2: Just the nature in the way they were holding it and their posture, that was after the rocket engagement. We then got to our stand off point because if there were guys with weapons we didn't want to be in range.

MG: When you saw the weapons you were in the right seat right?

CW2: Yes.

MG: Which way were you breaking?

CW2: To the right.

MG: Wouldn't Mr. (b)(3), (b)(6) have a better view if that were the case?

CW2: Negative he would have to look across me through the bird to see what was on the ground. During the rocket engagement we would normally decelerate to get a better look at the target but at that point I was worried about covering the leads tail for his break. So when he dipped in I did too and popped off my rockets right after his and broke right after him. That is when we noticed the guys at the rear of the vehicles. I continued my right break and that took me right over the top of the suspected women. Then came back around and started our climb and monitoring.

CO (b)(3), (b)(6) Did you hear any discussion of women or children during your entire time monitoring?

CW2: Never once did they say women or children.

CO (b)(3), (b)(6) Ever hear the term adolescent?

CW2: Not on the radio

CO (b)(3), (b)(6) How many weapons did you see?

CW2: I cannot say for sure, but I would say one on the group of individuals at the rear of the convoy.

CO (b)(3), (b)(6) What did Mr. (b)(3), (b)(6) report seeing to you at that time?

CW2: I do not remember talking in the aircraft about weapons what I do remember is the lead talking about the weapons. We were not that concerned with the weapons right after that because that is when we saw the women on the engagement site.

CO (b)(3), (b)(6) Could you tell me about the immediate threat that you perceived?

CW2: It was based off of the (b)(1)1.4c and they were saying things like the forces are going to mass together to the south and then attack the infidels. That is what we based the imminent threat on. They also had PID of weapons.

CO (b)(3), (b)(6) Do you remember hearing a reference to heavy weapons?

CW2: No, but I remember them saying that they had masses of people which was based on the (b)(1)1.4c (b)(1)1.4c

CO (b)(3), (b)(6) Prior to releasing the ordinance did you suspect anything out of the ordinary versus the other 20 missions you have been on?

CW2: The only thing that was different was that PID was passed to us from a different element.

LTC (b)(3), (b)(6) Did you ever hear anything from (b)(1)1.4(a) or (b)(1)1.4(a) to indicate why the engagement was to occur in that exact spot?

CW2: I never heard anything as to why it was to happen there.

LTC (b)(3), (b)(6) Did you ever hear the term High Value Individual or High Value Target?

CW2: No, I never heard anything about that.

LTC (b)(3), (b)(6) Did you ever hear anything about fear that the vehicles were going to escape out of the area?

CW2: No.

MG: Were you monitoring any of the traffic while sitting on the Fire Base

CW2: No. I was on (b)(1)1.4(a) and the GFC was on (b)(1)1.4(a).

MG: After the engagement what did you think when you saw the females?

CW2: I thought it was terrible that we were given 21 MAMs with weapons and then to see females come out of the trucks was terrible.

MG: What kind of radio calls did you hear reported out by LT (b)(3), (b)(6)?

CW2: I know he talked to (b)(1)1.4(a) because that is where we got our clearance from. He talked to (b)(1)1.4(a) to confirm our ordinance hits on the targets. Because after being told 21 MAMs and then to see females

it was like well let triple check to ensure it was the right target. (b)(1)1.4 confirmed the hits. That is all I remember him talking about.

MG: Then you flew back to (b)(1)1.4(a) What did you guys talk about between the cockpits when you got back?

CW2: We talked about what we thought to be females. As we went back to (b)(1)1.4(a) it was still pretty busy and we had to do a hand off with the people relieving us.

MG: Who was this?

CW2: The AMC. My left seater was sending up a SITREP that we had engaged the target to the TOC.

MG: What could we have done differently looking back on this situation?

CW2: I think we need to get better PID. We need to believe them when they give us PID, but looking at this situation as you can see it was not accurate. I do not know how we could change this situation because it was already developed and we came in later and was handed PID. Normally we will get low to PID things. I do not feel that the predator guys are as accurate and the ground guys.

CO (b)(6) Did you ever think of calling MEDIVAC for the people who were hurt on the target area?

CW2: I did not because I still believed the area to be hostile, because we saw weapons. The Apaches came back on that same engagement area and stayed about 1:45.

CO (b)(6) So they were eyes on that target area while you were gone?

CW2: I cannot speak as to what they were watching but they were on station.

MG: What do you recommend to improve in the future?

CW2: I would say change the TTPs while engaging vehicles, especially when they are hard to see into like the way it is with compounds. I would say make it the same way when engaging vehicles.

Warned and excused.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to a C-130 accident occurring 21 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)	
Printed Name/Rank	Signature

28 FEB 10  
Date



**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

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

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

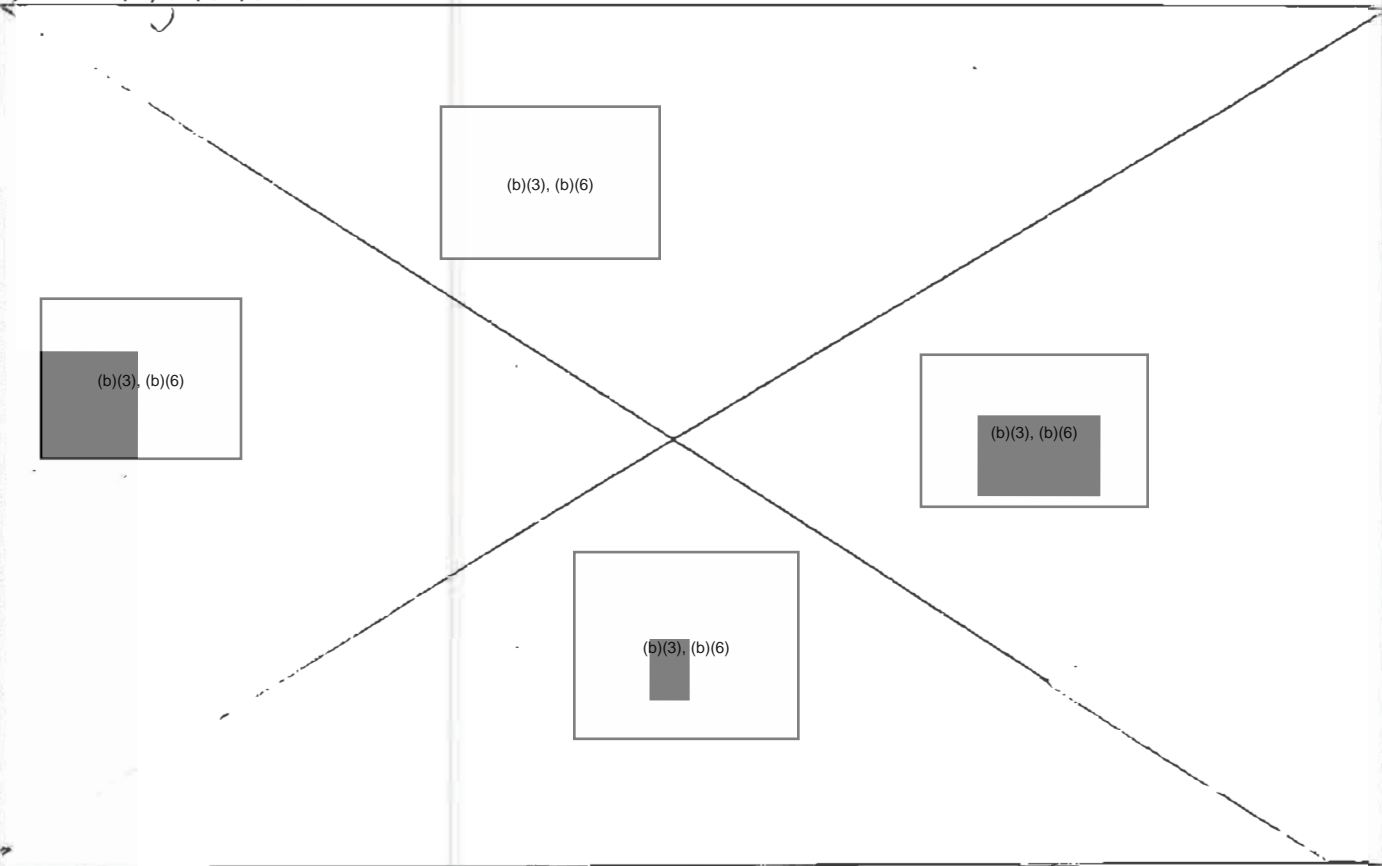
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

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

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

STATEMENT ATTACHED

*Nothing follows*



10. EXHIBIT	11. IN (b)(3), (b)(6) SON MAKING STATEMENT	PAGE 1 OF 20 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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 CPT [REDACTED] 1 SFG, 2d BAT

Appointment statement delivered by MG. McHale

PA Information notification provided by LTC [REDACTED]

MG: How long have you been in the Army?

CPT: I've been in the Army since 2003.

MG: Okay you came in and went to basic course and special ops training?

CPT: Went through the basic course, it was a few years later that I went through the Special Forces training.

MG: And when did you graduate from Q school?

CPT: I believe it was October of last year that would have been this last October.

MG: What were you doing before then?

CPT: Before that I was infantry sir.

MG: Okay and you've served where?

