

Major General Votel: I've introduced you to everyone in the room. Let me just introduce myself. I'm Major General Joe Votel. I'm currently assigned as the Chief of Staff at US Special Operations Command down in Tampa, but in my capacity that we are talking tonight I'm the investigating officer appointed by General Mattis, the CENTCOM Commander, to investigate the facts and circumstances surrounding the hostage rescue operation in Konar Province, Afghanistan which took place about 9 or 10 days ago, and you were part of the force that went onto the objective.

Witness: Yes, sir.

Major General Votel: As part of my duties here I have to provide you a rights advisement. Before we begin our discussion I want to inform you that I suspect you may have violated the Uniform Code of Military Justice, specifically Article 92, Dereliction of Duty and Article 107, a False Official Statement; consequently I want to make it clear to you right up front that you have rights and you have the following rights. Under Article 31 of the Uniform Code of Military Justice, you may remain silent; that is, say nothing at all. Any statement you make, oral or written, may be used as evidence in a trial by court-martial or in other judicial or administrative proceedings.

You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel, free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing at your own expense.

You may request a lawyer at any time during this interview. If you decide to answer questions without a lawyer present you may stop the questioning at any time. Do you understand all those rights as I have explained them to you?

Witness: Very clear, sir.

Major General Votel: Do you want a lawyer at this time?

Witness: No, sir.

Major General Votel: Are you willing to answer questions?

Witness: Yes, sir.

Major General Votel: Okay, good. Thank you. Because this is an official investigation I do have the obligation to provide you with a little bit more information and so I am going to do that right now. That will be a little bit of administrative, legal sounding here but we'll go through that and then we will have a conversation.

Witness: Alright, sir.

Major General Votel: During the course of this interview, I'm going to ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. This statement I am placing in front of you is a copy of the Privacy Act Statement to witnesses. Basically what it tells you is that I have a legitimate purpose for asking these questions as part of this investigation and the information that you provide will go into the record and personal information about you may be viewable to those who have a reason to view the investigation. What I would like to ask you to do is review this and then print and sign and then date it today, 17 October.

[The witness did as directed.]

Major General Votel: Before we go any further I want to remind you how important it is to give truthful testimony. It is a violation of Federal Law to knowingly make a false statement under oath and the statement you are making today, it's being digitally recorded, we'll produce it verbatim into a written transcript and that does constitute a sworn statement. So, what I would like to ask you to do is if you would stand and raise your right hand, please.

[The witness did as directed and was sworn.]

Major General Votel: Okay, good. Thank you very much. Okay, well, listen, here is how we are going to do this. What I would invite you to do again is to please just relax, we are going to try to keep this as conversational as we can, we are going to make use of a very simple diagram here in front of you. We've got a piece of imagery here that admittedly is not the best but it's kind of the best we could gather before we came out here that kind of shows the objective area. We've got some full motion video here, I think you have probably seen some of that and we'll probably refer

to all three of those things as we go through. TM 5, as we talk here it is important that when you answer questions that you kind of verbalize those answers here, the machine won't pick up nods or anything else. When we talk about your movement or actions, if I could just ask you please to, when possible, please refer to building numbers as you kind of see them indicated here. You may hear one or another of us to just chime in at times just to kind of clarify something for the record and that's just to make sure we are accurate as possible here. Let me, and I'll start off asking some questions. We are going to go through this chronologically, in sequence. I'll ask you some questions, I'll give you a very good opportunity to talk. When we get to the end of a certain section here I'll stop and invite the Brigadier or the UK SME to ask any questions that they might have and then we'll kind of continue on here. We are in no rush. We've got plenty of time. Take all the time you need. If you need to take a break you just let us know. Okay?

Witness: Yes, sir.

Major General Votel: Okay. So, you showed up at the TF about the time that they are starting to do work ups for this deployment?

Witness: Correct.

Major General Votel: And you were able to kind of go through that whole training train up time?

Witness: Yes. The timing was pretty good. I was fortunate to do that from the beginning all the way to the build up for deployment.

Major General Votel: Okay, just for the record this is your first deployment with the TF?

Witness: Correct.

Major General Votel: Okay. Let me then just jump ahead to the mission at hand here. I think we've had a pretty good discussion about some of the intelligence and everything that kind of built up to the execution of this particular operation. What I specifically would like to ask you to talk about is kind of your roll in what - what it is you were asked to do as part of this particular mission. If I could just ask you to

kind of take it from the point of infiltration as you kind of moved in and were getting into the kind of 21, 22, 23, series buildings. Let me just ask you to free talk that and we'll interject questions or something if we get one.

Witness:

Okay. It starts for me, the first objective enterprise we did three days prior to this. Just for fact, I mean, I think right off the bat feel a huge burden to explain to you, sir, and everyone in this room what it was like to be on that op and the op that we are talking about right now because I consider it the most courageous thing I've seen a group of guys do and I take a lot of pride of being a part of the Team that was asked to go on these missions because, we've had a pretty serious combat deployment to date and I guess nervous energy you could say from the get go and we were tasked to do this it was pretty obvious and it was pretty thick. Like I said, it was the most courageous thing I've done going on this and not having guys having any shadow of doubt in their mind they don't want to do this, we shouldn't be doing this any of that stuff. So, that's kind of where it starts for me. Going to the X directly to the target and seeing that target building before you even [redacted (b)(1)1.4a, (b)(2)High] from the helo, in Konar adds another dynamic to it. So, it was pretty unbelievable and I'll never forget that.

This particular mission, knowing we were going to the X, we could do it. We came in and the pilot swings the tail around, targets right in front of our face. I would say probably 30 or 25 yards from us from the building. We were able to see windows on the 20 series, at least the 21 and the 22 series buildings, ways to get in and ways to get out, windows. I'm going to be [redacted (b)(1)1.4a, (b)(2)High] it looks like coming off the bird [redacted (b)(1)1.4a, (b)(2)High] hover was so uncomfortably long for us to start going that it almost felt like they were trying to land that or put a piece of that ramp on one of those trellises to get us to the target. We understand their perspective and [redacted (b)(2)High] if they can do that vice the [redacted (b)(1)1.4a, (b)(2)High] and all those variables but I'll tell you it was so uncomfortable, we were like, what was going on. I know the guys right in front of me TM 1, I think he was, I think

the first one, he was like what are we doing, let's go, let's go. That contributes to the (b)(2)High (b)(2)High Obviously the helo is there but the longer we have to stay there and not get off that helo the longer for them to set up and we all understand that these guys are - if there are fighters there they are going to fight and they are not going to back down and who knows what they are capable of doing.

