

~~—SECRET//REL TO USA, GBR—~~

Major General Votel: Good evening, is this the TSE?

WITNESS: Yes, sir, it is.

Major General Votel: This is Major General Votel. How are you doing?

WITNESS: I'm doing good, sir, how are you?

Major General Votel: Good, thanks. Hey, listen I appreciate you calling here. We have a couple of follow-up questions that we had for you that we wanted to talk to you about. I want to remind you that we are on the record here. We are recording this discussion. You are still under oath as I swore you in the other evening. You are good and acknowledge all that?

WITNESS: Yes, sir.

Major General Votel: Okay. In the room with me is the Brigadier, a US SOF SME and a UK SME. I don't believe you met him the other evening. He was transportation delayed but joined us on Sunday for the interviews and I have Lieutenant Colonel ~~(b)(1)1.4a, (b)(2)High~~ the lawyer for the team that you met the other evening.

~~(b)(1)1.4a, (b)(2)High~~ I'm interested in kind of talking about here is somewhat specific. A little earlier this afternoon we came into some information here that I wanted to follow-up with you on. It involves TM5 and involves his performance on Objective ~~(b)(1)1.4a, (b)(2)High~~, where as we understand he employed a couple of grenades in a situation that wasn't, at least, didn't require that level of force or he did not exercise the proper precautions or TTP as a result of that and we understand, as a result of that, he was verbally counseled by you. What I would like to just kind of invite you to do is if you don't mind kind of talking about that situation there and kind of giving us a few additional details please.

WITNESS: Yes, sir. What had happened on, that was ~~(b)(1)1.4a, (b)(2)High~~ we executed ~~(b)(1)1.4a, (b)(2)High~~, moving in from the ORP to the set point we came under enemy fire. At that point ~~(b)(1)1.4a, (b)(2)High~~ up front pushing to the primary objective of building 10. I saw an explosion in the compound. We had a blocking position that was actually on some high ground right to our east and they were firing down into the compound area and then I saw an explosion that occurred in that compound. I couldn't really tell what happened with it, I just

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knew there was an explosion there. The assault continued. They came up to building 10. It was a relatively small building. There was enemy inside that building firing at the assault force and the guys were sucked up against the wall of that structure. At that point a (b)(1)1.4a, (b)(2)High grenade was deployed inside that building and what happened was that (b)(1)1.4a, (b)(2)High was a little excessive for the size of the building and it took down the whole structure. So, once again the mission continued and no other major events other than normal enemy contact throughout the mission. CAS was employed so on and so forth.

We got back here to (b)(1)1.4a, (b)(2)High conducted a debrief as I do every post mission. During that debrief I asked what went on. What was the explosion? I knew the (b)(1)1.4a, (b)(2)High grenade was employed so I had some points on that I wanted to bring up at that point. TM5 said he had used a frag grenade and I asked him why did you use it. And he said he saw the enemy or the friendly fires going into that compound and took that as enemy were inside that compound maneuvering so at that point he put a frag grenade over the wall into the compound. My point to him was you don't know what's on the other side of that wall. Regardless of what's going on, you don't know. So, you don't employ that type of munition in that scenario unless you can see what is on the other side of that wall and you know for sure there is no women and kids and so on and so forth that could be, you know, sitting in the corner or become fragged from that event. When they came around to the debrief I asked who employed the (b)(1)1.4a, (b)(2)High? He said he had employed it. He didn't have any other munitions left and there were enemy was firing at him and his team leader who was right there with him said, you know, gave him the green light to go ahead and throw that thing in there and he threw it in. I said, you know, during the mission we had to do SSE so because they used a (b)(1)1.4a, (b)(2)High I had to have them go in there and move, you know, (b)(2)High, (b)(1)1.4a and so on and so forth, rubble so we could conduct the SSE of the EKIA inside that building. So, my point to him was try not to go big on that type of munitions. I mean, especially for a building that small. There were other tools he could have used. Somebody else could have used a frag if that was the case for that type of clearance.

So, it was more or less a debrief point to the whole ~~(b)(1)1.4a, (b)(2)High~~ that was there. I made it very clear that you know how to employ those things at that point and then I pulled his team leader aside, TM1, following the debrief specifically talked to him on making sure he's aware of everything that comes along with those munitions and how to employ them properly.