CPT: I was in Korea, I did a year in the 1-9 infantry, I was an XO there, and then I was at Ft Benning I was a basic training XO. After that I was on a transition team in Baghdad. And then I went to the Q course.

MG: So after the Q course you were assigned to the unit you are now?

CPT: Yes sir.

MG: Okay and your first duty assignment with that organization, as battle captain?

CPT: Yes sir.

MG: What kind of training did you have to get ready to be battle captain?

CPT: Not a whole lot actually, I get to, I was on leave and got called to speed along my leave. They needed me to deploy. I was actually sent up for about a month before I got here, a little less than a month. I was at Bragg with 3d group as a liaison. And then I deployed forward, originally was suppose to going to CJSOTF and then they pushed me down to the battalion so that's how I wound up where I am at.

MG: So as night battle captain, how long have you been doing that in this country here?

CPT: I think since about first week of February, so.

MG: So about two and half, three weeks here?

CPT: About so.

MG: So as the night battle captain you must be pretty busy.

CPT: Yes sir.

MG: Can you tell me of your roles and responsibilities as the night battle captain?

CPT: First and foremost my duty is to monitor what's going on as far as the situation. Know which teams are out what they are doing. Getting their locations and there's a lot of administrative stuff that kind of comes along too, every night we will push out a SITREP. We get a Downrep to give out to the battalion. There's a SOCCE brief that we send out as well, and any kind of storyboards or products like that come through, we push those out.

MG: Do you have in your operations center, commander's critical information requirements, PIRs, FFIRS, do you track?

CPT: Yes sir.

MG: What are some of those, can you talk to me about the commander's critical information requirements?

CPT: I couldn't list them all sir, I know, I think probably forces, you know are injured, wounded.

MG: Okay. Is there some wake up criteria? What are those criteria, you said you monitor the fight, what's that criteria?

CPT: There's a TIC, we usually notify the chain of command of any kind of CIVCAS, friendly force causality, anything that would create significant event, we will get the commands attention. We go first to the OPSCEN SGM; he kind of buffers it, if it's one of those because we have TICs quite often. If we woke the Commander on every occasion he wouldn't get a lot of sleep.

MG: On the events of 21 February was the commander awakened that day?

CPT: Not on my shift sir. At the end of my shift, I saw CPT (b)(3), (b)(6) go wake the commander for COL (b)(3), (b)(6) holding on the line.

MG: COL (b)(3), (b)(6) was on the line for LTC (b)(3), (b)(6) about what time was that?

CPT: It would have had to be after 0830.

MG: And when did your shift end?

CPT: Shift changes at 0745, 0800, I usually stick around.

MG: There was a shift change between you and CPT (b)(3), (b)(6) about 0745 or so?

CPT: Yes sir.

MG: There is a map on the wall, and a pointer in front of you. Are you familiar with the operational area? Where the OP was going down, could you walk us through, for about the last three hours you were on duty, take us to updates, the reports you got were you monitoring [REDACTED]?

CPT: Yes sir. As soon as they landed we started collecting reports about [REDACTED] that was detailing enemy reaction to our presence there. At first it was like the wake up criteria for them. They were specifically naming [REDACTED]. They said it was another town not on the map, but I don't remember its location. There were a lot of SALT reports coming in.

MG: We can get those from the log?

CPT: Yes sir. The way I do it, is I have a word document and I will have a couple of blank SALT, I will type it in as it comes in on the radio. SFC [REDACTED] was on the radio and I was just listening. I typed as things came up. That way CJSTF and everybody else could see it. A lot of chatter, the Predator feed that was actually on the wall. And we're checking that often. There was one or two MAMs walking around. That was not out of the normal for an operation like this.

MG: Walking around where?

CPT: I don't know the exact location. The predator normally watches the outskirts of the location. There was some guys walking around. I noticed the Predator was focused on vehicles.

MG: What time was that about on your shift?

CPT: I would hate to guess, I don't know. It was a couple hours after they landed. Before that we were just seeing people walking and then finally it picked up?

MG: Around where the objective area?

CPT: Yes. Okay. The vehicles started to move and stop several times. Often, they would get out of the vehicles and stand around them. I don't know what they were doing. I don't remember exactly when it was, but one of our guys overheard that it was a weapon that they had seen. Everything got logged into MIRC chat. They then got back into the vehicles, move a little, then people got out and prayed. We plotted their course, using the Predator feed, a couple times as they were moving along. They later, started moving south, it appeared they were headed towards the objective area. I don't recall if it was at that time, that's when the ground commander wanted to have some kind of air support just in the area. I think he went to the JTAC, but I'm not too sure. He didn't call me specifically for air support. They did have helicopters they were south of the objective and then he opened the AIRTIC. I think a couple of [REDACTED] flew over the objective. Then he called me, get these jets out of here, we don't want to burn the objective because we are still trying to let the situation develop.

MG: He called you on what type of phone?

CPT: It was Iridium.

MG: And you did what when called about the jets?

CPT: I asked CPT (b)(3), (b)(6), what's going on with the jets, why are they there. He replied when an AIRTIC is opened everyone wants to get on it. When they hear AIRTIC they think worst case scenario. But it was mostly he wanted them there in the area just in case. My feelings were, however we don't want anything exactly in hearing range of the enemy, or objective because anybody that hears the planes they keep pretty quiet until they leave. Activities begin after they leave, and you can essentially catch them red handed. I had this discussion with CPT (b)(3), (b)(6) and he said they are suppose to move off, he communicated to them or someone else did, or it was a discussion did the JTAC have control. I got a call back afterwards from the team leader, get the jets out of here, they are still here burning the objective.

MG: The jets?

CPT: Yes sir. At that time CPT (b)(3), (b)(6) decided to close the AIRTIC that was the only way to get them to leave. I thought he closed the AIRTIC, but I guess they still had some CCA south, just past (b)(1)1.4(a), and at that point we were monitoring the vehicles progress. Trying to wait for the situation to develop. It first looked that they were coming towards our guys. The Predator feed has a north seeking arrow so you can tell which direction they were going. Then we started noticing they were going west and south, more west then south. We started plotting every, ten to twenty minutes. They would stop frequently. I think at sometime we heard ISR guy relay that they had seen children inside the convoy, with the group with the convoy. We were waiting to see what was going on with the convoy. I didn't see weapons on the feed, but I don't pay attention to that, I have too much going on, to watch the feed the whole time. I don't remember anybody seeing weapons or kids, but I'm sure that's what they saw and reported.

C (b)(3), (b)(6) Just to clarify was it reported in the TOC the identification of the children?

CPT: Yes sir.

C (b)(3), (b)(6) Was it reported in the TOC of PID or possible of weapons?

CPT: Yes sir.

C (b)(3), (b)(6) Did you understand that to be the common operation picture?

CPT: Yes sir.

MG: While this was going on, this operation how many other operations were you monitoring that night, roughly estimate?

CPT: I don't remember one in particular.

MG: So this was the one to really monitor?

CPT: Yes sir.

MG: How many teams were out that night out of CJSOT (b)(3), (b)(6) that night?



CPT: I don't know.

MG: Is it fair to say this was the main TIC you were monitoring that night?

CPT: Yes sir.

LTC [REDACTED] You said the ground force commander was concerned about burning the objective.

CPT: Yes sir.

LTC [REDACTED] What does that mean?

CPT: Whenever they hear any kind of aircrafts, fixed wing aircraft, they have a tendency to lay low. They don't engage, they don't come out. It's hard to develop the situation when they are doing that. It's almost like you are trying to get them into an engagement that will become decisive once you are able to get aircraft on the objective. At that time it is too late.

LTC [REDACTED] What situation did you understand the ground force commander wanted to develop?

CPT: I felt he wanted to wait for that vehicle got to a point where he knew it was the insurgents rallying.

LTC [REDACTED] Your understanding the situation involving vehicles and not the area at the Bazaar.

CPT: Yes sir. The only thing we were seeing was the vehicles.

LTC [REDACTED] How many?

CPT: Three vehicles sir. I think it was a whole objective and beyond. A jet aircraft overhead, that will be heard throughout the vicinity.

LTC [REDACTED] With regard to the vehicles, you believe he was attempting to confirm that they were in fact hostile forces?

CPT: I think he was waiting to see what they were going to do sir. At the time it looked like the vehicles were moving towards, and the [REDACTED] (b)(1)1.4c and the stuff we were hearing, the overall setting. The time, day, the movement, he waited to see what would develop during the situation.

LTC [REDACTED] Did he convey to you, that he had reason to believe the forces were hostile?

CPT: He did not say.

MG: How many conversations, did you have with [REDACTED] (b)(1)1.4(a) ground commander, how many Iridium phone calls did you have with him?

CPT: I had two.

MG: What was the discussion, what was happening, where were the forces at the time of those calls?

CPT: I believe the vehicles were still in the area, moving south. I got two iridium phone calls from within a close amount of time concerning the jets we spoke of earlier.

MG: And what were those discussions?

CPT: That he wanted the jets moved from the objective.

MG: Please explain.

CPT: He did not want to burn the objective was his specific words.

MG: Any other dialogue?

CPT: Just get the plane out of there, is all I remember.

MG: And those were the only calls?

CPT: That I had with him.

MG: And they both were regarding the jets around the objective?

CPT: Yes sir.

