

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

Major General Votel: TM 5, thanks for rejoining us here. Before we get started, I am obliged to remind you of your Article 31 rights that I advised you of the other day. You do have the opportunity at any particular point here to stop answering our questions or ask for a lawyer. Do you have any questions about those rights?

WIT: Do, sir.

Major General Votel: Do you desire to have a lawyer present with you right now?

WIT: Not at all.

Major General Votel: You don't, okay. Will you answer some questions for us?

WIT: Absolutely. The best of my ability, sir.

Major General Votel: At any point, you can stop the questioning or ask for a lawyer as I advised you of the other day. I want to further remind you that obviously we are recording here and the oath to which I swore you the other day is still applicable here. What we want to do is just follow up on a couple - as you and I were chatting beforehand, this has been our common lives here for the last several days but as we have kind of continued to work through all the data that we're collecting, kind of the phase that we are in right now is just running down additional information and making sure that we've kind of closed everything off, rationalized it, and make sure we fully understand it. So that's kind of the phase of the investigation that we're in right now. And that's the necessity in us having to go back and talk to a number of individuals.

What I want to specifically start off talking about today is not necessarily Objective (b)(1)1.4a (b)(2)HIGH but as another objective that you were involved in and it's an objective called (b)(1)1.4a (b)(2)HIGH which I think was just two or three before (b)(1)1.4a (b)(2)HIGH so it would have just been a couple weeks ago. I don't recall the exact date but I think we would agree it was just a few weeks ago.

WIT: I don't remember the date either but I'm sure you're correct in that statement.

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Major General Votel: On that objective, we've have several descriptions of what occurred there but we came to understand that you also employed grenades on that objective; a fragmentary grenade and a (b)(1), (b)(4), (b)(7)(C) grenade.

WIT: Yes, sir.

Major General Votel: So we've kind of got some aspects of what the tactical situation was that caused those decisions to be made and then we also got some details on some of the discussion that took place afterwards at the hotwash. I wonder if you could talk a little bit about this. I'm not looking so much for the details of where the grenades were employed on Objective (b)(1), (b)(4), (b)(7)(C) as I am interested in understanding kind of your thought process and then more importantly, the discussion that took place afterwards between you, (b)(1), (b)(4), (b)(7)(C) chief and the team leader.

WIT: Absolutely. As you mentioned the date, I do not know. The target (b)(1), (b)(4), (b)(7)(C) the first thing I remember about that target is that before we made our final approach into that target area, (b)(1), (b)(4), (b)(7)(C) chatter that we were picking up was them discussing setting up on us, turn all your radios on, get ready they're coming or something to that effect and that was something (b)(1), (b)(4), (b)(7)(C) passing to all of us via the inner squad -

Major General Votel: This is all (b)(2) High we're talking about?

WIT: Correct. This is information (b)(1), (b)(4), (b)(7)(C) chief, would update the entire squad with right before we made our final approach into the target. Sentries also, at least two sentries if I remember correctly were armed. So as we made our approach, teams split up almost the same as the target with Ms. Norgrove. My team along with TM 1 stayed along the ridge because it butted right up against the mountain or a big hill. We had another TF blocking position at the top of that ridge and they actually had a view into the target. They had like a 60 degree angle. It was pretty steep there, pretty high. About the same time that we hit that target - actually up against the wall of those target buildings, the other TF went hot with AW fire, it was a SAW or a 60 or whatever it was.

Major General Votel: AW fire is -

WIT: Automatic weapon fire.

Major General Votel: Okay.

WIT: And it was coming directly over our heads, obviously, safe but directly into the compound. At that time, the target building 11 was just in front of us. I saw at least one male armed on the top of the roof. I could not tell if he'd been engaged but it looked like he was crawling for a piece of cover on the top of that target building and I employed ~~(b)(2)~~High fragmentary grenade up on top of that roof. After that -

Major General Votel: Okay. So you assessed the enemy was coming along the top of the roof?

WIT: No, he was already up there, sir.

Major General Votel: And you were intending to put the grenade where the enemy was?

WIT: Correct.

Major General Votel: Okay.

WIT: The next movement was just past the building to 11. Right before we broke that building, we could tell the door, at least the entry to that building was round the corner, directly in front of me and to the right. Right before we pushed past that to see what was in that target building, I looked over to my right and I saw my team leader, TM 1, and we communicated nonverbally, just real quick hand signal that he was going to go around one way and I was going to go the other way, obviously just to deconflict so we don't come around that wall where that door is pointing our guns at each other to avoid any kind of friendly fire at that point. It was clear to me that we knew exactly what we were going to do. We kind of established that line of death were you don't cross. I was going to cross it. Right before I crossed it, I had another teammate to my left, I believe it was TM 4 and he had pretty much stepped past me and was in view of that front wall on that target building. Right before I broke that, rounds come winging out of the window just immediately to my right and I had not crossed the corner yet. So I couldn't tell if it was coming out of a window or an open door but just as soon as I

poked my head around it real quick, I could see that it was a window and the glass was broken and I hear a weapon in there functioning. I could hear a rack.

Major General Votel: A "rack" meaning the -

WIT: The functioning of some kind of weapon inside that building. At that time I pulled back to not expose myself anymore to that. I looked at TM 4 and told him my intentions. I knew that TM 1 was just on the other side so I tried not to yell but speak loud enough to where he could understand what my intentions were. He passed it on the radio. Everyone kind of sucked it back and I threw a ~~(b)(1)1.4a (b)(2)HIGH~~ grenade right inside that building. There was a lot more that went on on that target afterwards but -

Major General Votel: That's good. That's very useful. Thanks for that. Now what I'd like to do is just jump a little bit ahead to the hotwash that occurs after ~~(b)(1)1.4a (b)(2)HIGH~~ and I understand that there is - I guess the hotwash takes places out at the fire-pit here and there is, in fact, discussion, during the hotwash about employment of both of these grenades.

WIT: Yes, sir.

Major General Votel: And, again, from your perspective, what's the discussion?

