

~~SECRET//REL TO USA, GBR~~

Major General Votel: I'm Major General Joe Votel. I currently serve as the Chief of Staff at the US SOCOM but in the capacity that we're talking tonight, I've been appointed the investigating officer by General Mattis for an investigation that is looking into the relevant facts and circumstances surrounding the hostage rescue operation up in Konar last week that you participated in and was designed to rescue Ms. Norgrove, a UK citizen. We've called you into here to talk to you about some stuff that you may have observed on the objective.

This is an official investigation which means in a moment, I'm going to advise you so some administrative and legal type matters. I don't want to turn you off here. You are not a suspect but I am required to inform you of this information and just to make sure you are fully advised and I am executing this in the capacity which I'm expected here.

During the course of this interview this evening, I will ask you to furnish information about yourself. The Privacy Act of 1974 required that I inform you of the authority for this requirement. The statement that I'm putting in front of you right now is, in fact, a Privacy Act. I would like to ask you to look at that and to print your name, sign it, and date. It basically indicates that information that is yours may appear in this report.

WIT: Yes, sir.

[The witness did as directed.]

Major General Votel: As you can tell, we are recording your testimony here. A written record will be made of this and will be made available as part of the report and will be made available to General Mattis as he reviews this. I would ask you to answer every question here verbally. This won't pick up nods or points or anything like that. With you, we probably will put a couple pictures up here so you may hear me or others interjecting just to make sure we are clear on the record of what we're pointing at and looking at here. Don't let that put you off. We just want to make sure that this as complete as possible.

WIT: Yes, sir.

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Major General Votel: Before we continue, I do want to remind you that it is important for you to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. And before we go any further, I would like to invite you to please and raise your hand. This will be a sworn statement that we're taking today.

[The witness was sworn.]

Major General Votel: As I mentioned to you, you are not suspected of any offense under the Uniform Code of Military Justice, Federal, or local law and therefore you're not authorized to have a legal counsel and as a result, I'm not advising you of your Article 31 rights either. You must answer all questions that I ask you unless you feel that they are incriminating you. And you just indicate if for some reason you feel that.

I'm going to start off, we're going to focus in pretty quick on you into actions on the objective. Our understanding is that you were the first one who found Ms. Norgrove. Is that accurate?

WIT: Yes, sir.

Major General Votel: So what we're going to do is we'll talk a little bit about that. I'll ask you some questions and really just try to get you to talk a little bit about what you saw, what was happening etcetera, etcetera. And I'll ask you some questions and I'll refer to the Brigadier and he'll probably have a few questions for you and we'll finish up on that. This should not take very long. At the end of this, I will ask US SOF SME and LTC (b)(3), (b)(6) to basically see if there's any clarifications that need to be made for the record so we're accurate and we understand exactly what you have told us this evening.

Let me just ask you up front, can you just tell us, you are assigned to A team so can you tell us where you were moving within the A team formation?

WIT: I was at the end of the train of assaulters. I had the terp in tow. As approached the target building, the terp was right behind me and we were climbing one of those terraces when we started hearing gun fire go off to my right.

Major General Votel: Were you in the vicinity of the (b)(1)1.4a (b)(2)HIGH commander then as well?

WIT: He was behind me.

Major General Votel: He was actually behind you?

WIT: Yeah. I was part of the assault team.

Major General Votel: I got it. Okay. And then when you mentioned you saw some fire, that would have been small arms fire?

WIT: Yes, sir. There was small arms fire. I remember trying to climb the terrace. I don't remember if it was incoming or out going. I remember it was off to my right side. I told the terp to get down and took cover and climbed up the terrace, went to the corner of the first building, and that's where - I didn't know if it was clear or not. I was peeking in.

Major General Votel: TM 7, let me just refer you to this very simple diagram we have right in front of you. When you talk about the terrace that you just talked about, you're actually talking about the terrace that is located in front of - that basically leads into the front of buildings 21, 22, and 23?

WIT: Yes, sir.

Major General Votel: Okay. So when you first start hearing the fire, you were up in the vicinity of building, almost approaching 21?

WIT: It was back here a little ways. We climbed up and then starting making movement this way.

Major General Votel: How long from the time you (b)(1)1.4a (b)(2)HIGH and hit the ground, how long did it take you to get up to that point, just a rough estimate?

WIT: You know your time frame is totally - I couldn't tell you. I know that there was a line of guys and there's a bunch of dust and I was just waiting to try and get there and I turned around to make sure our terp was with me and that's it.