MG: Was there any discussion about the Predator, about tracking the three vehicles, the objective, in those two calls?

CPT: No sir.

COL [REDACTED] Some basic question. What communications systems did you have between you and the ground force commander?

CPT: There's [REDACTED] [REDACTED] and Iridium and we can also go through the JTAC. I can go the fires guy and relay through the bird to the JTAC or even the ISR guy can mIRC chat it to them. There are different ways.

COL [REDACTED] Are able to monitor communication monitor the radio communications between the Predator Operator and the JTAC?

CPT: No sir, I didn't.

COL [REDACTED] Does someone in the Command Post monitor that radio traffic?

CPT: Between the JTAC and the Predator? I think SGT [REDACTED] I think he does. I think some of it is mIRC chat.

COL [REDACTED] Your mission that you have battle drills, as things happen as you are monitoring mission. Is there a point, in your mind, when it ceases being an ODA commander's fight and becomes a SOTF [REDACTED] fight? Are there points where you realize this is larger than an ODA commander there?

CPT: Yes sir. There are times:

COL [REDACTED] What would drive that kind of decision?

CPT: If the team decides to decisively engage. Anytime that fire is being exchanged, attention in the TOC, we have a big red light outside that flashes. Everyone comes together on that situation. Based on the traffic that we hear from the ground forces commander, is it time now to wake the chain of command, or did we simply hear a couple of shots, shot off in the distance. That often happens. At that time, there were no shots fired, the objective was quiet. We were waiting to see what would happen with three vehicles, we waited to see if someone would come out of the objective area, or towards the objective area.

COL [REDACTED] Can you recall if attention in the TOC was ever initiated?

CPT: No sir.

COL B: Was there a decision made in the TOC to go wake the commander?

CPT: No sir, not on my shift.

COL [REDACTED] And your shift ended at 0745?

CPT: At 8 o'clock.

COL [REDACTED] Does the ODB have a role in these kinds of missions?

CPT: Not really, other than providing QRF, or if you can't make COMs, sometimes they reach for you. But as far as battle tracking, we battle track them.

COL [REDACTED] What does TIC mean to you?

CPT: Troops in contact is, two kinds, there's an AIRTIC and a regular TIC. It is when rounds are being exchanged, primarily at our forces. Anytime we are being shot at. You can open an AIRTIC to get support for you from different platforms whatever is available, if you feel you are in imminent threat.

COL [REDACTED] Who declared a TIC in this situation, what kind of TIC and roughly where in the timeline?

CPT: It was an AIRTIC. It was a couple of hours into it. I think they had already started monitoring the vehicles, the Predators.

COL [REDACTED] And when is TIC established in the Command Post by one of your ODAs what changes within the Command Post from your perspective?

CPT: With a ground TIC we make sure we call a MEDIC, they are there waiting just in case we need MEDEVAC. The OPSCEN SGM, MAJ [REDACTED] and LTC [REDACTED]

COL [REDACTED] We had an AIRTIC; do we have a battle drill for AIRTIC declaration?

CPT: No sir.

CO [REDACTED] What was your reaction to [REDACTED] declaration of an AIRTIC?

CPT: I just monitored and saw what happened. When there wasn't anything happening and the team leader called me to have the jets removed, that's when we pushed them out and then we just waited. I didn't feel at that point it was necessary to wake anyone.

CO [REDACTED] Was there any discussion during your shift about children/adolescents? Was there any discussion about the impact and what that meant?

CPT: Just the fact that there were children. We tried looking. I didn't see any weapons, or kids.

CO [REDACTED] I think the question then, you heard the reports about children, you said you heard the reports about weapon, and then you said you hadn't. We declared TIC, is there a responsibility with the command post that we declare TIC, we called in close AIR Support. Did you step in to prevent civilian casualties when you hear those kinds of reports, children in the vehicles, we have declared a TIC?

CPT: Yes. No one said anything about PID a target, no one was under direct fire. I assume opening the TIC was just to have something on station, in case. Not necessarily within sound or hearing distance, just in case the vehicles moved in surrounding them. Just as reinforcements?

CO [REDACTED] To your recollection, you stated you had two Iridium phone calls, who else within the Command Post had Iridium calls with [REDACTED]?

CPT: I can't remember if SSG [REDACTED] spoke with them as well, I don't know what the conversation was about though.

CO [REDACTED] Having tracked most of the morning, were you surprised that there was an engagement with the cavalry warriors?

CPT: When I returned to shift that night, they said we had engaged the vehicles. It didn't surprise me, it did surprise me how far away they were. CPT [REDACTED] told me how it surprised everyone. He said they were developing a course of action AVI.

CO [REDACTED] You were not in the Command Post when the engagement occurred?

CPT: No sir.

CO [REDACTED] What time did you leave the Command Post?

CPT: Approximately 0830.

CO [REDACTED] The engagement was at 0840. Were you aware that an AVI was being proposed?

CPT: No sir.

CO [REDACTED] You departed prior to that?

CPT: Yes sir.

COL [REDACTED] Was the battalion commander there anytime during the night?

CPT: No sir.

COL [REDACTED] We will go back just a little here. Did you go to the infantry career course?

CPT: Yes sir.

COL [REDACTED] Must tell MG McHale what you learned about, about the TOC operations, battalion operations, HQ operations, and battle captain duties.

CPT: You learn about staff work. You'll do the planning process; go through that procedure as a staff. Battle tracking or anything in that nature, how to be a battle captain, no.

COL [REDACTED] There is 10 hours dedicated to in the Q course. Do you remember some of the concepts, your duties or responsibilities?

CPT: No sir.

COL [REDACTED] What do you think your role is, not what you've been tasked?

CPT: To be able to monitor the situation, be able to grasp what's going on. If you do that with chain of command, you can convey to them the picture that you are seeing, what the ground force commander is relaying to you.

COL [REDACTED] Who leads the battle drill execution in TOC?

CPT: The battle captain.

COL [REDACTED] How many drills have you lead, how long have you been battle captain?

CPT: Three weeks sir, I have led none sir. I'll see a TIC. We haven't had a decisive engagement TIC that goes through all the procedures.

COL [REDACTED] When TIC is declared is there a battle drill a formal battle drill. When PID of a target is declared is there a battle drill?

CPT: Yes sir.

COL [REDACTED] Who is involved in the battle drills?

CPT: The OPSCEN SGM, the OPSCEN director, then the COL.

COL [REDACTED] Is the legal guy brought in to participate?

CPT: I believe he is sir.

COL [REDACTED] When you experienced the TIC declaration, was there a battle drill executed that involved the players?

CPT: No sir.

COL [REDACTED] Is there a thought process as to why?

CPT: There was no one fired upon at the time. It was declared to get support there just in case.

COL [REDACTED] Is there a battle drill for declaring something other than a TIC?

CPT: No sir.

COL [REDACTED] Will you put that off to the side, to get to the end of this thing. When did you identify a threat formation or did you ever in your mind assess that these vehicles were a threat?

CPT: I felt they were a potential threat, but never an immediate, like decisive threat at any point.

COL [REDACTED] I understand that. What do you think the term PID means?

CPT: It's just whenever anyone sees a weapon or an act that could be a threat to friendly forces.

COL [REDACTED] What do you think hostile intent is?

CPT: Anytime someone can plan to do harm to another person.

COL [REDACTED] What do you think imminent threat is?

CPT: It is something that is about to happen.

COL [REDACTED] Where did you get that from?

CPT: Those definitions? It's just my definitions sir.

COL [REDACTED] Is there any discussion to this in your battle drills, are they articulated in the battle drills?

CPT: It is in the battle drills. It's the tactical directive, it's mentioned there.

COL [REDACTED] Go back to MG McHale asked and COL [REDACTED] was trying to get some clarity. I need to break this for me. As the battle captain who's responsible to manage the CCIR?

CPT: Me.

COL [REDACTED] What are the CCIR in SOTF [REDACTED] roughly, you don't have to word for word it, just conceptually/

CPT: I don't have them memorized sir.

COL [REDACTED] Any thoughts to, I'll try to queue you. Is there any information about the identification of civilians in the target? Or is it just truly a guess and you don't want to go there?



CPT: I don't want to go there.

CO (b)(3), (b)(6) Okay fair enough. You said you heard the assessment of children in the formation, is that correct?

CPT: Yes sir.

CO (b)(3), (b)(6) Did you ever hear that assessment ever get changed from children to something else?

CPT: No sir.

CO (b)(3), (b)(6) Did you believe once those children were identified, they was in this formation the entire time after that?

CPT: No sir, I didn't hear any change about their status.

CO (b)(3), (b)(6) Did you understand this formation to have weapons?

CPT: Yes sir.

CO (b)(3), (b)(6) Did you understand how many weapons this formation had?

CPT: No sir.

CO (b)(3), (b)(6) What dialogue did you have with the S-3 and/or commander; I think the answer was nothing with the commander?

CPT: Nothing sir.

CO (b)(3), (b)(6) Who was the senior guy in the OPS center during all the time we are talking about right now?

CPT: That was me sir.

CO (b)(3), (b)(6) Did you have dialog with CPT (b)(3), (b)(6) about the evolving situation?

CPT: Yes sir.

CO (b)(3), (b)(6) Can you characterize the dialog from when you first collectively identified this as a potential threat until you came off shift?