WIT: The discussion started off with the SSE or exploiting building 11 there and it almost being unfeasible to do that in that building 11 just because of what a thermobaric grenade does. It just over pressurizes it and with a lot of the structures, it's going to damage the integrity of that building which it did. That was one ~~(b)(1)1.4a (b)(2)HIGH~~ concern is we weren't able to exploit, especially being the target building and getting anything out of that. We still didn't - at that point, no jackpot had been identified if I'm correct as far as the pictures of the EKIA's that were across that entire target so that was one concern. And then the discussion of hey, and this was all at the firepit still, sir, use of a frag at that juncture verses a ~~(b)(1)1.4a (b)(2)HIGH~~ grenade for that particular building 11 to kind of avoid that and be able to do that SSE.

Major General Votel: So the teaching point (b)(1)1.4a (b)(2)HIGH trying to emphasize to you and to others was that in that particular situation, the use of a - if a grenade is an appropriate response here but the use of a fragmentary grenade versus a (b)(1)1.4a (b)(2)HIGH grenade would have been more appropriate in that tactical situation.

WIT: Right. And that was about it at the fire-pit and then when TM 1 approached me about it afterwards and as my team leader, I understand that's his job to kind of look after the team, hey this and that and this is what we learned from that and those kinds of things. I didn't explain it (b)(1)1.4a (b)(2)HIGH because he's (b)(1)1.4a (b)(2)HIGH chief and just like everything else, I go through TM 1 on any points. And we had a discussion about, hey, I used this for this reason, you know, I would have used a 67 in building 11 had I not used it on the fighter that on top of the roof. So it was - that was an option that was taken way only having a (b)(1)1.4a (b)(2)HIGH grenade at that time. So that's something we talked about.

Major General Votel: So during the hotwash, if I could just police a couple things up here, TM 5, during the hotwash when (b)(1)1.4a (b)(2)HIGH talking about hey, in this situation of building 11, a fragmentary grenade would have been a better tactical choice than the (b)(1)1.4a (b)(2)HIGH. Are you - you just said you're not having a two-way conversation. He's pretty much just talking about it in front of everybody.

WIT: Yes.

Major General Votel: Is anybody interchanging with him, the team leader or anybody else or is he just - is he in more in a transmit, hey, listen, here is based on my experience as a (b)(2)HIGH chief, here's what I think kind of mode?

WIT: It was the later, sir. As him being (b)(1)1.4a (b)(2)HIGH chief and his role in the team, that's what it was.

Major General Votel: Thank you. Was there any discussion during the hotwash of the fragmentary grenade that you threw up on the roof?

WIT: Yes.

Major General Votel: Can you talk about that?

WIT: Just that it was - the action took place. That's all I remember is these were my actions. This is what I did. This is what I saw. And that kind of led into the (b)(1)-(b)(2) ICFR sus frag in the hotwash scenario at the fire-pit. I don't remember it going into much more depth than that.

Major General Votel: So from your perspective, the discussion about the fragmentary grenade being thrown on top of the roof, we were just kind of accounting for what happened on the objective? There was no specific teaching point that anybody was trying to emphasize to you with respect to throwing a grenade up on a roof?

WIT: I remember the teaching point coming between myself and TM 1 after the hotwash.

Major General Votel: About the fragmentary grenade?

WIT: About the fragmentary grenade, yes, sir.

Major General Votel: And the teaching point being that - being what?

WIT: I may not have had to use that. It might not have needed to be employed at that junction.

Major General Votel: And just to be clear, we're talking about the fragmentary grenade.

WIT: Correct.

Major General Votel: So based on the situation, maybe we had other options other than the fragmentary grenade.

WIT: Correct.

Major General Votel: Any concerns expressed or that you recall regarding the fragmentary grenade and actually throwing it? I got it that Afghan roofs being Afghan roofs here they might be flat or they might be at an angle or whatever. Any discussion about the tactical decision to throw a grenade onto a roof or it might roll or -

WIT: Yes, yes. Again, from TM 1 just the concerns of what if's. What if it doesn't land on the roof or and everything that goes along with that. People - I mean, there are targets with enemy fighters and that's it and then there's targets with fighters and women and kids. I mean, the numbers are always different. That was also discussed.

Major General Votel: Did you think you'd left both the hotwash th kind of the teaching points here that is (b)(1)1.4a (b)(2)HIGH specifically with respect to the (b)(1)1.4a (b)(2)HIGH of, hey, other options might have been available here.

WIT: Absolutely.

Major General Votel: And then from the discussion later with TM 1 about the roof and -

WIT: Oh, yeah. I walked away and there was nothing unclear about anything that they talked about. Yes, sir.

Major General Votel: During the - and I know I'm asking you for kind of your personal what's going through your mind and what's going through your heart, during the hotwash when there is discussion about the (b)(1)1.4a (b)(2)HIGH are you embarrassed? Do you feel embarrassed? Do you feel intimidated? Do you feel like you kind of being called out a little bit or is that kind of the mode of the way these things - something you would normally expect or what's your gut telling you here?

WIT: I totally understand the question and it seems like you already know the answer just being in the military for a lot longer than I am. There was definitely an element of being called out but we're used to that. That's what we do. We don't put our lives on the line everyday and do what we're asked to do without being able to take that. We're hard enough on each other with the wives and girlfriends thing enough to be able to take that kind of thing in front of a group setting. That was one thing that was different about that hotwash. That was the norm for our hotwash. It was just us. It's just our team there at the fire-pit. I mean, for me to critique TSE and how he approached me about it, I don't feel comfortable with doing that. I definitely have an opinion about it but at the same time I like to think that I'm adult enough to be able to be able to handle it the way he did handle it.

Major General Votel: So just to kind of summarize what you just said there, at least one aspect of what you said, the hotwash that's done after (b)(1)1.4a (b)(2)HIGH in your mind and as you experienced was different than the hotwash that was done after (b)(1)1.4a (b)(2)HIGH in that's a much smaller group. There's actually a little more

critical discussion of what happened and why we did things and other considerations that might have taken place.

WIT: Correct, sir.