Major General Votel: All right. Fair enough. So you hear some gunfire. What I'd ask you to do is how about I'll let you free flow talk about what you did, what you did, and how you got to this point where you found Ms. Norgrove. Let me just ask you to relax here and please tell us

what happened. If you're talking about building, if you'd just mention the building numbers for the record.

WIT: From what I remember, once I got up to Building 21, peeked in, I didn't know if it was clear or not and I saw TM 6 right around 22, 23.

Major General Votel: TM 6 is -

WIT: He is our (b)(1)1.4a (b)(2)HIGH. He didn't (b)(1)1.4a (b)(2)HIGH day. He is part of Alpha team as well.

Major General Votel: All right.

WIT: I asked him if everything was clear or not. He said he didn't know. There was a call made on the radio they had weapons, there was more gunfire. TM 6 told me to take cover and I took the terp and we went around the back here behind this berm and we just held there for a while. After that, there was audible calls to get back and start clearance again. So I took the terp and we moved up here. I started clearing buildings 22 and 23. This is after the blast.

Major General Votel: Did you hear the blast?

WIT: I heard the blast. Part of my job is to make sure our forces are safe. Any time there's a blast, I'm automatically checking any EKIA. There was EKIA's - I can't say exactly where but right around building 23 to 25. I checked one that was lying on the stairs. I checked two more down here near 25 and then I noticed there was a third individual killed. It looked like a female. I took a glance and realized it was Caucasian female but didn't have time to really search thoroughly just to give a quick pat down to make sure there was nothing that was going to explode or anything dangerous.

Major General Votel: You did that to her or to the other EKIA?

WIT: All of them.

Major General Votel: All four?

WIT: Yes. It was just a quick cursory sweep to make sure there were no S-vests or any pins pulled on grenades and that sort of thing.

Major General Votel: Did you observe any of that?

WIT: No. I did notice one of the individuals had something that looked like it had been blown off the side of him.

Major General Votel: Missing a portion of his -

WIT: Yes.

Major General Votel: -- actually from his body?

WIT: Yes. And then I noticed - what sticks out in my mind is a Caucasian face, looked like female legs and she was wearing some sort of looked like skater/running shoes. And then from there, I don't remember which building it was, I climbed up on one of the buildings. TM 1 and TM 6 called me at one point and we went and cleared - I'm not sure which buildings they were. We went and cleared some more buildings. I believe it was 28, 27. And once those were cleared and safe, then I told TM 1. I said, hey, I think our individual, Ms. Norgrove is down there. I'm not sure. I didn't have the picture.

Major General Votel: Is that the first communication that you made to anybody -

WIT: Yes. That was once we were safe. I said, hey, I think this is her. We went back down.

Major General Votel: You and the team leader together?

WIT: Me, the team leader, and TM 6, went down and that's when they started to look at her. And as they were checking her out, I started getting calls to - someone thought there was a pipe bomb and I started running all around doing my job.

Major General Votel: That's great and that's really good situational awareness. I appreciate you taking us to that. The way I summarize that, TM 7, is you kind of moved forward, you were doing your job of clearing through EKIA and ensuring there's no immediate threat to the force and then of course you're continuing to help clear some of this area.

WIT: Yes, sir.

Major General Votel: As you went into this operation, did you know you were going to participate in the clearing of the 25, 26, 27, and 28? That was part of the plan?

WIT: Yes, sir. As Alpha team, my primary responsibility is, of course, to keep everyone safe from explosives hazards. Secondary, I participate in the assault clearance.

Major General Votel: In a moment, I'm going to ask US SOF SME to pull up a couple pictures that came off of the SSE to kind of give us the look in between in this area in between buildings 23 and 25 where Ms. Norgrove was found. And what I'd like to ask you to do is - what we're interested in trying to do is make sure we understand - get your impressions to the best of your recollection of her posture, how she was on the ground, kind of what you say.

WIT: Sure.

Major General Votel: So, US SOF SME, if I could ask you to pull a couple of those up please. I think the one we had up before might be a good start there. That's actually a pretty good one there. Obviously we don't have a picture taken when you are first there.

US SOF SME, would you please read off that picture number there that we're looking at.

US SOF SME: (b)(1)1.4a (b)(2)HIGH

Major General Votel: This picture that we're looking at is as you see in green there, that's Ms. Norgrove. She's been prepared for further movement out of there.

WIT: I see that.

Major General Votel: And you see in the background a wall there. That is the wall of building 25, the corner of 25. With this picture as we understand is taken from the ledge there in front of building 23, kind of looking down. Can you - and I recognize that both of these bodies have been moved here a little bit but I'm wondering if you could talk a little bit about what you saw and how she was arrayed and then how that enemy killed in action was arrayed when you first saw them.