So, I go down the (b)(1)1.4a, (b)(2)High like I said, (b)(1)1.4a, (b)(2)High if I remember correctly. Obviously we know exact where we need to go from the map study and it was right there. There were really not a lot of surprises off the bat, kind of laid out just like I expected.

Major General Votel: It was laid out like you expected?

Witness: Yes, sir. As far as the 20 series and what TM 1 had briefed our team before we went out and what our actions were going to be. We were, you know, right at that time everyone was like, okay, it looks like we'll be able to execute that plan until we need to change it. That was half the team pushing up past the 20, up one more terrace and paralleling between the top and low and hike down on the 20s to possibly do the 10 and 20 series at the same time if we needed to. So, right there that was a consideration, knowing that our small assault force was going to at least (b)(2)High initially right off the bat.

The next thing, as soon as the (b)(2)High peals off and it was - you were able to hear gun shots. There were gun shots coming right at us right off the bat and for our guys obviously, I mean you can hear them winging by us.

Major General Votel: Okay. If I could add just for a point of clarification. Where were you in the sequence, what number were you going (b)(1)1.4a, (b)(2)High Do you recall?

Witness: I want to say I was (b)(1)1.4a, (b)(2)High, sir.

Major General Votel: But as soon as you landed and as soon as you got off (b)(1)1.4a, (b)(2)High shortly there afterwards you experienced being shot at?

Witness: Oh, yes, sir. Like I said, right as soon as the helo would allow audible sounds to be heard other than

that helo, it was snap, snap, snap, snap coming, you know, I don't know what they saw over there, how they were firing whatever, you know. It was definitely for us. So, we started moving towards the target building. Knowing our Team was going to split up, it's in the back of my head and it's TM 3 and I that are pretty much right next to each other. About to make that first climb up to the trellises. It being a PR mission and a hostage recovery, the - to move forward was a big part of it, you know, not hunker down and wait to see what happens, wait to see where the fire is coming from. See if we could flank it or any of that. It's go to get the job done to recover the individual, (b)(2)Hgh and so that's what we did. At the point where it came down to climb up that trellis it's like 8 to 10 feet, that's a lot harder for TM 3 and it's a little easier for me, but you know, they were like 8 or 10 foot trellises and right before we are about to climb up I see one male run out of, I believe it was the 23 series. Runs out and takes a hard left towards the 25 and 26 which I didn't know that was there. I didn't know the 25 and 26 structure was there but I knew that he took a hard left and was running away hard. TM 3 took a couple of shots. I took a couple of shots. I had a jam, I had to communicate a hold up real quick so I racked it and banged it, got reloaded so that freaked me out a little bit knowing I was going to be in the front and I already had a jam.

Major General Votel: So, you and TM 3 were shooting at the same target?

Witness: Yes, sir.

Major General Votel: This was the target that you did not hit, either of you hit, or?

Witness: I couldn't tell at that time if he had gone down because like I said the trellis was 8 to 10 feet and we had yet to climb up it.

Major General Votel: I see.

Witness: So, we had a little bit of a hang up before we climbed up there.

Major General Votel: Okay.

Witness: We climbed up. We are immediately at the corner of the 21 series building and we are going to press

parallel towards the 25 and 26 buildings. It was tough and it took a little - a lot of fast decision making is happening especially between TM 3 and I and a lot of it was non-verbal. A lot of what we do there is not a lot of talking going on. You know we are pretty good and take a lot of pride to read each other and what we are doing and how we are going to do it without hey, this and don't do that and don't do that, especially knowing that they are probably set up at somewhere on this target right now. We had already seen one guy and that comes into play because we are going to walk this space here between the 20 - along these buildings and that trellis to where it falls down probably about 6 to 8 feet. So, there is not a lot of place to go and we are going to walk down that funnel, or that possible fatal funnel to keep pressing forward.

Major General Votel: Okay, so you are indicating that the part of the terrace that is right there in front of buildings 21, 22, 23, and then it drops off. How wide do you estimate that was?

Witness: I would say it's about 6 to 8 feet. 8 feet at the widest point obviously no construction to it at all, it's just ----

Major General Votel: Just earth?

Witness: Right. It's skinny then gets a little wider and comes back in that kind of thing. So, we are having to deal with covering ourselves from the windows or the modified windows and doors of the 21, 22, and 23 series and worrying about taking shots from there and at the same time we are taking rounds directly in front of us and it appears to be from a low point that drops down right after the 23 series building. It obviously drops down. With our SOPs and our

(b)(1)1.4a, (b)(2)High

anything else. So, that is what we did. Uhm, as we are going along, looking into the window, checking up, looking into the window, checking in front of us, creeping along at about the 22 series we are about to break into the 23, I look forward and see a guy pop up with a gun and he pops back down, and he pops back up. TM 3 took a couple of shots. I couldn't see if

he went down or not but I know he engaged that guy.
So, my ----

Major General Votel: Did you engage your weapon at that time?

Witness: I don't remember doing that, sir, I would have to look at the video but at that point I do not remember engaging that guy because he's to my 11 o'clock and I'm kind of just shadowing him. I tried not to leave him out there by himself. If he needs fire support I can fire but I can still clear, you know, I can look into the building, kind of help him out and kind of support your buddy in that fashion. We stop at that point because he takes shots and it's kind of like just a pregnant pause. I look inside the 22 series building again. I look back up again and I see another guy. Obviously a different male. Same thing, weapon up and down. I saw him do it once, peek back down and I saw him do it again. At that point in time I took a knee. I was thinking a million miles a minute at this time. This is, this is ----

Major General Votel: Did anybody engage him to your knowledge?