Major General Votel: Is there anymore - again, just comparing these two hotwashes of (b)(1)1.4a (b)(2)HIGH and (b)(1)1.4a (b)(2)HIGH is there more kind of cross discussion inner team discussion on the (b)(1)1.4a (b)(2)HIGH one than there is on the (b)(1)1.4a (b)(2)HIGH one?

WIT: No.

Major General Votel: So, again, it really - the hotwashes are principally about (b)(1)1.4a (b)(2)HIGH and the team leaders kind of again talking about what happened and then interjecting points as they see fit?

WIT: Yes, sir.

Major General Votel: Okay. Good. Thank you.

My last question that I have for you here, TM 5, and then I'll open it up to some of the others, I want to make sure I ask this one properly here to make sure you understand what I'm getting at, having had this discussion now of (b)(1)1.4a (b)(2)HIGH at the hotwash and then kind of the subsequent discussion that you had with TM 1, did that have any impact on you as you were going into (b)(1)1.4a (b)(2)HIGH and made the decision again to employ a grenade?

WIT: If I talk through it kind of openly I think it will help me answer your question, sir.

Major General Votel: Take your time.

WIT: Okay. If it would have made me apprehensive to use that tactic again, I wouldn't have even put it on my gear. I wouldn't have even gone on the op with a 67 if I thought I was going to have an issue with how to use that tool. So, yes, at the moment of (b)(1)1.4a (b)(2)HIGH when that did happen, it was a thought process in my head, not, oh my God am I going to do this, am I not going to do this, but the consideration of where it's going, absolutely from the point learned and the pluses and minuses of it. So yeah, that was a concern, how many enemy fighters I was looking at in that little area, it being a small area. The fact

that from what I saw at that moment, there was zero chance of it injuring anyone innocent so yes -

Major General Votel: As you observed it at that point?

WIT: Absolutely. Yes, sir.

Major General Votel: Okay. So in other words, the discussion that took place on ~~(b)(1)1.4a (b)(2)HIGH~~ about the use of grenades, those teaching points registered with you?

WIT: Absolutely.

Major General Votel: But they didn't intimidate you or cause you to not carry grenades with you or not make that option available to you for ~~(b)(1)1.4a (b)(2)HIGH~~ or for any foreseeable future operations?

WIT: Correct, sir.

Major General Votel: You still viewed it as something and you went through a teaching point about how these are employed based on tactical situations and felt that - you still had confidence in your ability to employ those tools?

WIT: Yes, sir.

Major General Votel: All right. Thank you very much, TM 5. I appreciate that. Well laid out there and I appreciate you handling those questions for me. I'm going to move into another area here and talk a little bit about some of the engagements here because we have been looking at the ISR a little bit and we'll pull up a feed but before I do, let me invite the Brigadier and UK SME to see if they have any questions here on anything we've talked to up to this point.

Brigadier Nitsch: Can I just ask you a couple of quick ones on grenades?

WIT: Yes, sir.

Brigadier Nitsch: You adjusted your - I think you went into ~~(b)(1)1.4a (b)(2)HIGH~~ II with a ~~(b)(1)1.4a (b)(2)HIGH~~ grenade but I don't recall you saying you had a ~~(b)(1)1.4a (b)(2)HIGH~~ de with you went you went into Objective ~~(b)(1)1.4a (b)(2)HIGH~~ would that be correct?

WIT: That is correct, sir.

Brigadier Nitsch: What made you choose to change your standard load?

WIT: As we discussed a prev meeting about the portable
~~(b)(1)1.4a (b)(2)HIGH~~, ~~(b)(1)1.4a (b)(2)HIGH~~

Brigadier Nitsch: So you would have taken a ~~(b)(1)1.4a (b)(2)HIGH~~ if you hadn't
had that ~~(b)(1)1.4a (b)(2)HIGH~~?

WIT: Yes, sir.

Brigadier Nitsch: The ~~(b)(1)1.4a (b)(2)HIGH~~.

WIT: It's something that was in consideration with that
swap out if you will was being in Konar and the
threat to the rotor wing asset for INFIL and EXFIL is
that that was something we could use for anybody who
might try and shoot down that helicopter. So as a
distance weapon with still the area of potential in
the round.

Brigadier Nitsch: That's brilliant. That's great. Thanks. And how
many grenades have you thrown in contact?

WIT: There were a couple others on this rotation, sir.
There were scenarios, persons leaving the objective
viewed from leaving the target building where we'd
have to push through online in a corn field or an
open area maybe with - it's pretty sketchy with a
corn field where the guys are hiding in the ditch and
things like that.

Brigadier Nitsch: Would you say four or five, six or seven?

WIT: Three or four. Three or four, sir.

Brigadier Nitsch: Three or four. That's three or four before ~~(b)(1)1.4a (b)(2)HIGH~~
II?

WIT: I can't remember exactly.

Brigadier Nitsch: Just take a little bit of time.

WIT: At least one before ~~(b)(1)1.4a (b)(2)HIGH~~, sir, at least one.

UK SME: But potentially up to how many?

WIT: Up to two.

UK SME: So there's one or two before ~~(b)(1)1.4a (b)(2)HIGH~~?

WIT: Yes, sir. I can remember one right now specifically.

Brigadier Nitsch: And how many between ~~(b)(1)1.4a (b)(2)HIGH~~ and ~~(b)(1)1.4a (b)(2)HIGH~~?

WIT: That's for the other one that I was trying to account for. I believe it may have been in between (b)(1)1.4a (b)(2)HIGH I (b)(1)1.4a (b)(2)HIGH, sir.

Major General Votel: There's actually two objectives in between (b)(1)1.4a (b)(2)HIGH (b)(1)1.4a (b)(2)HIGH and according to the information we have (b)(1)1.4a (b)(2)HIGH is not directly involved in that aspect of it. If I could just follow up here to clarify here what I'm thinking I'm hearing here. Up to the point of (b)(1)1.4a (b)(2)HIGH, you kind of estimate you've thrown one grenade during this deployment?

WIT: Absolutely one or two. I know it's at least one, possibly two.

Major General Votel: That's fine. And then on (b)(1)1.4a (b)(2)HIGH, a (b)(1)1.4a (b)(2)HIGH grenade and a (b)(1)1.4a (b)(2)HIGH so before the deployment so far, that's at least three and maybe four?