WIT: The enemies were mostly on their - actually everyone that I can recall were on their back, including Ms.

Norgrove. She was kind of leaned up on her right side on her back. I didn't see any obvious wounds to her front.

Major General Votel: So she would have been facing back towards building 23 then?

WIT: Her feet were here. Her head was up in her.

Major General Votel: Head going uphill.

WIT: Yes. Her head was going uphill and her feet were going downhill. As you see it sloped, she was kind of sloped on her right side and I could see her face clearly.

Major General Votel: And you recognized it as a Causasian Female face?

WIT: Yes.

Major General Votel: And with respect to where the enemy was in relation to her, was he on top of her? Was he close by her?

WIT: No. He was - there was one - there was the staircase and then I went over and immediately saw someone to the right and then there was another one that was close by her, maybe a foot or two near her.

Major General Votel: And he was on his back? And this was the one who was missing a portion of his body?

WIT: I couldn't - I don't remember. I just remember that his rib cage was sticking out.

Major General Votel: You're providing great information here. We appreciate it. Did you see any wounds on Ms. Norgrove at all?

WIT: I saw blood. Due to - I didn't know if we were still engaging, we hadn't cleared all the way down, I turned on my IR light on my nods, took a look and I could see stains where there was blood on her clothing she was wearing. I couldn't see any obvious wounds. I did a quick pat down to make sure she wasn't strapped with any explosives and just kept moving.

Major General Votel: Do you recall what she might have been wearing, type clothing?

WIT: She had like a little head cover. I don't know what color it was since I was looking under the green NVGs, fairly loose type clothing. I do recall she was wearing skate boarder shoes.

Brigadier Nitsch: I want to first say what a great job I think you all do particularly someone in your EOD line of business which is such high risk.

WIT: Thank you, sir.

Brigadier Nitsch: I really respect what you do and I have enormous admiration for high you go about your business. You mentioned you heard shooting over your right shoulder when you approached.

WIT: Yes, sir.

Brigadier Nitsch: You're coming up from here, so you're coming up this piece of terrace thing -

WIT: It was off to my right.

Brigadier Nitsch: So it was down there.

WIT: I want to say we ~~(b)(1), 1.4a, (b)(2) HIGH~~ here.

Brigadier Nitsch: That's right. That's where we think you ~~(b)(1), 1.4a, (b)(2) HIGH~~

WIT: We ~~(b)(1), 1.4a, (b)(2) HIGH~~ here and moved and climbed one terrace to get up here.

Brigadier Nitsch: right. So you hear it over your right shoulder when you were coming up onto the next terrace?

WIT: Yes, sir.

Brigadier Nitsch: Thank you.

Major General Votel: Just for the record here, we just looked at the piece of large scale imagery and confirmed the location of where they ~~(b)(1), 1.4a, (b)(2) HIGH~~.

Brigadier Nitsch: And when you heard the blast, I mean, you've got experiences in blasts, what did you - what did it sound like to you?

WIT: I can't say for sure. All blasts are different.

Brigadier Nitsch: Did one thing in particular resonate with you in any way?

WIT: I heard a blast and then -

Brigadier Nitsch: Did it sound tamped?

WIT: It didn't sound tamped. It didn't sound particularly large. I don't know how to explain that, sir.

Brigadier Nitsch: And it was just confirmed, I think you said it. When you're checking somebody, you're only checking from what's visible. You don't check what's underneath them.

WIT: Eventually, once the target is secure, I try to do a thorough SSE of the bodies if I have time. A lot of times like they thought there was a pipe bomb, there were grenades that they weren't sure how they were situated in their vests and so I was running all around the target. I didn't get a chance to do a thorough check of the bodies. I did a cursory to make sure that if someone flipped a body over, they would be all right. It wouldn't explode.

Major General Votel: TM 7, when you came across Ms. Norgrove and you did the initial sweep to make sure there was no explosive associated with her, then you picked up and continued on and nobody else was there with her at that point?

WIT: I don't know. I know that -

Major General Votel: You're certain you didn't turn her over or anybody else?

WIT: No.

Major General Votel: Was the interpreter with you at that point?

WIT: I don't remember seeing him at all. I think maybe he went up the hill. I'm not sure.

Major General Votel: From your view, you were individually moving?

WIT: I was right behind TM 6 and TM 1.

Brigadier Nitsch: Did you think Ms. Norgrove was dead?