Witness: No, I did not. I did not have a chance to hold my weapon up. I didn't even have a chance to even present to - according to the amount of time I saw his head come up with a gun.

Major General Votel: Okay. Go ahead.

Witness: So, at that time, actually a little bit before that if I could back up. The guy we engaged initially, we - he had fallen and he was right at the crest of the 23 series building about right there. Still at the higher part of it and that's how ----

Major General Votel: Okay. You indicated kind of the Southeast corner of building 23. Okay.

Witness: Correct. At that time, one fighter is down. I see a second fighter that's already been engaged, not sure what his status is. I see a third fighter come. I'm looking up for a target of opportunity, not knowing what he's going to do. I'm thinking if this guy rips full auto, right now, right down our channel, there's a couple of guys that are going to go down and it's going to get ugly real fast. The other thing on my mind is I know just by how we move on a target that

TM 1 and TM 4 at least, I know at least two guys from my team road up and down the trellis and they are pushing along the same way. At that point I can see that this building here, if you can come up here, there is a walkway here. We looked at it on a map, from our map study before we left for the target.

Major General Votel: You are indicating kind of the little space between 23 and 25 and once it gets up on the north side of 23 and 25 it actually, you are actually on the terrain and there is a little trail that continues up to 11 and 12.

Witness: Yes, sir.

Major General Votel: Okay.

Witness: Yeah. So, seeing that on a map, you really pay attention to that on the map study, avenues of approach, who can get where, not only are we thinking about using it but if an enemy is there they are obviously going to use it too. So, I'm thinking, I'm in the fatal fall right now. This is going to be another fatal fall because I don't know what my teammates actions are going to be up here at the 23 and into the 25 series, if they are just going to come here and try to press and try to do the 11 and 12 series because it is a personal recovery mission to get to those buildings are priority. So, I'm thinking if they are susceptible in getting hit if not somebody being fatally hit up that channel on top of who I have in front of me and TM 3 and I'm not even sure how many guys are behind me but I know there are guys behind me. So, at that time I told TM 3, I'm going to frag it and I can't remember verbatim what he repeated to me but he did repeat some communication like he's fragging it or check or something like that. He did say something. And, uhm, I'm just off to his right, I pull it out and I lob it right down at the bottom, or, not the bottom but into that little cut out down there where I saw both of those heads pop up and turned around and tried to at least fall into the wall if not find a little space of wall to cut into so that thing could take care of those guys down there not knowing how many more, at least two, confirmed with weapons and had already been shot at.

Major General Votel: Okay. Let's, that's probably a good place to kind of stop here and then just maybe ask a couple of questions. You were talking about that terrace in front of 21, 22, 23 and it kind of being a fatal funnel are the words I think you used there, meaning somebody could shoot straight down there and have an instant impact on you and TM 3 and perhaps other operators that were moving along there. Did you feel that you weren't safe to just go inside one of the buildings at that particular part or they had not been cleared or?

Witness: They had not been cleared. Yes, sir. I tried to bring that point up a little bit, prior threat, you know, because being in the front our responsibility

(b)(1)1.4a, (b)(2)High

because that's just in the SOP. They wouldn't drop that. They wouldn't come all the way to where we were at and kind of stay and hunker down behind us or anything like that. You know we count on each other to do that.

Major General Votel: Okay. Just for clarification, can I ask what type of weapon you are carrying?

Witness: Uhm, (b)(1)1.4a, (b)(2)High

Major General Votel: (b)(1)1.4a, (b)(2)High and what type of ammunition?

Witness: (b)(1)1.4a, (b)(2)High

Major General Votel: (b)(1)1.4a, (b)(2)High Is that kind of a standard load that you have carried with you throughout this deployment or you didn't modify anything specific for this?

Witness: Uh, no, sir, no change.

Major General Votel: What about a side arm?

Witness: Uhm, it's normally a (b)(1)1.4a, (b)(2)High; but for this I had taken also (b)(1)1.4a, (b)(2)High. It is real nice, (b)(1)1.4a, (b)(2)High and it's got a holster that's on my left side. That's for a far threat of any kind.

Major General Votel: Okay. So, you had a (b)(1)1.4a, (b)(2)High, and then you had this other weapon?

Witness: No, sir, I did not have (b)(1)1.4a.(b)(2)High, sir.

Major General Votel: So, you actually only had those (b)(1)1.4a.(b)(2)High?

Witness: Yes, I made a gear modification because I dropped that (b)(1)1.4a.(b)(2)High.

Major General Votel: And then what did you have on your person with respect to grenades of any and all types?

Witness: I just had the one (b)(1)1.4a.(b)(2)High

Major General Votel: One frag?

Witness: Yes, sir.

Major General Votel: Okay. What I would like to do if we could, could I ask you to call up that, what I'm going to do is show him this full motioned video here. I think you've probably seen this here. What I would like you to do is just relax and I'm going to ask you to kind of help talk us through this a little bit just so we kind of understand it from your perspective. Again, I'll let you kind of free talk here.

You've seen this a couple of times or more?

Witness: TF Senior Enlisted showed it to me, sir.

Major General Votel: Okay. So, how many times have you seen it?

Witness: Twice.

Major General Votel: Just twice?

Witness: Yes, sir.

Major General Votel: Okay, just by way of orientation here, here's 11 and 12, here's 21, 22, 23 and that would be 25 right there. Okay, and you are much more familiar with this than I am so go ahead and roll that. Okay, we see what we think are people fleeing off the objective here, some of the operators and team members started to arrive here on the objective area. Okay, you see an individual move up, he comes back, goes into, throws something then he's engaged. Stop there, please. Did you see that engagement?

Witness: Yes, sir, I was part of that engagement. As I believe I was, sir, yes. It makes perfect sense with the timeline there.

Major General Votel: So, you believe both you and TM 3 engaged on this one?

Witness: Yes, sir. That's - right there is when I had the jam that I spoke of earlier.

Major General Votel: After you engaged?

Witness: Yes, sir.

Major General Votel: Okay, go ahead please. So, this guy is down here and we'll start to see of your, as you described, some of your teammates come across the or off the roof here, that's 22 we are looking at and then 23. We've identified this is your team leader there and TM 9 behind him. Okay, now you are going to see some enemy move back up here and stop there please. We do see an operator right here with a rifle up.