WIT: Correct.

Major General Votel: And then we know the one was thrown on (b)(1)1.4a (b)(2)HIGH So that's at least four, potentially five?

WIT: Potentially, yes, sir.

Major General Votel: And do you think there was - in between in just a couple a weeks ago here when (b)(1)1.4a (b)(2)HIGH was executed and the time that you went on (b)(1)1.4a (b)(2)HIGH do you think there was a chance that you threw one on one of the other objectives?

WIT: I can't recollect if I did. I want to say I did not, sir, in between there thinking about it.

Brigadier Nitsch: Just to continue on this little track for a second, do you think you've thrown more grenades in training than you did on operations or do you think you've been using it in a similar sort of frequency?

WIT: I've definitely thrown more in training.

Brigadier Nitsch: So you were using the weapon system pretty regularly in training?

WIT: Regularly, I don't know how to define regularly but -

Brigadier Nitsch: So it's unfair, sorry.

WIT: I can say that I've definitely thrown more in training.

Brigadier Nitsch: So you employed grenades more frequently in training than you did in operations?

WIT: Yes, sir.

Brigadier Nitsch: And I'm getting the impression it's a weapon system that you have a reasonable amount of competence in, would that be correct?

WIT: Yes, sir. Absolutely.

Major General Votel: You're comfortable with employing a grenade?

WIT: If I was uncomfortable doing that, I wouldn't be comfortable doing this job, sir, so absolutely, yeah, I would say I'm comfortable.

Major General Votel: And by extension, you wouldn't be comfortable with carrying them on your person as part of your gear when you went in if you weren't comfortable with them?

WIT: Absolutely.

Brigadier Nitsch: So you're actually comfortable they're used but also for you personally, it's a weapon system which you see is a weapon system of utility in your mind of good utility.

WIT: Yes, sir.

Brigadier Nitsch: Did you receive any guidance or instruction on that or not?

WIT: Everything - every block of training, sir, there's absolutely an overview every time no matter what you're experience level is. There's always an overview kind of a capability discussion before you do it.

Brigadier Nitsch: Thanks, TM 5.

WIT: Yes, sir.

UK SME: Who amongst your team has the closest to you on the most number of objectives? I'm trying to find out who do you reckon has shared to the greatest extent the situations that you've shared on this tour? TM 3 or TM 1 or -

WIT: I'd say TM 4. He and I for the most part say we're -

UK SME: You're like buddy buddy most of the time?

WIT: Correct.

UK SME: How many grenades do you think he has thrown on this tour?

WIT: Two maybe three.

UK SME: Okay. And is that a sort of common figure across the rest of (b)(1)1.4a (b)(2)HIGH or is it slightly high?

WIT: I don't know. I can tell you that (b)(1)1.4a (b)(2)HIGH has not been the only ones in a position to be online, kind of to push through an open area searching for a persons leaving the (b)(1)1.4a (b)(2)HIGH

(b)(1)1.4a (b)(2)HIGH

(b)(1)1.4a (b)(2)HIGH before we move on it. (b)(1)1.4a (b)(2)HIGH is not the only ones who do that. (b)(1)1.4a (b)(2)HIGH has done it. (b)(1)1.4a (b)(2)HIGH has done it with (b)(1)1.4a (b)(2)HIGH. So there's been multiple scenarios where that's been the case, sir.

UK SME: It would be unfair to ask you how many grenades each member of Team (b)(1)1.4a (b)(2)HIGH thrown because you're obviously not going to know that so you've given me an answer for TM 4. What about TM 3, who was with you on (b)(1)1.4a (b)(2)HIGH and with you on (b)(1)1.4a (b)(2)HIGH He's quite a prominent member it seems to me of the assault team. How many grenades do you think he's thrown?

WIT: I couldn't tell you, sir. I would hate to speculate. I can tell that he missed a month of our rotation.

UK SME: That's fine. And just one final question, when you deployed a grenade on (b)(1)1.4a (b)(2)HIGH clearly you knew that three enemy had emerged from the same location and obviously you could see some of the surrounding area and you could reassure yourself there were no women or children. Were you conscious that there was a patch of dead ground that you couldn't observe before you threw the grenade?

WIT: I could from my point of view assume, I believe, buildings 25 and 26 were the ones just after that area where the EKIA were and where Ms. Norgrove was, so I could assume that was an approach for people

there and that Bravo team was going to probably use that area to come up but I never saw Ms. Norgrove.

UK SME: I'm sorry. That's not my question.

WIT: Okay. Yeah. I'm trying to lead up to it, sir. Sorry, if I can't answer clearly but I could see - I think we've been calling number three the person who was within arm's length of Ms. Norgrove. I saw his head pop up with a weapon and him being almost butted up against building 25 from what it seemed and I could see over him to that dead patch or that dead space there and see that no one else was there before the grenade was thrown, sir. That's all I could see but there was definitely a dead space to where I couldn't see below him to where he -

UK SME: But you could see over his head and down onto the approach way next to 25 and 26?

WIT: Correct. I could see that.

UK SME: And was that approach way that you were worried about?

WIT: Yes, sir.

UK SME: And without putting words into your mouth, it wasn't readily apparent given the fact that it was dead of night and all those other things and people are firing at you? It wasn't readily apparent that there was a patch of dead ground behind the enemy and before the approach way that you could see.

WIT: No, not there wasn't.

UK SME: Okay. That's useful, thank you. And just one other question because of the point you just raised there. You say you saw the enemy's head pop up with a weapon. Was this after you had seen and heard TM 3 engage that enemy for the first time?

WIT: I couldn't tell if he engaged EKIA number three at that time. I could tell that he engaged EKIA number two and could not conclude whether or not he had hit him so yeah, yes, sir.

Major General Votel: Thanks for all those answers. That is really helpful. I know this seems a little schizophrenic here and we're jumping from thing to thing here but what we are trying to do as I tried to explain to you

at the beginning is kind of bring to closure some of these, to us, information gaps.