CPT: I would ask him, because he had it monitor, I would ask how far were the vehicles away from the objective. I'd then check on the status of ISR. I said we needed to get the jets out, that was my concern at the time.

CO (b)(3), (b)(6) On your mind, did this remain at the same level of potential threat, with the information and direction of movement? Did you ever doubt that the threat change was it more or less of a threat?

CPT: When I left I felt it was less of a threat.

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

CPT: They were moving zigzag towards the left, taking different roads. They would stop at turns, get out, and we were plotting. I'd ask roughly 12, 10, 13 clicks it just seems the clicks got further away from the guys.

CPT (b)(3), (b)(6) What's was CPT (b)(3), (b)(6) characterization about this threat to you?

CPT: I never felt that he felt it was become a higher level of threat. I think we both felt it was anticlimactic.

CPT (b)(3), (b)(6) You said you weren't surprised the target was struck, but you just said you think it was a higher level of threat. Why weren't you surprised?

CPT: There was always a potential for it to turn around. We didn't know if they were maneuvering to get us at a different angle. We were monitoring them, were they players or not. As time passed it was looking less and less as if they were going to engage. Maybe they had heard the jets, if they were turning back, or if they weren't involved at all. Honestly when they were in this area, I thought I would develop quickly, but they stopped three or four times. It started taking a lot of time, their directions kept changing, so we begin plotting them. As time continued to pass, they got further away from our guys.

CPT (b)(3), (b)(6) What do you mean by not in it, I don't want to lead you; it must be your answer?

CPT: If they were the ones that were the reinforcements that we heard on the (b)(1)1.4c

CPT (b)(3), (b)(6) Your understanding of the rules of engagement, if they were not in the fight, is it okay to strike them?

CPT: If they are not a threat, no sir.

LTC (b)(3), (b)(6) If I may, what determinations does the ground force commander have to make, before he is able to strike a target?

CPT: Is the target presenting a threat to life, limb or eyesight against our forces? If they had been positively identified or means to conduct hostile act.

LTC (b)(3), (b)(6) Does the ground force commander have to determine there is a hostile act or hostile intent enough?

CPT: The intent to commit a hostile act.

LTC (b)(3), (b)(6) Did the ground force commander determine that there was intent to commit a hostile act?

CPT: No sir, that's not the feeling I got at all. He was pushing all the aircraft away. I felt he was waiting to see what was going to happen, lets develop the situation.

LTC [REDACTED] (b)(3), (b)(6) Is there anything other than the intent to commit a hostile act the ground force commander must determine before he can engage a target?

CPT: If there is a threat to him or his forces.

LTC [REDACTED] (b)(3), (b)(6) Is there any timeframe or description of that threat that he has to determine?

CPT: I would say yes sir.

LTC [REDACTED] (b)(3), (b)(6) What would that be?

CPT: It would have to be, imminent. An immediate threat I guess.

LTC [REDACTED] (b)(3), (b)(6) Do you know if there is a difference between immediate and imminent threat?

CPT: I am sure there is. If he is in an imminent threat.

LTC [REDACTED] (b)(3), (b)(6) Do you know if the ground force commander had ever determined an imminent threat?

CPT: I'm sure he did, but I didn't get that feeling while I was there.

LTC [REDACTED] (b)(3), (b)(6) Is that something he is supposed to convey to you as the battle captain?

CPT: I would think so, yes sir.

LTC [REDACTED] (b)(3), (b)(6) Is there anything you are suppose to do with that information, if he says I have an imminent threat and an indication of a hostile intent to commit a hostile act, if he tells you those two things, is there anything you are suppose to do?

CPT: Yes sir.

LTC [REDACTED] (b)(3), (b)(6) What is that?

CPT: Wake up the chain of command.

COL [REDACTED] (b)(3), (b)(6) One last set of questions, what was your handoff with your battle captain. What do you do to transition from night to day?

CPT: It depends, what's going on sir. Most of the time we put up the slides and the representative from each of the AOBs will brief their missions and plans for the following day, any issues and any movements. The fires will brief the OPCEN SGM will brief, the NCOs will brief. If there is anything needed after that I will brief.

COL [REDACTED] (b)(3), (b)(6) On this day what was the handoff?

CPT: It was focused on this situation. Our guys' location, the enemy movement, [REDACTED] (b)(1)1.4c regarding the objective, tracking of the vehicles from the north. We inform dayshift that of our watching of the vehicles. Don't know what they are attempting to do at the moment.

COL [REDACTED] Did you share with them that you didn't know what they were doing, or did you share with them the projected course of action. What did you share with them; your words are a little too imprecise for me to understand. What did you share with the battle captain in your transition brief?

CPT: I told him where they were originally located; I showed him where we plotted their movements. I didn't tell him that they were moving around. I did relay where they first started, we charted them, they may still be maneuvering, I don't know. I didn't tell him one way or the other I just told them this is where they were at and this is where they are going at this time.

LT [REDACTED] During your handover, did you inform your replacement that vehicles were positively identified as the target?

CPT: Not a target, I said they had seen weapons.

LT [REDACTED] So you indicated that they had PID of weapons, but not that it had been PID as a target?

CPT: No sir.

LT [REDACTED] Did you indicate that the vehicles had been identified as having a hostile intent?

CPT: No sir.

LT [REDACTED] Did you indicate that the vehicles had been identified as an imminent threat?

CPT: No sir.

MG: CPT [REDACTED] we have asked a lot of questions today, give me a little about your background. Give me your thoughts about how well you were trained to be battle captain?

CPT: I don't think that I was trained very well. I would be lying if I said I was the best battle captain.

MG: Just talk about your training, what would you say?

CPT: I got to Bagram, I flew down here. Chief [REDACTED] was the battle captain, or overseeing as the battle captain at that time. The next few days, he showed me what I needed to do, he was there, it was more battle handover. For about two weeks, he was there monitoring, making sure I was doing the right procedures, the reports were going to the right places, and answered any questions I couldn't answer. Pretty much OJT.

MG: Did you in those two weeks in the JOC a series of battle drills on actions?

CPT: As far as rehearsals?

MG: Rehearsals.

CPT: No sir. We talked about CCIRs, wake up criteria.

MG: I sense you are not very comfortable with the process, am I sensing correctly?

CPT: Yes sir.

MG: What would we need to do to remedy that situation?

CPT: As far as you, the team? I don't know.

MG: We have established you are not comfortable with your duties as battle captain, is that correct?

CPT: I don't know all the procedures by heart. I know when something like this happens, I review the battle captain book and it has all the battle drills in it. It has TIC procedures and stuff like that.

MG: I'm not asking you to memorize everything. To be comfortable as the battle captain, what would it take, what do we need to do? I'm looking to the future on how to make things better.

CPT: There is a lot of admin stuff. I have a captain now who will be helping with that stuff, that stuff was more to the side, and it was more battle focused, that would probably.

MG: Since you did the handoff, has someone senior to you sat with you and mentor you through the night?

CPT: No sir, not particular things. Every now and then MAJ (b)(3), (b)(6) will sit me down and discuss how the CONOPS, or LDI teams work.

MG: Has anyone ever talked to you, senior leaders, about TIC, imminent threat, how to deal with that in your capacity?

CPT: Yes. I was told anytime the jets are moving; you initiate the wake up criteria.

MG: Same with helicopters moving?

CPT: Yes sir.

MG: Were there helicopters on sight before you left that day?

CPT: They weren't on the objective, but pretty close.

MG: So they were offset the objective for a period time. Were you able to monitor their radio calls?

CPT: I didn't hear them.

MG: How about your FSO?

CPT: I think he was, he could hear them.

MG: When you came in the next day, and a CIVCAS incident was reported what did you think?

CPT: Well, initially I didn't know what to think. My first thought was we got some guys, but then we found out they were still traveling southwest. That is when I questioned what went on. That's when I became surprised. They didn't feel it was a threat either.

MG: Whose they?

CPT: CPT [REDACTED]

MG: Anyone else?

CPT: I didn't speak to anyone else.

MG: Now that we have gone through this, what are some of your recommendations to make situations better, what do we need to do?

CPT: I know what I would do differently. As far as the procedures, we need a clear standard on when we awake the commander. When we call in a TIC or gunshots or air support, I don't know sir.

MG: You said several times you were monitoring this, you were in the a couple of Iridium phone calls, getting reports and monitoring this. Its paints the picture of passive behavior ready to support the ground commander, but not really active, is that a fair characterization of went on in this situation?

CPT: Yes sir.

MG: So you were back stopping, watching it unfold, knowing things were happening, overall it was kind of watching and seeing it develop, is that a fair characterization?

CPT: Yes sir.

MG: Is there anything else you'd like to provide?

CPT: No sir, subject to your questions.

CPT: [REDACTED] was going to him a homework assignment for him sir, can I give it to him?

CPT: I had one too, it may be the same.

LTC [REDACTED] Sir I had two follow-up questions I forgot.

CPT: Go ahead.

LTC [REDACTED] Did you pass on the presence of children in those vehicles to your replacement?

CPT: Yes sir.

LTC [REDACTED] Did you say children or adolescent?

CPT: Children sir.

LTC [REDACTED] About how many?

CPT: I don't know, I didn't say:



LTC [REDACTED] Do you recall the last time that you had ROE training?

CPT: No sir.