WIT: Yes.

Brigadier Nitsch: Absolutely satisfied that she was dead?

WIT: Yes. As soon as I saw her - After seeing together three dead bodies and moving them a little bit and

checking them, I checked her, there was no question in my mind she was dead.

Major General Votel: Did you at any point come back to Ms. Norgrove? Was that your only interaction with her?

WIT: After we cleared the 20 series with TM 1 and TM 6, I came back down. As TM 1 was shining his white light on her, I stood there and watched him do that and then I got a call to go do something else and I departed.

Major General Votel: And you never had any other occasion to lay hands on her or anything else?

WIT: No.

Major General Votel: All right. I want to move on to another area that I think will tap onto to your explosive ordinance disposal expertise here not dealing with Ms. Norgrove but I want to make sure we've answered all questions related to this.

Brigadier Nitsch: At the time that the (b)(1), (b)(2) commander was back at the body, was TM 5 there?

WIT: I didn't see him. I don't know.

Major General Votel: I mean you kind of circled back around with TM 1 and then you -

WIT: TM 1 and TM 6 are the ones that I clearly remember seeing.

Major General Votel: You got zipped off to do something else so you did not spend a considerable amount of time -

WIT: No.

Major General Votel: -- after as you kind of circled back around there?

WIT: Correct.

Major General Votel: US SOF SME, there is a picture of EKIA 3 I think and it looks where they are trying to remove a vest from him. I don't know if you recall which picture I'm referring to or not. I'm trying to remember where that was. I think that's it. It looks like there is somebody there and they are trying to pull a vest off him. Does that bring any recollection to you here?

I know you said he was on his - there it is. That's not you is it?

WIT: No, that's our other EOD guy. He was running with Bravo.

Major General Votel: What I envision he's doing here is removing that vest there.

WIT: I was up the hill taking care of some ordinance and he actually ended up finishing clearing the EKIA.

Major General Votel: Did you two have occasion to talk afterwards to talk about what you each saw on this objective, particularly with these vests the enemy were wearing?

WIT: At the end of the operation, I blew the vests. I grabbed a couple up top. TM 8 turned over the few he had got. I didn't know where he had got them from but we consolidated them and put them -

Major General Votel: You consolidated all of them, those that came off them and those that were found so some probably had blood and other stuff on them. That was very evident to you?

WIT: Yes.

Major General Votel: Can I ask you to just give me any impressions you had about those vests? How do you characterize those vests? Did they have the standard rack or -

WIT: They were typical chest racks for Taliban or insurgents use. One of them had - it looked like the side was blown off of it like there may be - I'm speculating here but there may have been a grenade that went off in his vest.

Major General Votel: In your experience, have you seen that previously? I mean, have you had occasion to see what you would classify as suicide vests here in Afghanistan or -

WIT: Last year I had one detonate 30 feet from me.

Major General Votel: Was this on Objective (b)(1)1.4a (b)(2)HIGH?

WIT: (b)(1)1.4a (b)(2)HIGH yes.

Major General Votel: And is it - again, I'm reaching back into your deepest EOD education here, talk to me about

sympathetic detonation or is it possible for one of these things to blow up if it's hit by a bullet?

WIT: Yes. It all depends on what explosives they're using. If it's ordinance, how old the ordinance is. The older it gets, certain ordinance can be more sensitive. There is a possibility of sympathetic detonation.

Major General Votel: When you were looking at the vests as you were preparing them to be demolished, did you notice - did you see any kind of grenades or anything there that looked like it might be something of that sort in any of those?

WIT: Two of the vests that I found had grenades in them from up the hill. I pulled them out and took them.

Major General Votel: When you say "up north," you mean on buildings 11 and 12? That would have been up the hill.

WIT: Yeah, 25 or 11 and 12, I'm not sure which ones they were off hand.

Major General Votel: In your vast EOD experience, were you able to classify what type of grenades those were?

WIT: It was F1. They are the pineapple looking grenades.

Major General Votel: Is that a Soviet -

WIT: Soviet, Chinese - I mean -

Major General Votel: But a fairly common grenade here in Afghanistan?

WIT: Yes. We find them often.

Major General Votel: Anything peculiar about the way that they were arrayed? Did they appear to be rigged in any particular fashion?

WIT: From what I recall, the pins were exposed so that they could pull it and it could possibly detonate. That's from what I recall because I recall seeing that and telling the guys don't touch this. I taped it, pulled it out, taped it some more, made it safe enough to move to the BIP site.

Major General Votel: And what did you blow all that with?