I'd like to move into one last area with you and I'm going to ask US SOF SME to kind of call up the video here. We've kind of got the video going here and we've actually been able to, through the magic of technology here, we've kind of enlarged it and we've kind of done a reversal here on the heat here. So, in this case instead of black being hot, we've now got white as being hot. Just as a comparison factor to make sure we are looking at this and we can understand everything else. What we'd like to do is just kind of, again like we did the other night, just kind of talk through this and there may be a couple of other things that we are interested in getting your perspective on. Particularly during the engagement of EKIA number 3, we assess that it is possible that more than just TM 3 shot and think you may have as well. So, we want to go through this here and see what your thoughts are on this.

So, US SOF SME, let's work through this. I think the point that we are at, we are looking at the big screen and then right here, the point where we are at is just as EKIA number 2 is stepping up here and you can see there the engagement from TM 3. He falls. Ms. Norgrove and EKIA 3 are coming up there. That's you. You are moving up behind him.

WIT: Correct.

Major General Votel: In a moment you will be just to his right. In fact so close, stop. You look like one person there.

WIT: Right.

Major General Votel: But of course what we can - I think what we see here is we see actually two weapon barrels that are raised there. Does that make sense to you?

WIT: Right. Yes, I'm with you, sir. I'm following.

Major General Votel: You are stepping up beside there and your weapon is at the ready, as it appropriately should be. We've got - and again you'll notice here we see this insurgent now coming around the corner of building 25 into the draw there and the terrain that we just talked about with UK SME there.

Let's go ahead please, again we are moving pretty slow. Now, what I want to draw your attention to is the rifle fire there. We are going to go through this pretty slow. We are trying to determine is, can you back it up a second there? Again, you step up here. I think we are trying to determine how many muzzle flashes we see coming out of the area of you and TM 3 there. Just watch it and tell me how many you think you see, just concentrate on that area.

WIT: It looks like three or four that I can count.

Major General Votel: Do you think it is coming from two different weapons?

WIT: Jesus.

Major General Votel: Let's look at it again. Alright a very clear discharge from TM 3 there.

WIT: Right, right. I can't honestly tell, sir. I can tell you just the way I stated when I talked to you - all of you the other night. I do not remember taking shots at that juncture. I remember seeing EKIA number 2 heads pop up with a rifle. TM 3 engaging. Once again I couldn't tell if he had been engaged to the point where he had been killed or not. Just shortly after I believe that's when I step up next to TM 3, which is kind of nature. This is to support him. I know that he's taking engagement and I move up to support him. That's when I see EKIA, soon to be EKIA number 3 in my view. He pops down and that's when I use the frag.

UK SME: General, sir, can I ask the question just in a different way?

Major General Votel: Sure.

WIT: Absolutely.

UK SME: And to take you back to your first engagement of the evening which is when EKIA number 1 comes up onto the terrace. You've got TM 3 in front of you and you both go to engage EKIA number 1.

WIT: Correct.

UK SME: You fire two rounds and then you have a stoppage?

WIT: Yes.

UK SME: I take it that you clear your stoppage on the move as you are going up onto the terrace?

WIT: Just before I climb the terrace, sir, just before.

UK SME: So, you clear your stoppage. TM 3 engages, can you tell me - right at the time when you are clearing your stoppage when TM 3 engages EKIA number 2? You've cleared your stoppage by then or not?

WIT: Oh, yes, sir.

UK SME: Definitely?

WIT: Yes, sir.

UK SME: So, you clear your stoppage but you're, you know, three or four paces behind TM 3. He clearly engages EKIA number 2 on his own, yeah?

WIT: Correct.

UK SME: You are then right next to TM 3 and looking at the ISR coverage, your weapon is at the ready and you observe EKIA number 3. Does your, in your experience and your training, could you explain why you didn't engage him?

WIT: Oh, absolutely.

UK SME: If indeed you didn't?

WIT: Absolutely. That spurs, hopefully -- I can answer your question thoroughly actually the way you state that. To have my weapon at the ready, absolutely. Support my buddy I'm going to be up there to do it. I can remember my laser being on.

UK SME: Yeah.

WIT: Because all it is is a press on my foregrip and I'm ready to do it. I do not remember taking any shots. If I did take a shot I swear to God as my witness, I do not remember taking a shot. I very well could have, but yes, if I would have seen his head long enough to take a shot, I absolutely would have done it. I would not have held back at that moment to not take that shot. That's when I decided to sling my weapon and go for that process of, hey, I'm going to throw this ~~(S)~~(2) High Grenade and communicate it.

UK SME: And you were aware - so you probably have already answered this, but you were aware of TM 3 firing?

WIT: Yes. Yes. Yes, sir.

Major General Votel: Brigadier?

Brigadier Nitsch: Nothing more from me, thanks, General.

Major General Votel: US SOF SME, anything more on that aspect of it?

US SOF SME: No, sir, not on this aspect.

Major General Votel: Okay. Do we want to continue to look at this here? Are we even going to look at the actual grenade throw here?

US SOF SME: Not unless there is a need to, sir.

Major General Votel: Are there any other questions on that? I think we are pretty clear on what happened there. Okay. Are there any other areas across the team here that we would like to talk to TM 5 about?

US SOF SME: Really just kind of - I think we appreciate your integrity throughout this. We appreciate you coming back and talking to us and talking through these situations that are tough with the cloud of war to get through and we appreciate, you know, your actions going out regularly and engaging in close combat with the enemy and these kind of things and the pressures those bring. So, again, we appreciate everything that you are doing in this process and out there on the field.

WIT: Thanks a lot, sir. For you to say that to me it means a lot and I mean, it means a lot in these times. It's not easy obviously and to help you guys it helps me. I absolutely - there is nothing I would not share with anybody in this room about anything that we have talked about.

Major General Votel: (b)(3), (b)(6) is there anything that you think you have here or that we need to follow up with TM 5 since we have him here right now?

Lieutenant Colonel (b)(3), (b)(6): Yeah, a couple of things, just of passing curiosity more than anything else. Why do they call you the Mule?

WIT: [Laughing].