Major General Votel: Okay. Thanks. So, the details of that came out during kind of the hotwash. Did you guys do it out around the fire-pit there or what were the circumstances of that discussion?

WITNESS: Yes, sir.

Major General Votel: Okay. And from your perspective in that particular discussion that hotwash that took place out there by the fire-pit after ~~(b)(1)1.4a, (b)(2)High~~ did you assess that TM 5 was being forthright in really providing - were you having to pull it from him or was he forthcoming with the information? How would you characterize that?

WITNESS: He was forthcoming but he did have a - he was a little reluctant because he knew I was pissed off about it. I was upset about it. I was irritated so I brought it up in front of everybody for the peer kind of aspect of that so that everybody else would know. So, as you know, sir, we ride ourselves harder than anybody else. If your peers know that you may have done something that really they probably wouldn't have done, it just brings that weight a little stronger to them. So, other than that, he wasn't - he didn't try to say he didn't do it. He pretty much, he raised his hand when I asked who did but you could tell he was a little reluctant on coming up with that.

Major General Votel: And I know when we talked the other night, ~~(b)(1)1.4a, (b)(2)High~~ talked about on the large group of people that was out around the fire-pit during the objective ~~(b)(1)1.4a, (b)(2)High~~ hotwash and I think we kind of between several of the witnesses there, we kind of concluded there was a pretty sizeable group, about 70 folks out there. How big would you say the group was for the hotwash for ~~(b)(1)1.4a, (b)(2)High~~? Was it just the ~~(b)(1)1.4a, (b)(2)High~~ was there a broader audience there? Can you kind of characterize that?

WITNESS: It was primarily just the (b)(4)1.4a, (b)(2)High I didn't really notice a bigger audience than normal. It was primarily just the (b)(1)1.4a, (b)(2)High

Major General Votel: So, pretty much everybody that was on (b)(1)1.4a, (b)(2)High was at that, from the (b)(4)1.4a, (b)(2)High standpoint was at that after action review for (b)(1)1.4a, (b)(2)High, or the hotwash for (b)(4)1.4a, (b)(2)High. Is that correct?

WITNESS: Yes, sir. And at that time of the hotwash, you know, as the mission had gone and all the activity that had gone on there, you know at that point I'm looking to try to develop these guys so I'm not, you know if I was to of tried to pull him out of the (b)(1)1.4a, (b)(2)High at that point it wouldn't have been the right thing to do. He didn't warrant that. It was more of a learning type event that we were trying to get across to him.

Major General Votel: So, you weren't then particularly concerned with TM5's, you know, continuing to participate in operations following (b)(4)1.4a, (b)(2)High?

WITNESS: No, sir. I felt that he was just a little too aggressive at that point and it was probably one of his more excitable contacts and he - and that's how I looked at it and that's why I was trying to bring that out in a public forum and then have his team leader address that specifically with him.

Major General Votel: Do you think that, or do you recall if he actually employed his carbine that evening as well?

WITNESS: Yes, sir.

Major General Votel: Okay. So, he had both a combination of him employing small arms and grenades that evening?

WITNESS: Yes, sir.

Major General Votel: And then, you know, besides the people who were around the fire-pit for the after action review was there - in the discussion out there, was there any other counseling or any other discussion that took place between you and TM5 or you and the team leader and TM5 or any other leadership and TM5 after that to discuss the employment?

WITNESS: Yes, sir. Yes, sir. After that debrief I pulled the team leader aside and me and him, one-on-one, I talked to him specifically, TM1, on making sure that

his guys were aware of employment of those type of devices.

Major General Votel: Okay. So that's principally between you and TM1, one-on-one?

WITNESS: Yes, sir. Yes, sir.

Major General Votel: But beyond the hotwash aspect that we talked about there, there's no other direct - is there any other direct discussion with TM5 about his employment of those devices?

WITNESS: No, sir.

Major General Votel: Would you routinely inform the TFSE on that?

WITNESS: Yes, sir, he was aware of that. Actually I believe he was out there at that debrief. There was a crowd of people but it was mostly all (b)(1)+.4a, (b)(2)+High. He was there as I reflect back.

Major General Votel: Just, if I could, is there any particular reason why we didn't mention this the other evening when we had a chance to talk about it?

WITNESS: Well, sir, I didn't really think about mentioning it with the way the interview was going. I didn't even think to mention it. It was a debrief that we typically do after every mission and that was just one of the missions. I usually hit on different aspects of pretty much every mission I have something to talk about, specifically to actions on and, sir, I just honestly did not think about mentioning that or talking about that.