WIT: I carry a (b)(1)1.4a, (b)(2)HIGH

Major General Votel: Just one shot in the dark here. When you found this Ms. Norgrove or in your subsequent time that you came back to that area, did you remain under NVGs the whole time?

WIT: I was under NVGs when TM 1 shined his light. I was able to get a lighted picture of her and saw her.

Major General Votel: Did you happen to see any kind of fragmentation or anything else on the ground in the vicinity of any of that?

WIT: I didn't have time to do a thorough post-blast analysis search type.

Major General Votel: Okay. Good.

Brigadier Nitsch: If a grenade had gone off on the ground, would you see scorching around it?

WIT: You would see a small indentation on the ground but it would be really hard to see under NVGs. You would have to have white light and you'd have to thoroughly search the area.

Major General Votel: You'd have to look specifically for it.

Brigadier Nitsch: And you wouldn't see any particular form of ground disturbance or anything?

WIT: You would see a small, small crater and where the dirt would be sprayed out normally.

LTC (b)(3), (b)(6): No, sir. The only thing we need to do is the one photo, we just need to capture the last phone with the vest for the record so that we know which one you were discussing.

Major General Votel: Thanks.

US SOF SME: There's no number. It's called "EKIA3\_" and it's a photo of TM 8 and EKIA 3. It's the only one called "EKIA3\_"

Major General Votel: Okay. Thanks. I think we've established what's on that picture there. Okay. Very good. I think you have answered all of our questions here.

TM 7, I want to remind you that this is an official investigation. It is protected in the sense that this report is going to be given to General Mattis

and he will have the opportunity to take some action as a result of this as he deems appropriate. I am ordering you not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a Chaplin, your counsel if you have one; if you don't, you don't need one, the IG, or the appointing authority, General Mattis. If anyone approaches you regarding your testimony or matters discussed here, you are required to report it to me immediately or to the appointing authority and let the chain of command know.

WIT: Yes, sir.

Major General Votel: As I mentioned to you, we will be making a record of the discussion here. I am, unfortunately, prohibited from providing you a copy of your testimony. 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 the Freedom of Information Act, the Privacy Act, and may release information to you.

If something, TM 7, if something - if you start to reflect on something more here after we've had an opportunity to talk and something occurs to you, I would just invite you to please come let us know and come back and we'll reconvene and we'll discuss it here. I recognize that sometimes while you've had some time to think about this, the questioning may jog something. So if it does, please let us know and we'd love to sit down and talk with you about that. Well be around for the next 36, 48 hours or so.

Finally, as we wrap up here, is there anything else that we have not asked you that you think might be relevant or of use to us here regarding any experience or anything you saw or observed on this objective?

WIT: The bodies, the EKIA - it seemed like it was more than just a single grenade, the wounds that he incurred from my experience. Maybe he had something close to him that detonated, it's hard to tell. Explosives are a funny thing, you never know. But from my experience seeing a lot of EKIA's, this guy had a lot more going on to him.

Major General Votel: And it is feasible based on your experience here that there could have been some sympathetic detonation that occurred here?

WIT: Yes, sir.

Major General Votel: You mentioned the dog handler, TM 6, as being somebody who may have been there in the vicinity there of the objective. So we may ask to talk to him. Do we think the other EOD handler did anything with respect to Ms. Norgrove or the others?

WIT: I don't know. I couldn't tell you yes or no.

Major General Votel: Is there anybody else you think we ought to talk to that might provide us some information that you can think of off the top of your head.

WIT: They called ~~the~~ ~~(b)(1), (b)(4a), (b)(7)(C)~~ ~~over~~ pretty quick. I know he is the one that was dealing with her and her wounds and vitals.

Major General Votel: We're talking to him next.

WIT: Okay.

Major General Votel: TM 7, do you have any questions for me?

WIT: No, sir.

Major General Votel: Okay. Let me thank you here and I apologize for pulling you out of the gym. Being a bit of gym rat, I don't appreciate it when that happens either, much less some general officer. I appreciate you getting over here as quickly as you did and I apologize for jerking you around here but your testimony is very, very relevant and very, very useful for us and I want to thank you for that.

WIT: Yes, sir.

Major General Votel: And I'll just echo what the Brigadier said, we have the utmost respect for not only this organization but in particular the folks that serve in your specialty here. We certainly appreciate what you're doing. So unless you have any particular questions, the time right now is ~~is~~ ~~(b)(1), (b)(4a), (b)(7)(C)~~ and this interview is concluded.

[The witness exited the room.]