Major General Votel: Well, just for the record, do they refer to you as the Mule or do you refer to you as the Mule?

WIT: I refer to myself as the Mule. They refer to me as a couple of other things, but if it needs to be taken onto the target I'm going to carry it. It doesn't matter how much it weighs. Being that I'm bigger than a lot of guys just by weight and height they are like, oh, yeah, you can carry that. So, I get it done.

Lieutenant Colonel (b)(3), (b)(6): And then the other one was just a curiosity because I know we noticed that almost all the guys had been wearing a specific patch and noticed that you had not.

WIT: Yes, sir.

Lieutenant Colonel (b)(3), (b)(6): Why is that?

WIT: Because the night (b)(1).4a (b)(2)HIGH (b)(1).4a (b)(2)HIGHed to everybody about this he told me that, in his words, "I had been shit canned", so off the team and that is where I stand as far as I know right now. I haven't been talked to about it since then.

Major General Votel: So, part of that was removing the TF patch?

WIT: They didn't ask me to do it. He didn't ask me to do it. TM 1 didn't ask me to do it. I just felt that if (b)(1).4a (b)(2)HIGH (b)(1).4a (b)(2)HIGH tells me I'm done with the team and done being an assaulter with the team then that comes with it. (b)(1).4a (b)(2)HIGH

(b)(1).4a (b)(2)HIGH

Major General Votel:

(b)(1).4a (b)(2)HIGH

WIT: That's correct.

Major General Votel: No one specifically says, 'take that patch off'.

WIT: No, sir. I just kind of took it as ----

Major General Votel: Although it is your conclusion that kind of based on the words that (b)(1)1.4a (b)(2)HIGH Chief used that it wasn't - in your mind it wasn't appropriate for you to continue to wear that patch any longer. Is that a fair assessment there?

WIT: It is. With a grain of salt. I mean there is part of me that believes I should wear it. I thought about it before - and I actually thought if anyone in this room would notice. You know it crossed my mind, you know, and there is a part of me until everything settles and whatever happens happens, maybe that's the point but being a part of that Team and the respect I have for that Team and what we are asked to do every day and doing it together. If (b)(1)1.4a (b)(2)HIGH Chief tells me that is the deal, then I kind of feel like I need to step back a little bit and show some reference to what it means to wear the patch because I'm not operational right now. I don't think TM 1 or TM 3 are also, but they also weren't told they were shit canned, (b)(1)1.4a (b)(2)HIGHs.

Lieutenant Colonel (b)(3), (b)(6): Did he tell you why?

WIT: He told me because part of being with the TF is not having what happened on that target happen as far as losing the initiative and Ms. Norgrove's life being lost at our hands. That's - if I remember correctly

(b)(1)1.4a (b)(2)HIGH

Brigadier Nitsch: Since we are on this subject, I have to say, I absolutely echo US SOF SME's point about your integrity and your openness and your obvious courage under fire on several occasions and I really admire that.

WIT: Thank you, sir.

Brigadier Nitsch: I really admire that. I'm interested, my question I suppose is, you've told us what (b)(1)1.4a (b)(2)HIGH Chief said to you about your exclusion from the team and that explains why you took the badge off, has anyone else in the team echoed a similar sentiment or, indeed, a different sentiment?

WIT: At that time when it happened, sir, I think the mood kind of followed (b)(1)1.4a (b)(2)HIGH saying at that time.

Brigadier Nitsch: Yeah.

Major General Votel: Did he say that publically or did he say that directly?

WIT: He said that publically.

Major General Votel: To you?

WIT: Yes, sir.

Major General Votel: About you?

WIT: Yes, sir.

Brigadier Nitsch: In front of the whole (b)(1) (b)(4a) (b)(2) HIGH

WIT: Yes, sir.

Major General Votel: And this is on, that would have taken place on Sunday after the video we just showed you kind of came forth?

WIT: Correct.

Major General Votel: Again, TM 5, I apologize, because I know we are not probing.

WIT: No, this is - I mean, I enjoy talking about it, sir.

Major General Votel: Okay. Who was present when he made this comment?

WIT: The whole (b)(1) (b)(4a) (b)(2) HIGH sir, everybody.

Major General Votel: But it was (b)(1) (b)(4a) (b)(2) HIGH it wasn't (b)(1) (b)(4a) (b)(2) HIGH others from Task Force (b)(1) (b)(4a) (b)(2) HIGH headquarters?

WIT: No, no, no.

Major General Votel: It was pretty much limited to (b)(1) (b)(4a) (b)(2) HIGH

WIT: It was all the shooters, yes, sir.

Brigadier Nitsch: And (b)(1) (b)(4a) (b)(2) HIGH officers as well as (b)(1) (b)(4a) (b)(2) HIGH Commander?

WIT: (b)(1) (b)(4a) (b)(2) HIGH Commander as well, sir. But as far as sentiments, to finish your question, that was probably the most uncomfortable thing I have ever been around in my life and I didn't see anybody, just because, I didn't even know what was going on. It rocked my world, obviously.

Brigadier Nitsch: Obviously.

WIT: So, I didn't come out of my hole so to speak, until the next day some time, you know, after a bunch of hours. I kind of kept to myself and I was just - I just didn't want to put anybody in the position of feeling like they had to say something to me or address it to me. Especially, you know, within a day of that but the next day I'm walking by our little tiki hut there where everyone hangs out. I went to go get a haircut and do something else. I walked by and I hear guys and they are hanging out, it's kind of like social hour for just us, nobody else goes in there and one of the guys pulled me in there and I was surprised. He was like, hey, come hang out with us. I almost started crying right then and there. They pulled me in and a bunch of the guys had a lot of good things to say and it was probably the most valuable hang out with anybody in the Teams that I have ever had. Just hanging out for like 5 or 6 hours. We just sat there and they expressed how they felt about it and it was a lot of good things said. It meant a lot to me.

Major General Votel: Good. Who pulled you in?

WIT: R, he's in Bravo Team.

Major General Votel: Who else?

WIT: G, McG.

Major General Votel: These are generally B Team?