Witness: Yes, sir.

Major General Votel: Who do you think that is?

Witness: I think that's TM 3.

Major General Votel: And then go ahead please. This person comes up and over and he is engaged. Stop. Did you engage on this one as well?

Witness: I don't believe so, sir, no.

Major General Votel: But you had worked through your jam in your weapon?

Witness: Yes, sir.

Major General Votel: Okay. And at this point you are almost, it looks like you do have your weapon up in front of you and you are still behind TM 3 here.

Witness: Just off his shoulder, yes, sir, and I actually saw that guy's head and I couldn't tell and I didn't know if TM 3 could tell if he actually hit that individual or not but I saw him. He was approaching the crest of that low spot where he's got ----

Major General Votel: Right, you are talking about this corner right there, the southeast corner of building 23 right here where there is a little rise.

Witness: Yes, sir.

Major General Votel: Okay. Go ahead please. Stop. At this point you kind of moved up right beside TM 3. Are both of you standing there at this point?

Witness: To this point frame, yes, sir.

Major General Votel: And continue to observe down there. Do you know who it is behind you at all?

Witness: I do not. I could take a guess but I do not know exactly.

Major General Votel: Okay, good. What's coming into view here is this third enemy that is moving up here and I think we see he has engaged as well. Go ahead and roll forward a little bit here. He's engaged and he falls back. Stop. Now, did you engage onto him?

Witness: I don't believe I did, sir.

Major General Votel: But, TM 3 did, you would have heard that right next to you, right?

Witness: Yes, sir.

Major General Votel: Okay, at this point, is this the point of which you say, fragout or we need to frag this or I'm going to frag this?

Witness: Yes, sir. That's precisely what it is right now. I took a knee. I looked around myself and cleared. I felt like the enemy was at least gaining an advantage at some kind at that point. Seeing a new face after we dropped the first guy, seeing a third new face, and I don't know if I had not seen another guy there or not or how many guys were coming from the 25, 26, 27 area to that position. So, that's when I took a knee and communicated to TM 3 my intentions.

Major General Votel: Okay. Thanks. Can I ask you, did you see, were you able through your (b)(1)1.4a.(b)(2)High able to see this third individual coming out, were you able to visually identify him?

Witness: I identified his head and a weapon, leading out with a weapon, very similar to the third one.

Major General Votel: For the third one, very similar to the second one is what you are saying?

Witness: Yes, sir.

Major General Votel: Were you able to see any kind of rack or anything, or what his orientation was? Did he perceive to be running laterally to you and exposing his flank or coming from at you?

Witness: It pretty much seemed dead on.

Major General Votel: So, he seemed like he was coming straight toward, presenting the front of his body basically right in front of the down slope, the fatal funnel as you described here?

Witness: Correct.

Major General Votel: Were you able to determine how he was carrying his weapon? Did he have it in both arms, did he have it in one or the other?

Witness: He had it in both. I could see the metal, the barrel of his weapon in front of his face.

Major General Votel: Okay. So, then go ahead and roll it forward, and you employing a grenade at this particular point here. You move back into the little out cove there, stop. So, now did you recall who all was in here with you and TM 3? Was there a third in there, do you know?

Witness: No, sir, I am pretty certain it is just TM 3 and myself.

Major General Votel: Okay. Go ahead please. The grenade explodes. Stop. Did you hear any firing from any other locations other than from the front patio or terrace in front of buildings 21, 22, 23, you didn't hear fire coming from any place other?

Witness: No, sir.

Major General Votel: How long did you move down the terrace or did you continue to hear unsuppressed fire, meaning the enemy was shooting at you?

Witness: Uhm, about the time that we saw the second guy.

Major General Votel: The second guy?

Witness: Yes, sir.

Major General Votel: That would have been the last time that you would have heard - that you would have felt the effects of something like that or heard it?

Witness: Yes, sir.

Major General Votel: Then once the explosion occurs here, the grenade goes off, and this tape is almost out of here, but do you recall what happened after that? What your actions were after that?

Witness: Yes, TM 3 and I came out, looked. We stopped just short of the crest of that drop down, where those enemies were seen and where I deployed that grenade to, still trying to use that distance and that elevation change as cover to look down in there. I could see still the first guy, I could see the second guy and I couldn't see the third guy yet. So, I slowly approached it, saw the third guy off to the right almost off the trellis from falling down and at that point I could recognize there was a pathway coming along down here.

Major General Votel: And that's in front of buildings 25 and 26?

Witness: Yes, sir. And at that time also I could recognize that Bravo's insert point obviously, we already knew what it was but I could tell that they were off the bird and their lasers were pointing up in the direction up that hill trying to make their way there. I made an assessment, is that place clear? Do I need to push forward and do anything else there? It seemed like it was cleared, nothing was going on. I counted, 1, 2, 3, I saw 1, 2, 3 and continued on.

Major General Votel: And then what?

Witness: And then continued on.

Major General Votel: And then did you do any more clearing in the 22 or 23 buildings at all?

Witness: No, sir.

Major General Votel: And when you say, 'continued on' you mean you continued on to -----

Witness: The 10 series.

Major General Votel: The 10 series up to the 11 and 12?

Witness: Yes, sir.

Major General Votel: Do you recall then stepping over or bypassing these enemy killed in action 1 or enemy killed in action 2?

Witness: Yes, sir, we had to step over both of those.

Major General Votel: Okay. Then turned and went up this little draw between 23 and 25 and then continued on to building 11 and 12?

Witness: Correct.

Major General Votel: Okay. Let me just stop right there and see if Brigadier, any questions?

Brigadier Nitsch: Thank you. I just have a few questions. The first question is, and you have to excuse my ignorance, the difference in training for the (b)(1)1.4a, (b)(2)High (b)(1)1.4a, (b)(2)High (b)(1)1.4a, (b)(2)High So, the first time you encountered hostage rescue type of situations is when you did your training prior to coming here?

Witness: Yes, I would agree with that statement, sir.