LTC [REDACTED] Have you had ROE training since you've been in theater?

CPT: No sir.

LTC [REDACTED] Do you remember the last time you had Law of war Training?

CPT: Probably in the Q course.

COL [REDACTED] Write down the following things for me. The first one is CCIR, second one is battle drills, third one is PID, fourth one is hostile intent, fifth one is imminent threat, sixth one is TIC, and the last one is common operational picture and next to that put S3. Are you the night captain tonight on duty.

CPT: Yes sir.

COL [REDACTED] Do you have ODAs in the fight tonight?

CPT: Yes sir.

COL [REDACTED] would ask you, because I can't order you, before you assume your duties, sit down with your S3 and go through with him what he thinks your responsibilities with each of those terms in terms of the performance of your duties as the battle captain. Circle PID, hostile intent, imminent threat, and TIC. Make sure you and your S3 have the same understanding as to what goes on. That's it sir.

MG: CPT [REDACTED], would it be fair to say you are not comfortable with what was just laid out to you as understanding as what you have to do with those? That additional training would be appropriate.

CPT: Yes sir.

MG: That is all the questioning we have for now. You cannot discuss our conversations today with anyone. This investigation is ongoing. When you discuss those items with S3, you are talking about this tasker from COL [REDACTED] in the purest sense, it is not tied to this investigation. It is for the safety and welfare of the troops that may be in contact tonight. You said that this engagement on this day, that this was the only real event you were tracking that day. How many more teams were there out there that night?

CPT: During this period of time I don't know sir.

MG: On any given night as the battle captain, how many teams can you be responsible for out there conducting operations?

CPT: Do you mean all night.

MG: All night long, could overlap?

CPT: (b)(1)1.4(a), somewhere in that neighborhood.

MG: So it clear there could be a lot complexity if it were two or three out of that grouping having these kind of requirements to understand hostile intent PID. That will be all. Do not discuss this investigation, your answers with anyone. I need you to drive on, learn from this, you have a very important job.

Warned and Excused.

**DRONES / CENTCOM / 1622 DIF**

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

STATEMENT (Continued)

STATEMENT ATTACHED.

*Nothing follows.*

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

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

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

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

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 20. 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

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

(Statement)

WITNESSES

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

*MAY SR*

(b)(1)1.4(a)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 20 OF 20 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 into civilian casualty incident in vicinity of Shadid-e-Has, Uruzgan District on 21 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)	DCWZ	(b)(3), (b)(6)	26 FEB 2010
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) 2010/02/26	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS CW2
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 2-9

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>9</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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



CW2 (b)(3), (b)(6)  
Assistant Detachment Commander  
At FB (b)(1)1.4(a) since 15 Jan  
Served at Fort (b)(6) same time last year

- Night Battle CPT from Jan09-July09

4<sup>th</sup> Tour in Afghanistan with SF

Interviewer:  
COL (b)(3), (b)(6)  
LTC (b)(3), (b)(6)  
MAJ (b)(3), (b)(6)

(MAJ (b)(3), (b)(6) Swears in and obtains privacy act and consented)

COL (b)(3), (b)(6): On this particular mission on the 21<sup>st</sup> of February, what was your role?

CW2 (b)(3), (b)(6): I was SE2, which is more or less the blocking position sir. INFILLED on the 2<sup>nd</sup> bird, pushed out tri wall to chow, got out of the way. When he drove up we drove off and moved in position with me, TERP, and 5 other Americans. I had 21 all together which included ANA which had the big guns, and ANP which were the others just for numbers. We moved to the South overlooking the village of Khod which is to the East.

COL (b)(3), (b)(6): Are these graphics here from the...

CW2 (b)(3), (b)(6): Yes sir. I was SE2 so I moved out south to the high ground. I was looking towards the east and the south. SGT (b)(3), (b)(6) was back behind me on another finger, he was looking sort of east/ north east. Then I had 2 other guys with another gun team that stayed back by the tri wall and HLX, looking back west/ southwest behind us high ground.

COL (b)(3), (b)(6): Once your team got on high ground did you have any contact with enemy?

CW2 (b)(3), (b)(6): Uhh... contact as in gun fire, no. But we were getting all of the reports that they were moving, (b)(1)1.4c and stuff like that. So I'm not sure what you mean by contact sir.

COL (b)(3), (b)(6): Were there any observations of dismounts, vehicles...

CW2 (b)(3), (b)(6): No vehicles in my vicinity. We were looking under NVG but down on low ground we couldn't tell the (b)(1)1.4(a) or (b)(1)1.4(a) whatever (b)(1)1.4(a) was. It was picking up multiple squitters on all the reports and also the (b)(1)1.4(a) or (b)(1)1.4(a) whatever it was the same thing they were passing. Of course any of that stuff that was passed either went to the JTAC or the 102, the CPT, or whoever else was with the CPT would pass it over to team internal.

COL (b)(3), (b)(6): Did you have the ability to monitor the radio traffic between (b)(1)1.4(a) which was by the way Predator and the JTAC?

CW2 (b)(3), (b)(6): No, the only time we get in that traffic Sir is when any of the guys in the Command element will pass it over to the team internal. Everybody had a radio but unless they passed it, you didn't get any of that.

COL (b)(3), (b)(6): Are you familiar with the report of the vehicles to the north?

CW2 (b)(3), (b)(6): Roger that Sir. I was the first one that seen it.

COL (b)(3), (b)(6): How did that come about?

CW2 (b)(3), (b)(6): SE1 or SGT (b)(3), (b)(6) and his guys were at high ground too but their high ground wasn't as high as ours. We had guys looking to the south and the north and you could see the headlights. You could see the headlights down on the horizon a way down and the team had been in that area before and a lot of the time they were reinforced with enemy fires, motorcycles, vehicles or people on foot. We seen head lights and called it up, as soon as I called up... I'm not sure if they pushed out (b)(1)1.4(a) or (b)(1)1.4(a) up that way but as soon as I called that SGT (b)(3), (b)(6) started looking up to the north.

COL (b)(3), (b)(6): So you think they pushed Predator to watch these vehicles and you were the first one who reported it because you could see the lights. Was there any signaling going on as far as lights that you could remember?

CW2 (b)(3), (b)(6): Yeah. We could see a lot of lights, I could see to the south was our furthest north check point that the SG man. It was a distance away but I could tell it was them because they set up on 2 peaks and you could see the 2 head lights. Then we looked back up to the north because I had a better vantage point and I could see the vehicle lights slowly working their way down. I don't know what aircraft was there first but I know both aircrafts worked their way there and eventually at one point we pushed (b)(1)1.4(a) off because they were calling the noise they could hear the AC, usual stuff. We called the fighters to muster up, wait until the aircraft is gone and that stuff. So we pushed the (b)(1)1.4(a) off trying to get something out of them, usual stuff. (b)(6), code name for one of the fighters in the area that was trapped at the BAZZAR, he didn't know where we were at, we wanted to move the aircraft off station to see if we could try and pin point his spot. The usual stuff we usually do when we're out like that pushing the aircraft off trying to get a response. Put out some flares to try and see if they would react. The only lights and the only location that they knew we were at was the clearing element at the BAZAAR because they have white lights and majority of that was the ANA. They knew we were at the BAZAAR but they didn't know we had multiple spots of high ground from what we could tell. That was all (b)(1)1.4c we picked up thru... we had four Interpreters with us sir. One Interpreter was with SGT (b)(3), (b)(6) on the north, one with me, and two with CPT (b)(3), (b)(6) and the other moving element.

COL (b)(3), (b)(6): Do you recall any reports of weapons associated with these vehicles as this early morning went on?

CW2 (b)(3), (b)(6): There was a report, Sir. Once again every time we got it, it was relayed either from the JTAC, the CPT or the Echo (the commo guy that was with the CPT) they would generally pass everything up to the guys. As we would gather up stuff from our Interpreters or even the Soldiers that were with us who would see stuff we would report it up. It was constant communication. Right at the beginning sort of south/ southeast to where I was at the (b)(1)1.4(a) thought that they had movement at the low ground. I want to say multiple times that the (b)(1)1.4(a) had talked about PID and (b)(1)1.4(a) did to but I never heard that

from them it was always relayed by team internal. I know 4 guys moved into the trench line and then they separated into 2. We got numerous (b)(1)1.4c about "Hey, hide your weapons until we get them in sunrise and the aircraft ain't around", the usual stuff they call up all the time.

COL (b)(3), (b)(6) What's your definition of PID?

CW2 (b)(3), (b)(6) PID is Positive Identification of the enemy with weapons. Extensively last year when I was sitting in the OPCENT numerous times and then after the General his new directive came out in either May or June they were still sort of using the same thing. A lot of them were directed towards civilians or compounds they didn't want us to use it. Then they had us use the correct verbiage of, unless your pinned down or trapped, or decisively engaged and can't maneuver they weren't going to use the aircraft or whatever the Platform might be.

COL (b)(3), (b)(6) As the morning went on did you monitor any reports of women and children in this convoy.