WIT: Bravo Team. And there was on other RECCE, Charlie Team guy that was there. There were 5 or 6 guys and it ended up being pretty cool because there was - after being in there for 45 minutes and guys saw that I was hanging out almost everyone was in there for a good deal of the time afterwards. There were probably about ~~(b)(1), (1.4a), (b)(2), (c)~~ us.

Major General Votel: From both teams?

WIT: From the whole ~~(b)(1), (1.4a), (b)(2), (c)~~ HIGGS, sir. I'll never forget that. That brought me back to life so to speak.

UK SME: Have you had any other experiences like this, not in your career clearly, but any other particular highs or lows involving other people since the incident?

WIT: Nothing that compares to this. Highs or lows, there's no way, there's no way.

UK SME: In the last 3 or 4 days?

WIT: 3 or 4 days, uh, well that - those guys pulling me in and hanging out with me in that tiki hut. It just got better from there and it made things better for me from there but nothing like the high, you know, just having those guys say the things they said to me in there. One of the things I'll never forget was and Master Chief came and told me this as well, he's like, hey, and the guys in the tiki hut were like, "Hey, man, nobody in this command has ever been in that position. No one has ever seen that scenario, in that environment and I'll never judge you." Guys from your team telling you that, they won't judge you for that, I mean that's - it doesn't matter what happens to me on any scale. Just that happening, that's the thing that stays with me.

UK SME: So, everything has been positive, it's been supportive since then?

WIT: With the guys in the assault teams, (b)(1)1.4a (b)(2)HIGH, and (b)(1)1.4a (b)(2)HIGH, yes, sir.

UK SME: And anyone not being supportive because you implied there, you focused on (b)(1)1.4a (b)(2)HIGH, so anyone that has not been supportive?

WIT: Well, there's always the dichotomy between the leadership or the head shed between the assault teams and (b)(1)1.4a (b)(2)HIGH or (b)(1)1.4a (b)(2)HIGH Commander, I don't want to (b)(1)1.4a (b)(2)HIGH the spot or make him sound, giving you a bad light on him or anything but I was never approached by anybody in a leadership position on any level about anything. Even as far as to, this is what you should expect, this is kind of what's going on. That always came from TM 1 or TFSE, those are the guys that communicated to me about anything on a leadership level.

UK SME: Just so that I'm clear, (b)(1)1.4a (b)(2)HIGH Commander, was there when (b)(1)1.4a (b)(2)HIGH Chief said what he said to you publically. Did he at any stage before or after that sit you down and have a conversation one-on-one about what would happen and what your future might be?

WIT: No, sir.

Major General Votel: TM 5, thanks, I won't, in the interest of not being repetitive, I won't repeat what Commander (b)(3), (b)(6) said to you a few minutes earlier but I would want you to know that he and I share that opinion to a T here on your openness, your candidness here. I have a question for you and it does regard (b)(1), 4a (b)(2) and I don't want you to - I'm not trying to put you in a situation of loyalty to the Team versus integrity or anything else. But, what do you as (b)(1), 4a (b)(2) HIGH holding you accountable for? Is it for throwing the grenade? Is it for not saying anything about it? Or is it for embarrassing (b)(1), 4a (b)(2) HIGH TF? Or is it some combination of all of those?

WIT: Honestly, I mean, I hate to try to put anybody in a bad light for this whole thing but to answer that question directly, I think that he is ultimately concerned about just the TF. What the TF is after this and what people say about the TF. You know, I don't know how deep that goes but it's a concern of an embarrassment in the TF level I believe (b)(1), 4a (b)(2) HIGH level, whatever. So, number 3 in the things that you listed.

Major General Votel: Just one follow-up question to that. Again, it is kind of an open question here but, TM 5, do you think you did anything wrong here?

WIT: I thought about it a lot and it's an open question for sure. You watch the ISR, you know, and I'm like absolutely something is wrong. After I watch the ISR

Major General Votel: But what you are talking about is kind of your tactical decision to throw a grenade.

WIT: Yeah. I understand. No, sir, I don't think I was wrong at that - to throw that grenade on that target with what was happening what we were going through. I don't think I was wrong. I don't think, if I had to speak for myself, I stand behind that, but that's very hard to do when you see the ISR and the magnitude of what we were out there to do. I don't know if that is a yes or no answer but that's how I feel.

Major General Votel: I think you have answered it. Let me ask a follow-up question there. You know, do you think based on the conversation that you and TM 3 had on the terrace as

you are getting ready to EXFIL about, you know, the discussion that kind of confirms with you that you threw a grenade and says, hey, we've got to tell the Team Chief.

WIT: Right.

Major General Votel: Do you feel you told the Team Chief at the very earliest opportunity that you could?

WIT: Without a doubt, absolutely 100% without a doubt. I think it comes out in the interviews that TM 3 came to TM 1 first. That's just a matter of circumstance.

Major General Votel: That he was able to physically get there?

WIT: Yes, sir.

Major General Votel: Following that, did you and TM 3 have any discussions?

WIT: Following that?

Major General Votel: Yeah. I mean did you ever talk about the, you know, even as you walked back to your bed-down sites or maybe on Saturday or anything else, have any occasion to kind of come back and revisit that discussion with the Team Chief?

WIT: I don't know if it was revisit as far as like how our conversation went between the three of us. It is just kind of like, just guys talking. Like, 'hey, this is what I saw.' You know, 'I seriously thought I was going to get shot at that time.' You know, that kind of thing. Like just reflections of what was going through your head, just kind of like friends talking about it. So, on that level just as far as events.

Major General Votel: Okay. Later on after a period of sleep there and I know you said that wasn't a great sleep night for you, but we are into Saturday now and ~~(b)(1), (b)(2), (b)(7)(C)~~ and, I want to take you back to the meeting between ~~(b)(1), (b)(2), (b)(7)(C)~~ and TM 1 when they looked at kind of the low resolution video to which - and during which I understand you and TM 3 were there, or at least present. I understand you are not directly communicating, you are not saying anything, again, this is principally the two leaders talking but you guys are within earshot at that point and, you know,

the account kind of gets laid out, my question to you, TM 5, is after that conversation takes place, were you troubled or concerned by the conclusion that had been left with (b) (1), (b) (2) Chief at that point?