Brigadier Nitsch: Yeah, and this is fine. So, this was - the only time you had done this hostage rescue missions would have been in pretraining before coming to Afghanistan?

Witness: Yes, sir.

Brigadier Nitsch: Yeah, that's great. Did you feel suitably prepared for this operation?

Witness: I did. I personally did, yes, sir.

Brigadier Nitsch: Okay.

Witness: And I knew it was going to be nasty just because of where it was and all the factors involved but I think we all expected a fight at least.

Brigadier Nitsch: Okay. Thank you. Just one more question for you and that is, did you chose to take the grenade launcher or were you directed to take it?

Witness: I was directed.

Brigadier Nitsch: And who asked you to take it?

Witness: You are talking about the (b)(1)1.4a, (b)(2)High

Brigadier Nitsch: Yes.

Witness: Yes, sir, TM 1.

Brigadier Nitsch: So, he asked you to take the grenade launcher with you?

Witness: Yeah, any mission, no matter what the mission was I always checked with him on what he would want because I'm kind of the mule of the team. If something extra needs to come, I take it. In that case it was that grenade launcher, sir.

Brigadier Nitsch: Okay. Can that launch ever type of grenade or is it unique, because I believe there are different types of grenades, aren't there?

Witness: Yes, sir.

Brigadier Nitsch: Fragmentation and others. (b)(1)1.4a, (b)(2)High
(b)(1)1.4a, (b)(2)High
(b)(1)1.4a, (b)(2)High

Witness: There are some different ones, yes, sir, but I just have the (b)(1)1.4a, (b)(2)High rounds.

Major General Votel: (b)(1)1.4a, (b)(2)High

Witness: It has a breach load.

Major General Votel: Yeah, you breach load and then you actually trigger activate it.

Witness: Yes, sir.

Major General Votel: So, the plummet of that is not to be confused with, what we just saw here which was an (b)(1)1.4a, (b)(2)High fragmentary grenade, baseball style that you took out, removed the pin, let the thing fly and threw?

Witness: Yes, sir.

Major General Votel: So, two different things were required.

Brigadier Nitsch: Oh, absolutely. I was just interested that even before the operation started, somebody put grenade in your head already because you had been encouraged to carry a launcher.

Witness: Yes, sir.

Brigadier Nitsch: And you just had the one fragmentation grenade with you or did you have a number?

clearance operations and then can you just talk a little bit about what you did up there?

Witness: Yes, sir. After I took that left between the 23 and 25 series building, ah, it was a little bit of a fight to get up there. Like I said it was ridiculous earth, just ----

Major General Votel: 'Fight' in terms of the difficulty in terms of the terrain?

Witness: Terrain, yes, sir. The push mentally and physically to get to those buildings and hopefully still have some advantage in the clearance of those buildings if she is there to successfully do this mission that's absolutely there. Come up to, I think the 12, I believe that is the lower one and the 11 is the higher one?

Major General Votel: Yes, that's my understanding.

Witness: So, coming from the 12, recognized what was going on. There was a couple of Soldiers there, they took care of business there, I didn't feel like I needed help support to them at all. I kind of gave it a little pregnant pause there as they made their entry to see if they would need my help, you know, you hear a lot of gun fire and the chain reaction is to go support them. They seemed to be fine. I keep going up around the corner a little bit because this is actually like a little bit of turn and a little bit of a (b)(2)High to get inside the 11. There was a room right to the right. Somebody had taken that, I gave a glance over, it was obviously a small room, because as he entered it I saw him in just the small space and kind of had nowhere to go and weapons oriented kind of around like this and kind of checking it out, rather than up at a fan. Come around the corner approaching towards the 12 on the other side of the 11 series building, there's a room in there. I cleared it with I believe TM 2. There was multiple women and children in there. I made entry in there and a lot of the adult figures in there, what I didn't know at the time if they were women or not, but covers pulled up over their head and you can see eyes kind of peaking out, it was kind of a pucker factor. You don't know who is under there and what they are going to do. We took care of it. We identified that Ms. Norgrove is not in there.

Major General Votel: At what point did you come to recognize that the
(b)(1) (1.4a, (b)(2) High had identified Ms. Norgrove down here in the
vicinity of buildings 23 and 25?

Witness: It was a little bit of time, sir.

Major General Votel: And you were still - when you first found out that
information can you relay how you found that out and
where you were?

Witness: Yeah, I'll try to describe it over a period of time
if I can convey that?

Major General Votel: Sure.

Witness: I was in the 11 series building. It was clear, 12
was clear and the 20 series was clear and I believe
there was a radio call that came out. I don't think
it was "Target secure" but I was hearing 20 series
clear. 12's clear. I'm over at 11 with TM 2, so we
marshaled a bunch of the women and children around
trying to just have some kind of order up there. You
know the adults from the children. cursory search
and I assisted him with that. We made sure that they
were in a safe place, searched the rest of their room
for, you know, anything, animal pan hole, any place
they could stuff her not in plain view, underneath
all the bed rolls all that stuff. So that took a
little bit of time. We came back out and I had a
camera on me, a still camera. I came back down here
towards the 23/25 series building and I was going to
see if they needed any help doing the - starting the
SSE or any more searching or follow on searching in
the 20 series building. So, I came down here and
poked in there and everything was fine. I believe
Bravo team, at least one or two of those guys had
already made it up the hill so they were there. So,
we had more help that lead me to come back down here
and start taking pictures of each of the EKIAS since
this was Bravo's original target set anyway. So, I
left that to let them take care of that and I started
taking pictures, face shots of the EKIA so I could -
because my next job in the assault for all the post
assault stuff is to do the tactical questioning of
anyone we can get something out of. So, to prep for
that I went to take pictures of all the EKIAS faces
so I could use those pictures to, you know, show
anyone who's there and anyone we could get
questioning out of. Do you know this guy? Do you

know his name? You know, all that kind of stuff. That's a whole other conversation.

Major General Votel: So, at this point you are still not aware of the status of Ms. Norgrove?

Witness: No, sir.

Major General Votel: Okay. Go ahead, please.