Major General Votel: And then last question for me right now, you mentioned that on the Objective (b)(1)+.4a, (b)(2)+High that in the building that was rubble by the (b)(1)+.4a, (b)(2)+High grenade there was an enemy killed in action. Was he killed as a result of the employment of the (b)(1)+.4a, (b)(2)+High or by some other means, or do you know?

WITNESS: Sir, I'd be speculating, but I would suspect it was the (b)(1)+.4a, (b)(2)+High grenade.

Major General Votel: All right. Brigadier?

Brigadier Nitsch: (b)(1)+.4a, (b)(2)+High Chief, good evening. It's Brigadier Nitsch here again.

WITNESS: Yes, sir. Good evening, sir.

Brigadier Nitsch: Just two questions for you. Before Objective ~~(b)(1)1.4a, (b)(2)High~~ which may have fundamentally changed your view, did you have complete confidence in TM5 as an operator?

WITNESS: Yes, sir. I had confidence in him. I had all the confidence in him. I didn't - like I said, this was totally the last thing I would ever think that would happen on a HR scenario is someone employing a frag grenade. I had absolute confidence in him.

Brigadier Nitsch: Okay. And except for the incident that we've talked about on ~~(b)(1)1.4a, (b)(2)High~~, did you have any - can you recall any other incidents in which he's been perhaps singled out or it's come to the floor that he hasn't quite followed or behaved in a manner in which you would expect a Task Force operator?

WITNESS: No, sir. He had no other issues operationally at all. He was - he was aggressive. He was eager to learn. I saw nothing else, no other targets that we had executed had he had any problems at all.

Brigadier Nitsch: Okay. Fantastic. Just a final - well two just final ones develop on that, can you recall ever needing to speak to TM1 or TM3 about any of their actions on objectives?

WITNESS: Could you repeat that question, sir.

Brigadier Nitsch: In the same way - yes, certainly. In the same way that you felt the need on this - on ~~(b)(1)1.4a, (b)(2)High~~ to discuss the conduct of TM5, can you recall in the recent past any similar instances involving either TM3 or TM1?

WITNESS: No, sir, nothing at all with either one of the two and I've worked with TM1 for probably about 10 years and that's obviously one of the reasons why I'm so upset about how he handled it, but I had nothing on him at all. And TM3, I've never, ever had anything on him.

Brigadier Nitsch: That's great, TSE, thank you. And just my final sort of confirmation really is in this tour, there's been no other time in which you've had to discuss with the team or the ~~(b)(1)1.4a, (b)(2)High~~ the use of grenades?

WITNESS: No, sir, never had any issues with it.

Brigadier Nitsch: Okay. Thank you very much.

Major General Votel: Thanks.

Brigadier Nitsch: It's good to speak to you again. Thank you.

Major General Votel: Thanks. Okay. Anything else?

US SOF SME: No, sir.

Major General Votel: ~~(b)(3), (b)(6)~~ anything right now? Okay. All right. Thanks, TSE. Just - actually I have one further question here and really it's not on this topic so I've kind of held off until the end. I'm really just interested in your opinion here as a - in your view as a Senior SOF Noncommissioned Officer, if I could use that phrase here. I'm interested in understanding within your teams, the role of the assistant team leaders and how you view that and what kind of the expectations are of those - those operators that occupy those positions.

WITNESS: Yes, sir. Well the assistant team leader position is obviously, he's the next runner up to take that team so it's really a grooming process for him all along from briefing to actions on to how you do your administrative duties as a team leader. So it's really a grooming process. If we have a target that may require one of the teams to split, we will put the A team leader in charge of the smaller group to facilitate some of that development through the targeting process to the execution of the objective so it's really kind of like an apprenticeship, if you will, or mentorship and he's also one of the more experienced members of that team.

Major General Votel: Okay. So on an objective like, for example ~~(b)(1)1.4a, (b)(2)High~~, in your expectation of the assistant team leader, is he directing things if he and the team leader are split or is he actually leading or he - would you expect him to be in a role where he's able to observe more broadly or can you talk just a little bit about that with respect to an Objective like ~~(b)(1)1.4a, (b)(2)High~~?