CW2 (b)(3), (b)(6) Negative, the only time I heard about any of that was at some point where (b)(3), (b)(6) the JTAC relayed over that they fought. I don't know what Platform they were using to watch it but they fought and it looked like some of the people were struggling in vehicle 2. We had different reports of numbers some I'm not sure of how many numbers there were, and then we got reports that they were stopping. I don't know if they were praying, because usually they pray before sun up, they don't pray at dawn. Later on in the day we kept getting numbers that there were 40, its 25, they're dismounting, they're putting security up left and right, some of them are praying, they're moving around. I want to say that the ISR, (b)(1)1.4(a) or whatever it was called a couple of times and said "we got PID". We were on the ground just waiting for the (b)(1)1.4(a) to engage and it never happen from where we were at.

COL (b)(3), (b)(6) So you were the leader there in the south, what was your picture of the battlefield, what was happening?

CW2 (b)(3), (b)(6) It was usual stuff sir. Every time a team's been up there we know that it's a known bad guy spot. Even when the previous team went up there I think it was last November they had a big fire fight, fires and all that. We just knew it was a matter of time by what we've seen in the history of last rotations. We know they won't mess with us at night but right after prayer time at dawn they will start. They'll try to come in and find out where we are at and even now it's not fighting season so they might mess with us but they're not going to get decisively engaged. My spot on the high ground I can look over I can see east or I could see more east/southeast; the BAZAAR was to my northeast. East down and a finger I didn't go all the way down to the edge because I guess numerous of times when they gone up there in their Helicopters they said it was always IED so we stayed away from there. I had a compound to my southeast that was pretty close, ANA went down there and checked it out and said it was good to go and I just continued to watch down southeast for (b)(1)1.4(a) who had sparkled or whatever with their spotlight then those 4 guys moved and separated into two.

COL (b)(3), (b)(6) What did you and CPT (b)(3), (b)(6) think you would accomplish through this mission?

CW2 (b)(3), (b)(6) Our intention and I think it might even be are mission statement was to go up to Khod, which is a known bad guy location, cache, IEDs, HMEs and all that stuff. We were going up there to

disrupt what they had. The other team hasn't been up there in a while. When they did go up there last year it was 10 days and a trip, CPT Tensley got killed so we knew it was a bad area.

COL (b)(3), (b)(6) Who was CPT Tensley?

CW2 (b)(3), (b)(6) He was the Detachment Commander (b)(1)1.4(a) got killed either 10 or 12 August of an IED just south of here.

COL (b)(3), (b)(6) To the best of your recollection when was PID developed, when did we have PID in this mission?

CW2 (b)(3), (b)(6) It was before the sun was up because I want to say both aircrafts called it at least once if not multiple times. That was them PIDing the weapons. Even last year the entire time I was in the OPCENT as soon as they seen it and established it, usually they were engaging.

COL (b)(3), (b)(6) You've seen the map do you know where the vehicles were engaged?

CW2 (b)(3), (b)(6) I have a general idea Sir, but I didn't actually go and look at the grid. I wasn't one of the BDA guys that flew out or none of that stuff.

COL (b)(3), (b)(6) In your personal assessment did the vehicles represent an imminent threat to ODA (b)(1)1.4(b)?

CW2 (b)(3), (b)(6) For everything we were gathering on the ground with the fighters, with that (b)(6) guy being trapped, with the guys moving through the south and east, and them calling for reinforcements saying " Hold tight we got something coming from the north". I thought for sure we were being enveloped and that they were just waiting try to time it and get there right at dawn. They knew that the (b)(1)1.4(a) would be checking off. I know the JTAC was trying to work to get the HELOs up there from (b)(1)1.4(a) and we were trying to get everything we could. I thought it was only a matter of time before they got close enough and would engage.

COL (b)(3), (b)(6) Were you apart of the (b)(1)1.4(c) team?

CW2 (b)(3), (b)(6) The BDA with the convoy, that's a negative.

COL (b)(3), (b)(6) What was the first time that you were aware that women and children were involved?

CW2 (b)(3), (b)(6) on the objective or the convoy?

COL (b)(3), (b)(6) On the convoy?

CW2 (b)(3), (b)(6) On the convoy the only thing I heard about what we thought was women was when the JTAC relayed that whatever the platform called and it was something in vehicle 2 it might have been a struggle like they were being dragged along and didn't want to be there. That was it; I didn't know anything about children until I walked down the hill.

COL (b)(3), (b)(6) And this struggle that you are talking about, this is before the vehicles were struck when they were still north of the objective area?



CW2 (b)(3), (b)(6) yes when they were driving from the north to the south, or was it northeast/southwest, that general direction.

COL (b)(3), (b)(6) When was the next time you knew about women and children?

CW2 (b)(3), (b)(6) I had heard something about women in a convoy at probably around 1100-1130 local once everything was calmed down and the strike had gone in. They said for me to leave a couple of teams up the high ground and walk down to the BAZZAR. I walked down to the BAZAAR to try and figure out what was going on and that's when SFC (b)(3), (b)(6) told me what went down and that they were going to do a BDA. He said I would be staying here with the other half of the team with some of the ANA and ANP. They flew out and that's when they said they think they got some women and children, they don't know about weapons.

MAJ (b)(3), (b)(6) You could hear all the communication between the JTAC and (b)(1)1.4(a) or what kind of communication did you actually hear?

CW2 (b)(3), (b)(6) Everybody on our team has an MBTTR radio and we were on team internal the way it was set up was the Command element had the CPT with the JTAC, the CPT was on (b)(1)1.4(a) and the JTAC was on Fires. The Commo guy has a team radio, a SAT Radio, and a couple of other radios in the ATV. So all the radios are playing there piece, the really important stuff CPT (b)(3), (b)(6) will pass to the team. There's me, SFC (b)(3), (b)(6), or SGT (b)(3), (b)(6) was in the clearing element and would pick up (b)(1)1.4c. We would call it out to CPT (b)(3), (b)(6) obviously everybody's hearing what were calling and then he'd give it to SGT (b)(3), (b)(6) who would call it up to the SOTF to report it.

LTC (b)(3), (b)(6) Chief do you carry a SATCOM?

CW2 (b)(3), (b)(6) NO

LTC (b)(3), (b)(6) Is there an equipment shortage?

CW2 (b)(3), (b)(6) On that one there we were dismounted and we only had one, usually on all of our vehicles have one.

LTC (b)(3), (b)(6) So you have the ability to dismount other SATCOMs according to the battery configuration?

CW2 (b)(3), (b)(6) You could what they tend to do is will throw it on a ATV to lighten the load because it's usually just my body armor with the stuff I think I need, probably 70lbs and to throw a radio on it and everything else it's just not going to be affective.

LTC (b)(3), (b)(6) Did you have SATCOM when the team leader went to the BDA site? At your location?

CW2 (b)(3), (b)(6) umm, yup they got on the Blackhawk they couldn't take the ATVs so the 6 wheelers stayed back with me.

MAJ (b)(3), (b)(6) With regards to the information that you said that JTAC said there was PID, JTAC said there was this, is that information you had at the time of the situation or was that something you learned later on?

CW2 (b)(3), (b)(6) The JTAC or the CPT could relay everything they got from (b)(1)1.4(a) and (b)(1)1.4(a) so it might have been right after they called or if they were tied up talking to (b)(1)1.4(a) or somebody else. Might have been a couple minutes but they're pretty quick about passing all the real time information to all the people on the team so we know what are guys know. It's the same thing, like if the Afghans see something that I don't see because some of them had knowledge they'll let me know I got to have a TERP translate it and send it off, just trying to keep everybody informed.

MAJ (b)(3), (b)(6) Did you ever monitor or did you have any idea where the vehicles were traveling to during the time of this operation.

CW2 (b)(3), (b)(6) I was the first one to see them coming down from the north, I could tell that they were coming our way. I know from last trip guys that been out there. SFC (b)(3), (b)(6) has been out here like 7-8 times, he's been to (b)(1)1.4(a) numerous times, and he was talking about (b)(1)1.4(a) waddi telling us that the bad guys were the only ones that travel there. We just had that feeling like they're coming for us. Nobody travels in that waddi at night unless they're bad and that was the feeling we had. Even the ANA and ANP were saying that.

MAJ (b)(3), (b)(6) what were they saying?

CW2 (b)(3), (b)(6) They were like nobody comes down from there at night in that waddi with lights on announcing their presence. They told us that they were coming in to reinforce here because they had seen in their past stuff like that. Sir, that's what we like to call painting a picture it just kept building, and building, and building. That was the same thing that I seen numerous times in the OPCENT last year. Teams will start to see stuff building and they would keep calling it up just so they would know.

MAJ (b)(3), (b)(6) You said you were a team leader a couple of times in the past and that was last year that you said you were a team leader?

CW2 (b)(3), (b)(6) I've been a warrant for about for a little over 3years now

MAJ (b)(3), (b)(6) You've been in the same situation as the CPT has been?

MAJ (b)(3), (b)(6) Last year I was the Battle CPT running the OPCENT, I ran everything from 8-8 the show was mine. I ran over 80 Level 1s and 2 CONOPS.

LTC (b)(3), (b)(6) Have you ever been a GFC because you didn't have a CPT on your ODA?

CW2 (b)(3), (b)(6) Negative

COL (b)(3), (b)(6) Your personal assessment of the decision to engage these vehicles based on what you knew at the time, do you think was a reasonable decision or a bad decision?

CW2 (b)(3), (b)(6) I think it was a reasonable decision.