Witness: At that time radio transmission comes over about an SVEST and I took note of it, you know, didn't change anything my train of thought, what I was doing or what I was supposed to be doing on the target and continued what I was doing. I came over to the third guy over here and saw the blast on that guy and hearing an SVEST call it threw me off a little bit. I was like, SVEST, I know I threw a grenade in this area but this guy looks like an SVEST went off on his body or he pulled a grenade on his body or something because the blast was high up on his chest and his arms had gone, parts of it there. So, after I got his picture and the other two pictures I made my way back up to the 11 series building where TM 2 was at because he was the lead tactical questioner, I kind of shadowed him to assist him with all that. I started doing the tactical questioning of the adult females in the 11 and 12 series buildings at that time.

Major General Votel: So, you went, after all the initial engagements you went up to 11 and 12 assisted with the clearance up there then came back down in the vicinity of 22, 23, 25 area assisted with the SSE and took some pictures and then went back up to 11 and 12 to link up with the assistant team leader?

Witness: Yes, sir.

Major General Votel: And at that point when you get back up there, you are still not aware that they had found Ms. Norgrove?

Witness: No. I had got back up there and I heard another radio call, FKIA and FKIA tells you that so that is the time line.

Major General Votel: And at that point that was the notification that you were notified that the hostage had been found and was dead?

Witness: Yes, sir.

Major General Votel: Okay. And when you were down taking pictures, did you take some pictures of EKIA number 3?

Witness: I did.

Major General Votel: And at that point you were aware that there was - that Ms. Norgrove was in the immediate vicinity there?

Witness: Uh ----

Major General Votel: You didn't see any ~~(b)(1), (b)(2), (b)(7)(C)~~ anyone else working on a person there?

Witness: Actually, yes, you are right. That is correct. I did ~~see (b)(1), (b)(2), (b)(7)(C)~~ there. I was not aware that it was Ms. Norgrove but I did - TM 1 was there, I did recognize him.

Major General Votel: Did it ever occur to you when you heard about the SVEST discussion there and the fact that you had thrown a grenade that those might kind of been one and the same?

Witness: It did cross my mind, sir, not to the point that it did, that really came to fruition to me when we were doing our debrief back here at the camp because I had no idea what any of the actions were from my other team members on top or wherever they were on this location on the other side of the 22 or 23, what they saw, or what they did, or who they engaged or any of that. So, no that really came to fruition to me during the debrief when there was no frag grenade mentioned in our debrief back here.

Major General Votel: Okay. So, did you have any occasion to be down and around Ms. Norgrove's body at any time after you found out that they had found her and she had been declared? Were you ever back down around her while they were preparing her for movement out of the objective area?

Witness: When I went back down there she was already in a body bag and they were preparing to move her up here just past where we ~~(b)(2)High~~ in. I heard that just over voice just over Senior TM 2 and ~~The (b)(1), (b)(4a), (b)(2)High GDR~~ talking. I could see she was in a body bag and they were talking about moving her down there, you know,

at that point I offered to give a hand because pretty much the target is wrapped up at this point, so I'm just looking to help out in any way.

Major General Votel: Okay. Anything from you?

Brigadier Nitsch: Nothing from me, thank you.

UK SME : Nothing, sir.

Major General Votel: You doing okay, do you need a break or anything?

Witness: I'm good to go, sir.

Major General Votel: Okay, good.

Witness: It actually feels good to talk about it.

Major General Votel: I don't mind hearing that. TM 5, what I would like to do then is I'd kind of like to keep moving along here and what I'd like to do is obviously the EXFIL takes place, you move back out there. Ms. Norgrove's body is evacuated out and then the remainder of the team climbs ladder and flies back and you come back (b)(1)1.4a, (b)(2)High. What I'm interested in you talking about next, if you would please, is if you could talk about the actions from the time you really arrived back here at the compound, then going to the hot wash and then subsequent debrief.

Witness: Yes, sir, if I could take a step back to the EXFIL?

Major General Votel: Sure.

Witness: Just with mindset and kind of what goes through, speaking for my brothers, you know, mindset as well as mine is that getting out there and doing that EXFIL weighed just as heavily as doing that target. They used (b)(1)1.4a, (b)(2)High EXFIL Ms. Norgrove so that left (b)(1)1.4a, (b)(2)High pick (b)(1)1.4a, (b)(2)High us up. That helo is going to be dead on the inside of that pallet while we are climbing that Jacob's Ladder. So, to get out of that alive, that's a big mental anguish for a lot of guys and I just want to bring it up because that relates to how I'm processing what I saw on target and what I did to when I got back here. So, as soon as we are on that helo and we get out of there and those guys did an amazing job at getting us out of there with the weight in that helo and the elevation. The performance of that helicopter itself. After, you

can kind of get past that in your head and we're good, we are going back to (b)(1), (b)(2) and we didn't lose anybody. It's absolutely amazing. We come (b)(1), (b)(2) to debrief and it starts processing in my head and TM 1 has the floor for the debrief and there's probably (b)(1), (b)(2) people out there. Team (b)(1), (b)(2) you should probably already know this but Team (b)(1), (b)(2) our sister team was here in full, the regular IRF, so they were all there and a lot of people from the JOC over there, so it's not a normal debrief if you will. It is usually just the Soldiers out there and we do our thing and that's it.

Major General Votel: Just to clarify there, what I think you just said was this debrief, the hotwash around the fire out there was not necessarily the same as any previous one you had done in the terms that there were a lot more people out there?

Witness: Yes, sir. A lot more. So when TM 1 starts going over his version and what he saw, he brings up the fact that he engaged a guy, describing exactly the same threat area, that kill box if you will that TM 3 and I were involved in and he describes the angle being from the 23 series building down into that low point. And as soon as he engaged a guy, the round hit, and he blew up. So in my mind, that made me skip for a second. I'm like, huh, and at that point I'm like I need to talk to TM 1 and tell TM 1 what is going on here. Any other debrief, right then and there. I'm like, hold on a second because just with our structure and how our teams are with the leadership, I really don't have a lot to offer when it comes to a debrief. Everything was a dynamic op to say the least as you guys can tell from the videos and everything. I would have absolutely interrupted the flow of what was going on and then this is what happened to me but with the audience that was there, if nothing else but professional military courtesy to my team leader, hey, TM 1, this is what happened, this is what I saw. I think we're talking about the same thing here. You let me know and this is what I got.