WIT:

Sir, I was - when I told TM 3 and I had that conversation with TM 1 after our hotwash when we told him what happened, what we saw, what we heard all those things and TM 1 looked at me and said, "I'll handle it. I'll take care of it." From that point on I trust him to whatever he's got to do, however, he's got to handle it, I don't want to speculate as to what he did or why he did it or how long he went before he (b) (1), (b) (2) anything but I've trusted him since the day I met him and he's been, ever since I showed up to this team and this TF, anyone who has ever talked to me about TM 1 has nothing but exemplary statements to say about him and he's one of the premier team leaders in the TF. From that point on, he showed me on training evolutions, outside of work, how he handles himself, because I'm a harsh judge of character anyway, just personally how a guy lives his life, who he interacts with. All those things top to bottom and taking that all into consideration and his level of experience and his professionalism, he tells me that and I'm good with it. I'm like, 'check'.

Major General Votel:

He says he is going to take care of it. You believe he's going to take care of it and you are moving on?

WIT:

Absolutely, no shadow of a doubt.

Major General Votel:

Okay. Thank you very much. Are there any other questions here. I know I have said that about 100 times.

WIT:

I'm fine. I don't feel a sense of urgency to leave. If you guys have questions I'm absolutely here.

UK SME:

It's not a question related to this. If you felt uncomfortable, and this is nothing I'm interested in now, I'm interested in today, TM 5.

WIT:

Yes.

UK SME:

If you felt you needed to talk to somebody, is there somebody you feel you could go and talk to?

WIT: TM 1, and TM 3. I'll tell you, when it comes to communications, the hardest thing is not to be able to tell my wife anything. But out here I have those guys and it does add a level of sucking or stress to be here, kind of in limbo away from, you know, our brothers and our teammates out there in (b)(1), (b)(2), (b)(7)(C), (b)(7)(D) HIGH but the three of us are good. We talk. There is nothing we don't say. There is nothing hidden between us. There is nothing we can't talk about.

UK SME: So, you don't feel unsupported at this moment. Is there anything that we in this room, you know, with the General's authority, can provide to support you, to sustain you through this difficult time of uncertainty?

WIT: No, sir. You guys just bring it up, you know, it starts with the patch and it brings up a bunch of stuff and it feels good to talk about. So, I'll feel better walking out of here and just being done with that. I'll breathe a little easier.

UK SME: My last question to you then, is there anything else you want to talk about?

WIT: College football is on Saturday.

UK SME: What was that?

WIT: No, I'm all right. I feel like - I feel comfortable with where we are at with this. I'm ready for something else to be a part of my life and my reality because this is it, every single minute of every single day.

UK SME: Okay.

Major General Votel: TM 5, I just want to make sure I understand here as the conversation continues it causes questions, are you and TM 3 and TM 1 all living in the same place right now?

WIT: Yes, sir.

Major General Votel: So, you are all in a B-hut or something, all with each other all the time?

WIT: Charlie 22, about 40 yards from here.

Major General Votel: Charlie 22, okay. Have you had an opportunity to or do you have a desire to talk to a Chaplain?

WIT: We were provided that opportunity I believe it was the day before we flew out here. I believe they are TF employed (b)(2) [redacted] was a psych, that was his first name. I don't remember the Chaplain's name but he came out and we spoke for 10 or 15 minutes. I don't pull any punches with them and I'm sure TM 1 and TM 3 tell them the same thing when it comes to talking and hey, let's sit down about this. It is not the same when they are not your teammates. We live different lives than a lot of people in the military. It is a different lifestyle. When your life is going to the chow hall and working out and then once in a while you see the green alien world that's Afghanistan and we are working and that's the only thing you see. There is a relationship with the guys you work with that you have that no one else has. It is hard to talk to people other than the guys you work with. I told them that and they understood it. We did get something out of our conversation nonetheless. I'm fine with where I'm at.

Major General Votel: I want to emphasize to you that that is not a one-shot deal.

WIT: Okay.

Major General Votel: That is available. And in fact anything that we talk about in here, anything that we talk about in here, you can talk about with the Chaplain.

WIT: Understand.

Major General Votel: That is within your rights to do. I know I've told you that you can't really discuss what we ask here among others, with the exception of a Chaplain or a lawyer if it comes to that point that you require one. I want to emphasize that to you and I want to highlight back to you what you just told me and what you have told all of us here a couple of times. That talking about this is helpful to you and I would encourage you to avail yourself to any opportunity you have with the Chaplain or others to talk about this. It will take absolutely no effort on our part to make sure that that is done for you. To ensure you have that full opportunity.

WIT: I appreciate the assistance.

Major General Votel: I recognize this is a very uncertain time and we are not in a position, really, to, well actually we are

in a position to try to reduce uncertainty by having sessions like this but it's not going to be an especially fast process meaning we are going to wrap this up in the next couple of days and we are going to move on. It's going to take a few days and probably a few weeks to do that. So, I will tell you, I will just kind of tell you that.

WIT: Okay.

Major General Votel: This will, again, as we were talking about this is our common reality here, right now. You and I share this right now, this thing. The only thing I am focusing on is this thing and the only thing you are focusing on is this thing. You can talk to somebody you can talk a Chaplain and I would encourage you, TM 5, to do that. If there is anything we can do to help facilitate that, we are here for you. That is part of my responsibility.

WIT: I understand, sir, it means a lot. Any advice you guys have it soaks in.

Major General Votel: Okay. Let me return to my oft repeated question here. Is there anything else?

Lieutenant Colonel (b)(3), (b)(6) No, sir.

UK SME: No, thank you, General.

Major General Votel: TM 5, do you have anything else?

WIT: I don't have anything else, sir.

Major General Votel: Let me just thank you for taking the time to come in and talk to us, and again, as we just talked about here, you can talk about any of this information with the Chaplain, unfortunately you cannot talk about it with anybody else, anything we talked about in these recorded sessions that we have right here as I explained the other night.

WIT: Understand.

Major General Votel: Okay. Thank you.

[The witness departed the room.]