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

CW2 (b)(3), (b)(6) Early or the beginning of the month we went out to (b)(1)1.4(a) and it was almost the same thing. Helicopters were flying around, helicopters got PID and they were...I'm not sure of the distance...but they were out there still a threat. Helicopters called through to us, we called through the SOTF we got cleared to engage them. SOTF was a little bit mad about it but as soon as we went down there and did PID we found 1 gun and we were good to go. We took pictures of the site, we got a dead guy, and we Pided a gun that we couldn't get out of the rubble. The vehicle had a Mortar system in it, they hauled ass with the Mortar system and left a blood trail and drag marks. They did everything they could to sterilize that site. There's no doubt in my mind that they didn't do that on this one. The EOD guy...I didn't even go, I have no idea what was out there...but the EOD guy and hopefully you talk to him he can analyze stuff like this. The EOD guy said there was no doubt in his mind that the site was tampered and moved, that's just what they do. They do it all the time.

(MAJ (b)(3), (b)(6) closes and CW2 is warned and excused)

STATEMENT OF

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

TAKEN AT

DATED 2010/02/26

STATEMENT (Continued)

AFFIDAVIT

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

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 9. 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 9 OF 9 PAGES

Interview MG McHale and (b)(6)

Q: Which vehicle was he in?

A: The third

Q: Which vehicle was his mom in?

A: The same. They saw the first vehicle get hit and then tried to open the doors to get out and when the car stopped that is when we got hit.

Q: What time did the trip start?

A: 0600 in the morning

Q: Where did they start from?

A: Kanduz

Q: Did all three start together or did they meet up along the way?

A: All cars and passengers started at the same time

Q: What is his name?

A: (b)(6)

Q: How old is he?

A: 25

Q: How old is his mother?

A: He doesn't know

Q: Of the three vehicles how many people were there total?

A: One vehicle had 10 people the other two vehicles had 12 a piece totaling 34 people

Q: Are they all related or relatives of some sort?

A: They are all neighbors within 30 minutes of each other in the same village

Q: Where were they headed first Kandahar or Kabul, what was there plan?

A: Gereshk District to Kandahar then to Kabul

Q: They had been driving for 24 hours?

A: No the whole trip takes about 24 hours they had just started the trip about 3 hours before the incident

Q: Where were the other people going that were with them?

A: Some were going to Iran to work

Q: Were there any weapons in the vehicle?

A: He only carried a knife with him because he is scared of the Taliban and from (b)(1)1.4(a) to

(b)(1)1.4(a) is a big Taliban area

Q: Had you made any stops in route?

A: No

Q: Had you been stopped while in route?

A: No, when the Taliban see the helicopters, they go to the houses, and when they see the passengers or regular people they take the IED out and let them go and 3 days ago there was another vehicle and the Taliban stopped them to remove IEDs so they could pass.

Q: What do you think about the Taliban?

A: He doesn't know. They don't really do anything to the locals or against the children.

Comment: Tell him it is nice to meet him and that we will pray for his recovery

(b)(6)

Female Patient  
Age: Approx. 50 yrs

Interviewer:

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

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

Female (Interpreted by (b)(3), (b)(6)): She's talking about pain and suffering. She is talking about how she's been helping people and complaining about her leg, and her foot. Complains that she receives no medication, I want medicine I want to get better very quick.

MAJ (b)(3), (b)(6) Hi I'm MAJ (b)(3), (b)(6) ...

{Female keeps talking, very frantic and won't stop talking}

MAJ (b)(3), (b)(6) I would like to talk a little bit about what happened. May I speak to you?

Female: I'm dizzy and the room keeps spinning around, I won't be able to talk. Tell my doctors to take care of me.

MAJ (b)(3), (b)(6) We definitely will, what's your name?

Female: (b)(3), (b)(6)

MAJ (b)(3), (b)(6) Where are you from?

Female: From (b)(1)1.4(a) Village, but I can't remember what district the village belongs to.

MAJ (b)(3), (b)(6) Is she from the tribe (b)(1)1.4(a)?

Female: Complaining about some money she lost, somebody has taken it. She's asking for help...

MAJ (b)(3), (b)(6) Tell me what she lost?

Female: in the car my purse.

Female: she doesn't say anything about her ethnicity but tribally she belongs to Shaheed that are descendents of Arab. They belong to Soldad ethnicity and she is a Shaheed.

MAJ (b)(3), (b)(6) Who was in the car with you?

Female: she remembers a name that was bought up, (b)(6) that was in charge. That guy is her aunts' husband. She said there were 7 people in the car she was riding in, 1 died, and 4 were injured.

MAJ (b)(3), (b)(6) Does she know who died?

Female: she doesn't know. She knows only this guy (b)(6) she doesn't know anybody else that was in her vehicle.

MAJ (b)(3), (b)(6) Which vehicle was she in the 1<sup>st</sup>, the 2<sup>nd</sup>, or the following vehicle?

Female: She was in the 3<sup>rd</sup> car

MAJ (b)(3), (b)(6) What about (b)(6) which car was he in?

Female: The same vehicle that she was. She's yelling names out like (b)(6)

MAJ (b)(3), (b)(6) Who are these people?

Female: Her cousins

MAJ (b)(3), (b)(6) Were they in the vehicle as well?

Female: No they were not, 2 sons of (b)(6) and the rest of them were different and from different places

MAJ (b)(3), (b)(6) Did she know any of the other people from the other places?

Female: No she didn't

MAJ (b)(3), (b)(6) where did they come from?

Female: She said the strike came to the middle vehicle first then the last one and then the first.

MAJ (b)(3), (b)(6) Did she see the middle car explode?

Female: she's complaining about her belongings again. She said she saw the middle vehicle being hit then the back one that I was in and then the 1<sup>st</sup> one was hit.

MAJ (b)(3), (b)(6) Did she have a chance to get out of the car before the 3<sup>rd</sup> one was hit?

Female: she says that they couldn't get out of the car

SGT (b)(3), (b)(6) Can you tell her to slow down and calm down.

(b)(3), (b)(6) I'm telling her that.

Female: when the helicopters showed up we tried to get out of the car. But when we tried to get out we were struck and the driver of the front vehicle did not die, he is intact.

MAJ (b)(3), (b)(6) Where were they coming from that morning? What time did they leave was it the morning or the day before?

Female: she said they spent the night in (b)(1)1.4(a) then that morning they started to move out, at dawn at prayer time we moved out of (b)(1)1.4(a) until the time we were hit.



(b)(6)

MAJ (b)(3), (b)(6) Did they make any stops on the way to pray or have breakfast?

Female: She's complaining about when she talks she feels pain on her face.

MAJ (b)(3), (b)(6) Did they stop and pray that morning?

Female: we moved from (b)(1)1.4(a) and when we went to (b)(1)1.4(a) for a morning prayer.

MAJ (b)(3), (b)(6) Did she or any other women get out of the car at that time?

Female: Everybody got out

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

Female: I wanted to go to (b)(1)1.4(a) because I had some problems, some fevers and pain, so I wanted to go to (b)(1)1.4(a) I wanted to go to (b)(1)1.4(a) to see these guys they call them (b)(6) she wanted to go to these two people in (b)(1)1.4(a) to get some treatment and her niece is also studying in (b)(1)1.4(a) some place.

MAJ (b)(3), (b)(6) Is that where they were going first?

Female: From (b)(1)1.4(a) we wanted to go to (b)(1)1.4(a) and then from (b)(1)1.4(a) to (b)(1)1.4(a)

MAJ (b)(3), (b)(6) Did she have other family members in the convoy?

Female: she was traveling with her son that is that gentleman in the green chair, with the blue t-shirt.

MAJ (b)(3), (b)(6) What is his name?

Female: (b)(6)

MAJ (b)(3), (b)(6) Any other people that she knew on the convoy?

Female: I didn't know anybody else in the vehicles, the males might know.

MAJ (b)(3), (b)(6) Were there two vehicles coming from (b)(1)1.4(a) and then they picked up a 3<sup>rd</sup> vehicle from (b)(1)1.4(a)?

Female: From (b)(1)1.4(a) when we were moving it was 1 vehicle, 2 other vehicles came from (b)(1)1.4(a) and we all meet together at (b)(1)1.4(a). We paid the Police checkpoint at (b)(1)1.4(a) to pass and they let us go.

MAJ (b)(3), (b)(6) Did she know anyone else besides her son in the other 2 vehicles?

Female: NO, I didn't know anybody else. We are all (b)(6) descendents of to the prophet so I'm not lying.

MAJ (b)(3), (b)(6) I apologize to ask this question, but I have to ask if there were any weapons in those vehicles?

Female: No, I didn't see any weapons; we were civilians going to Kabul we didn't need to have a weapon. We were carrying turkey and other stuff as a gift. It's a tradition when people go to different cities and villages they usually bring some egg, some chicken, or turkey. Those are the products they were carrying. (b)(6) is my aunts' husband.

MAJ (b)(3), (b)(6) That whole area is Taliban controlled, how did they get through the Taliban?

Female: Because that was a short cut and the vehicles were running out of fuel and we didn't have more fuel so we chose a shorter way. That was a part of the discussion that this was the Taliban controlled area that they were going to travel on. But later on they said just trust in Allah, trust in God and move and then we were struck.

MAJ (b)(3), (b)(6) Who helped you right after the strike?