That actually didn't happen between TM 1 and I until after the debrief after the photos had been turned in to where I could tell him what was going on and what I saw.

Major General Votel: Let me stop there and ask one question. I apologize for going back but I need to make sure I'm clear on this. On the objective when you were - after you had been up in 11 and 12 there and before the EXFIL, did you and TM 3 have any discussion about the employment of the grenade?

Witness: As we were waiting for ~~(b) (1), (b) (2) (C)~~ to come in and EXFIL, that was the first lull in what was going on is the couple minutes out when ~~(b) (1), (b) (2) (C)~~ was on the way in and he asked me about the S-vest guy and I told him what I saw because I don't think he saw any of those EKIAS. Everything he did from the point of that engagement and that part in that op, that's the last time he saw it until he came back down to EXFIL. He was up in 11 and 12 if I'm not mistaken the entire rest of the op. That's when he had asked me what happened with the S-vest. I told him what I saw. I'm, like, it looks like some guy blew himself up in some capacity and he's like, Jesus.

Major General Votel: Did you guys talk at all about the grenade that had been thrown?

Witness: We did. He said you threw a frag, right? And I'm like, yeah, I did. And he's like, what about the S-vest? I'm like, I don't know. I didn't see it. We've got to figure it out. We've got to talk to TM 1 when we get back.

Major General Votel: So you said that or he said that about talking to TM 1?

Witness: We both did. And that's normal anyway. He's completely approachable. I trust that guy to no end.

Major General Votel: You're talking about TM 1?

Witness: TM 1, absolutely. That guy is absolutely the epitome of what a leader in this community is.

Major General Votel: Let me fast forward you back to the time back here. So we've been to the hotwash, a lot of people there, no particular discussion of the grenade at the hotwash, obviously a lot of people there. As you're thinking about this, you had a discussion with TM 3 about this and then he informed TM 1 of this. That's kind of going through your mind and you don't want to - I don't want to put words in your mouth but you didn't feel comfortable saying it at the hotwash.

You wanted to give him the courtesy talking to him directly?

Witness: Another reason is because in TM 1 position, he's tactically responsible. I've learned that over this deployment. He is responsible for what gets funneled to the (1) (1.4a, (b) (2)) SSE and what gets passed back here. I needed to do that for him for him to be able to tell the (1) (1.4a, (b) (2)) SSE that. Not for him to learn about that in front of that entire audience out there that's not only our team but who knows who else. Can you kind of understand what I'm saying?

Major General Votel: I can understand that. I absolutely can. So you go through the hotwash. Because you were part of the SSE stuff, you go to the J2 SSE debrief and drop off your pictures and answer any questions TQ related or otherwise and then what happens?

Witness: That happened pretty quick. I come back over to the break in the fence here to our specific part of the camp and I'm just kind of waiting for TM 1 to show back up because I know he's got stuff going on over there, whatever he's doing. And a lot of the Team Logar guys, and we're all friends, they come up and they want to know this and they want to know that so that's what I spent the time doing until I came back in our team hooch, Alpha team hooch and TM 1 and TM 3 were in there. We went into it from there.

Major General Votel: When you went into to see TM 1 back in the hooch, TM 3 was over there?

Witness: He was already in the hooch, yes, sir.

Major General Votel: Can I ask you describe the conversation between you and TM 3 and TM 1 about that?

Witness: Yes. There was not much to it. It's just like any other thing. We all talk freely amongst each other. There's not a lot of lines especially at our level between - except for those courtesies I mentioned previously. Between us, we're for the most part friends and I'm getting to be close to friends. I'm the newest of the crew but it was all open and just kind of figuring out who did what. Help telling TM 1 that TM 3 and I, how our approach was along the 20 series, TM 1 telling us where he was, how he was high up on the 20 series also. And how he chose not to

break that threshold and go up to the 11 and 12 but he actually took a covered position using his distance and angles to see what we had going on down there because he could hear that there was a fight down there.

Major General Votel: Who actually told him that a grenade had been employed? Was it you or TM 3?

Witness: I told him.

Major General Votel: You did?

Witness: Yes, sir. I'm, like, hey, man, that's how I talk to him, I'm, like, TM 1, I threw a grenade down there.

Major General Votel: And what was his response?

Witness: He was surprised. He didn't know. He said that he'd take care of it which means to me whatever - he's the one who interacts with the (1.4a, (b)(2)) on that basis anyway. There's nothing else I could say. We had got all the facts out between the three of us and that was pretty much it.

Major General Votel: Did TM 1 indicate to you anything that he was going to do with that information now that he had received it?

Witness: No. He didn't say either way. It wasn't like I've got to go do this or I got to go do that or anything. He's like, roger that.

Major General Votel: Did he indicate he was going to inform anybody or anything like that?

Witness: He didn't voice I'm going to go tell this person in particular or I'm going to go do this or anything like that. That's way above my head as far as the leadership and who goes where with what. I trust him to no end like I said to do his job or whatever he's got to do and that was the end of it.

Major General Votel: I recognize now there's a period of time before the employment of the grenade becomes common knowledge to everybody, to the full chain of command and everyone. You've come in and there's a period of sleep that takes place and then the next day which happens to be Saturday and then there's another period of darkness

and there's the next day, Sunday, and then there's the ambassador that comes.

I want to return to the day in between the Saturday period. Was there a time during that day when you and TM 1 and TM 3 and perhaps anybody else discussed any or had an opportunity to review things that had happened on the objective?

Witness: I'll tell you this much, sir, I didn't sleep very much that night. I remember being woken up by TM 1 and he said that the (b)(1)(1.4a, (b)(2)H)SE wanted to go over the ISR. I guess there had been a feed that had come back. It was a pretty bad feed. It wasn't this one that we watched here. It was something else. I don't even know. So the (b)(1)(1.4a, (b)(2)H)SE ended up coming. I don't know what point in the day it was or anything like that. He came over to Alpha team in TM 1's room and we watched it and that was the only time for that day. We watched the video in TM 1's room.

Major General Votel: What was the nature of the discussion while you were reviewing the full-motion video?

Witness: (b)(1)(1.4a, (b)(2)H)SE and TM 1 did most of the talking. I just stood there and watched. I couldn't make much out. (b)(1)(1.4a, (b)(2)H)SE was bringing up the third guy the one that actually had Ms. Norgrove and he was bringing up that she was right there. I don't know. It just seemed like it was a realization on his part from watching the video that she was with him the whole time.

Major General Votel: Did you happen to mention the grenade at any point during that?

Witness: No, I didn't. I didn't speak in any of that conversation, sir.

Major General Votel: Were any questions directed to you? Did you feel comfortable that you could pipe in there and make some comments?

Witness: If I would have been asked, absolutely, but I didn't feel like I needed to at that point, speak for TM 1 or say what I saw or did what I did because he was the team leader and that was it, sir.

Major General Votel: Were you concerned, you did indicate you did have some difficulty sleeping there, were you concerned

that TM 1 might be getting the wrong impression of what actually happened there at that point?

Witness: No, sir.

Major General Votel: So from your perspective, the suicide vest or the explosion of a grenade on this third EKIA's body was still plausible to you in addition to the grenade that was employed?

Witness: Yes, sir. The moment that it came crashing down on me that she had died on our hands was when we watched this feed with TF Senior Enlisted when this feed came to the camp. That's when I could look at it and be like that grenade that I threw took Ms. Norgrove's life. Until that point, there was doubt as to what had actually taken her life.

Major General Votel: Okay. Thank you. Brigadier?

Brigadier Nitsch: How conscious were you and you've mentioned this a couple of times that you were the youngest member of the or the most junior member of the team, did that suppress you a little bit? Did that weigh on you the way you behaved?

Witness: As far as my actions on target, sir?

Brigadier Nitsch: No, just generally in the way you conduct yourself and everything else?

Witness: No. I don't believe it did. I mean, there's definitely been times where I realize whether it was in a social setting or on an OP ramp I probably shouldn't said something or probably should have shut my mouth or should have let it develop a little bit more with the leadership because the guys here and their experience is striking. I came to this command

(b)(1)1.4a, (b)(2)High

(b)(1)1.4a, (b)(2)High

. I trust everyone in my team. There is a ton of experience in my team and TM 1 our team leader being one of the most senior recognized and combat proven soldiers in the TF. I could talk to him; he's not unapproachable. Hopefully that answers your question, sir.

Brigadier Nitsch: It does, thank you.

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

Just one thing that I wanted to see if I could get some clarity on. When you took a knee from that location in front of the buildings, how far was it to the edge of building 23 from your estimation where the guys were popping up?

Witness:

I'd say it was probably 12 meters or so maybe 25 feet, something like that. It was just enough, sir, to where if we would have taken three or four more steps up, they would have had - it was definitely a distance and angle thing to where TM 3 and I stopped. Like if we'd go any farther than this and there are still guys down there, this is before I threw the line. It could be real bad real quick. That was kind of that line in the sand for both of us.

(b)(1), (b)(4a), (b)(3), (b)(6):

And then, how tall are you?

Witness:

I stand right now just a little over six, four.

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

And then, finally, on the meeting with SE, you said you didn't say anything on that occasion. Did TM 3 say anything?

Witness:

I don't believe he spoke at all either. It was mainly SE and TM 1, sir.

Major General Votel:

TM 5, thanks very much for taking the time and coming to talk with us. I want to remind you that this is an official investigation. It is protected in the sense that this report that I will put together here will be made to the appointing authority and he will make some determinations about what happens next, if there's any action that needs to be taken based on the information I've gathered and the recommendations that we make.

I am ordering you not to divulge the nature of this investigation or the questions, answers, or discussion included in this interview with anyone except a Chaplain or your counsel if you have one until case closure or unless it's approved by me, the Inspector General, or the appointing authority.

If anyone should approach you regarding your testimony or the matters discussed here, you are required to immediately report it to me. As the investigating officer, I am prohibited right now from giving you a copy of the testimony that we're going to transcribe here. However, you may submit a

request in writing for the report or any part thereof to the appointing authority or the Freedom of Information Act Office. The release authority will evaluate your request under both the Freedom of Information Act and the Privacy Act and provide the releasable information to you. If this report becomes the basis of adverse action against you, you or your counsel can request access to the report. It is entirely within the appointing authority's prerogative, this being General Mattis to provide you access to the relevant portions of the report to use in your defense if necessary.

TM 5, we're going to be around probably just for about another 12 hours or so. Something more may come to your mind here. If it does that you'd like to share with us or you think would be relevant to the investigation and you are willing to share it, please let us know and we will immediately reconvene and discuss it here.

Are there any other matters or discussion points that we haven't covered that you believe may be important to the investigation or that you'd like to talk about?

Witness:

Right now if I could just speak freely and close it for myself. I know you guys have talked to everyone above me. It kind of seems like I was the last guy. I feel a huge responsibility to convey to all of you especially the two of you, sir, that you guys lost one of your countrymen and it was at the hands of me for God sakes. It was a pretty honorable thing to be able to attempt that and I hope that means something. The guys here are amazing. I'd do it again. I wouldn't hesitate to do it again. I hope that I can convey what it was like in my eyes. If I didn't explain it clear or give you an idea of what that op was actually like, then I've failed and I don't want to do that. Hopefully, I've done that for you guys.

Major General Votel:

Thank you. TM 5, you are the last person we had planned on talking to. Is there anybody else? I know you've probably seen the roster of different people we've talked to. Is there anybody else that you think we need to talk to at this point that we may not have already had an opportunity to chat with?

Witness:

I don't believe so, sir.

Major General Votel: Do you have any questions for us?

Witness: No, sir.

Major General Votel: TM 5, once again, I want to thank you for coming in here and telling your story here and going on the record with that. We greatly appreciate it. It's a great aid to us as we try to put together what happened here and put this investigation together for General Mattis. I'd like to give you thanks for you doing that. I'm noting right now the time is 2254 Zulu and this interview is concluded.

[The witness exited the room.]