Female: It was people like you guys that helped, 1 man moved towards the helicopter while the other one landed and I saw a guy like you. Referring to the uniform 1 guy had a dog. There was 1 guy that was speaking Dauri and the rest were like you, they put me in the chopper. She went back to talking about the gifts she had to give to her relatives.

MAJ (b)(3), (b)(6) Anything she remembers about the number of people being wounded or the number of people that were killed?

Female: The 4-5 people that were around me were alive but I didn't see who was... I saw people that were just on the ground rolling over in pain and injured... then she starts talking about her money being taken away. There were some females that took her money, she asked the female about her money and the female said we took your money and all of your belongings like her jewelry, and cloths.

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

Female: No not like you a female that didn't have on a uniform on the site where she was being picked up, on the helicopter. She took my golden ring.

MAJ (b)(3), (b)(6) One of the people on the scene took it?

Female: yes

MAJ (b)(3), (b)(6) Do you know who it was?

Female: No I don't know

MAJ (b)(3), (b)(6) Do she know how many women were injured in the incident?

Female: I didn't see, there was another female traveling with them going to (b)(1)1.4(a) she survived but her husband was killed.

MAJ (b)(3), (b)(6) Did she see any children that were killed?

Female: No I don't know. The car in the middle was carrying a family, the family might have been killed but I don't know.

MAJ (b)(3), (b)(6) How many children did she see?

Female: 4 children were traveling with me in the same car.

MAJ (b)(3), (b)(6) How old were those children?

Female: 15/7/9/10, this big, this height. I don't know the exact age and estimation.

MAJ (b)(3), (b)(6) were they below the age of 10?

Female: They were older than 10, no children under 10. Out of those children few of them were going to (b)(1)1.4(a) and some of them were headed to Iran.

MAJ (b)(3), (b)(6) Were there any children below the age of 10 in any of the cars?

Female: The middle car that was carrying that family they had 4 children that were 5/4 and around this age (???)

MAJ (b)(3), (b)(6) What injuries happened to her in this accident?

Female: Severe pain in my leg and my face, there was blood. There wasn't any blood on my feet but I have fractures on my left ankle and on my right front of my calf I have fractures.

MAJ (b)(3), (b)(6) where was she sitting in the back car?

Female: In the middle seat, normally they have three and I was in the middle one. I was on the left side of the car by the window. The driver was in front of me and there were two guys sitting beside me.

MAJ (b)(3), (b)(6) Tell me in your own words what we can do for you and the people that were with you?

Female: Helping me with money, medication, and taking me back to my place. Keeps talking about here legs and the injury's that she sustained

(b)(3), (b)(6) I'm telling her she is going to be fine and she is in good hands

Female: A lot of pain on my right leg. Please leave me I want to lay in my bed.

MAJ (b)(3), (b)(6) Absolutely, thank you for your time.

BOOK 5

21 FEBRUARY 2010 – URUZGAN PROVINCE CIVCAS

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G.	OPORD (b)(1)1.4(a) (OEF-A (b)(1)1.4(a)) – SOTF-12	23 November 2009
H.	SOTF (b)(1)1.4(a) South Commander Guidance Letter #1	5 February 2010
I.	Pre-CONOP Operation (b)(1)1.4(a) Intel	Various

- J. ODA (b)(1)1.4(a) CONOP Operation (b)(1)1.4(a) 200135ZFEB10  
(2 copies)
- K. ODA (b)(1)1.4(a) Operation (b)(1)1.4(a) 20 February 2010  
Sensitive Site Exploitation (SSE)
- L. SOTF-S Operation (b)(1)1.4(a) Story Boards 20 February 2010  
(Version 1 & 2)
- M. SOTF-S OPSUM CONOP (b)(1)1.4(a) 19-21 February 2010
- N. SOTF-S (b)(1)1.4(a) CIVCAS Talking Points/Products
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Executive Summary, Operation (b)(1)1.4(a) :  
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- R. Military Intelligence Post-Strike Source Report, 22 February 2010  
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- S. SOTF-S White Paper: Operation (b)(1)1.4(a) 24 February 2010  
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- T. Predator Feed Transcript 21 February 2010
- U. SOTF-S Operations Center mIRC Chat LOG 21 February 2010
- V. SOTF-S Battle Captain mIRC Chat LOG 21 February 2010
- W. (b)(1)1.4(a) Log: Operation (b)(1)1.4(a) 21 February 2010
- X. (b)(1)1.4(a) Log: Operation (b)(1)1.4(a) 21 February 2010
- Y. 12 B Battle CAB Checklist 21 February 2010
- Z. ODA (b)(1)1.4(a) OPN (b)(1)1.4(a) Post Mission Analysis 200135ZFEB10
- AA. SOTF to CJSOTF-A, First Impression Report
- BB. SOTF to CJSOTF-A, Second Impression Report
- CC. ODA (b)(1)1.4(a) CONOP/AAR “(b)(1)1.4(a)”, Condolence Payment reports

**DRONES / CENTCOM / 1643-1644 DIF**



# SOTF-SOUTH WAKE UP CRITERIA



	CHOPS	OPCEN SGM	OPCEN DIR	XO	CSM	BN CDR	ADDITIONAL
SOTF-KAF CASUALTY	X	X	X	X	X	X	MEDSHACK, S1, S4, SUPCEN DIR/1SG, CHAPLAIN
MEDEVAC	X	X	X	X	X	X	MEDSHACK, S1
CIVCAS	X	X	X	X	X	X	JAG / MEDSHACK/ PAO / IO
DOWNED A/C OR ISOLATED PERSONNEL	X	X	X	X	X	X	PRCC REP, TRIDENT OPS
TIC (ENDURING / COMPLEX ATTACK)	X	X	X		X	X	FIRES
POTENTIAL CAS ON COMPOUND	X	X	X			X	JAG
SOTF (b)(1)1, 4(a) DETAINEES	X				X		JAG / FDS GUARD NCOIC, 1SG
ATTACK ON PROV GOVERNMENT	X	X	X			X	IO
INVOLVEMENT IN BLUE ON BLUE/GREEN	X	X	X		X	X	JAG
INTEL ON HVT / TOP DOWN TST	X	X	X		X	X	S2, S35
IMMINENT THREAT OF ATTACK ON FB	X	X	X		X	X	S2
NEG MEDIA INCIDENT	X		X			X	JAG
MASCAL (5 OR MORE CF/LN)	X	X	X	X	X	X	MEDSHACK, SUPCEN DIRECTOR, CHAPLAIN
RAMPSIDE CEREMONIES		X		X	X	X	SUPCEN 1SG, TRIDENT OPS, CHAPLAIN
E-RESUPPLY		X	X				SUPCEN, AIR
RED CROSS MESSAGE							S1 CHAPLAIN (IF REQUIRED)
MLE OF A FAMILY MEMBER (children, wife/husband, parents, siblings)				X	X	X	CHAPLAIN
ANY ACT THAT BRINGS EMBARRASSMENT TO SOTF		X	X		X	X	
DUSTWUN IN RC SOUTH	X	X	X	X	X	X	OCE OIC, PRCC CJSOAC REP

SOTF <sup>b(1)1.4(a)</sup> WAKE-UP CRITERIA

	CHOPS	OPCEN SGM	OPCEN DIR	XO	CSM	BNCDR	ADDITIONAL
SOTF-KAF CASUALTY	X	X	X	X	X	X	MEDSHACK, S1, S4, SUPCEN DIR/1SG, CHAPLAIN
MEDEVAC	X	X	X	X	X	X	MEDSHACK, S1
CIVCAS	X	X	X	X	X	X	JAG, MEDSHACK / PAO, IO
DOWNED A/C OR ISOLATED PERSONNEL	X	X	X	X	X	X	PRCC REP, TRIDENT OPS
TIC (ENDURING / COMPLEX ATTACK)	X		X		X	X	FIRCS
POTENTIAL CAS ON COMPOUND	X		X			X	JAG
SOTF-KAF DETAINEES	X				X		JAG / FDS GUARD NCOIC, 1SG
ATTACK ON PROV GOVERNMENT	X		X			X	IO
INVOLVEMENT IN BLUE ON BLUE/GREEN	X		X		X	X	JAG
INTEL ON HVT / TOP DOWN TST	X	X	X		X	X	S2, S35
IMMINENT THREAT OF ATTACK ON FB	X		X		X	X	S2
NEG MEDIA INCIDENT	X		X			X	JAG
MASCAL (5 OR MORE CF/LN)	X	X	X	X	X	X	MEDSHACK, SUPCEN DIRECTOR, CHAPLAIN
RAMPSTEAD CEREMONIES		X		X	X	X	SUPCEN 1SG, TRIDENT OPS, CHAPLAIN
E-RESUPPLY				X	X		SUPCEN, AIR
RED CROSS MESSAGE				IF REQUIRES IMMEDIATE ACTION OR LLE OF FAMILY MEMBER			S1 CHAPLAIN (IF REQUIRED)
LLE OF A FAMILY MEMBER (children, wife/husband, parents, siblings)				X	X	X	CHAPLAIN
ANY ACT THAT BRINGS EMBARRASSMENT TO SOTF					X	X	
DUSTWUN IN RC SOUTH	X	X	X	X	X	X	OCE OIC, PRCC CJSOAC REP

**DRONES / CENTCOM / 1647-1662 DIF**