WITNESS: Well, specifically for that mission, he could have found himself - and I only say that based on the actions that occur. The enemy typically direct what

might happen on target, so he could at one point have found himself in a position where he might have to make a decision. But primarily, he is briefed - the team is briefed on the mission and how they're going to execute the mission, and they follow through with that unless some other events change that. It's not beyond a possibility that he could have been - an assistant team leader could have been in a position to make determinations on how they might take down a particular room or building or particular actions on target whether you're going to hold here or continue or so on and so forth.

Major General Votel: Okay. All right.

Brigadier Nitsch: Just to follow up on the same line that General Votel has just been following, in your experience, is the assistant team leader used differently from team to team or are they used absolutely consistently across the teams?

WITNESS: No, sir, it's consistent across the teams. That's primary that 2IC is just that, he's the second in charge and he's there to learn. He's under that mentorship of the team leader and it's really across the board how we try to keep that thing.

Brigadier Nitsch: Thank you very much.

WITNESS: Yes, sir.

Major General Votel: I'm sorry. One additional question here from Lieutenant Colonel (b)(3), (b)(6).

LTC (b)(3), (b)(6) : Hey, (b)(1)1.4a, (b)(2) Chief, I'm going to take you back to totally unrelated events from what we're talking about tonight. I want to take you back to the time where the day after the mission, you went to get the ISR feed and you went to go speak with TM1 so you could kind of clarify in your mind what had happened that night. Are you following me?

WITNESS: Yes, sir. Yes, sir.

LTC (b)(1)1.4a, (b)(2)High Okay. What I'm trying to get to, I know your main intent on that as I recall was you were concerned about whether or not they had actually fired their direct fire weapons at Ms. Norgrove; is that correct?

WITNESS: No, sir. Actually what I was looking at was what happened. I wanted to see where the personnel were because once again, I didn't see any aspect of it so I wanted to see where the explosion occurred at and so on and so forth and where the personnel were and I knew where Ms. Norgrove was based on where that - where she was lying due to ISR feed. When I went in there, I wanted to get their information on what actually happened.

LTC (b)(1)1.4a, (b)(2)High Okay. So when you talked about the explosion, what actually did you ask TM1 regarding the explosion then?

WITNESS: Well I just asked what happened as far as shots fired and he went through the same thing he told me on target which was he engaged an individual and he exploded. And I talked to TM5 and I said, "could you see them walking up the corner?" He said, "I engaged one afghan male. I couldn't even see anybody else." That's what he said. He just saw one individual.

Major General Votel: Thanks, (b)(1)1.4a, (b)(2)High Chief. Just one quick follow-up question from me there. So that is to say you did not specifically ask him if a grenade was thrown?

WITNESS: Oh, no, sir. I had no idea. That was the farthest thing from my mind. I didn't even think that was a possibility. I was, I mean, absolutely flabbergasted when I saw - the following day when I saw that video. I had no clue that that was even an option or even on the table.

Major General Votel: Okay.

WITNESS: The reason why I wanted to see that thing is because I wanted to see where the explosion was and where in relation the people were is what I was looking for.

Major General Votel: Okay. Go ahead.

Brigadier Nitsch: Can I just ask why that interested you?

WITNESS: It interested me because I hadn't see anything of it, sir, and I wanted to get that perspective and I knew - and when I first saw the video, I knew where Ms. Norgrove was lying and I knew by looking at that video that - when it looked like somebody fell down to the corner or was pushed down or was sitting at the corner, that is where we found Ms. Norgrove.

Brigadier Nitsch: Okay. So it was more for personal interest than any particular, professional motivation?

WITNESS: Well, yes, sir. I'm trying to get the actions from the team leader and the guys there so I know what happened. And when they tell me what they told me, I said, "okay, roger that."

Major General Votel: So actually kind of a combination or you wanted to know plus kind of from your professional aspect as the ~~(b)(1), (1.4), (b)(2)~~ Chief knowing exactly what your guys did; is that accurate?

WITNESS: Yes, sir. I tried to get - pretty much I try to use that ISR feed when I can to see if - to use as debrief points on what might have went on.

Major General Votel: Okay. Thank you. All right. Thanks very much, Senior Chief. I really appreciate it. Is there anything else that you think we might need to know here about what either we discussed or anything else that might have come to your mind since we last talked?

WITNESS: No, sir. I mean, it's all straight forward. If you have any other questions, feel free to give me a call. Like I said, the debrief with the ~~(b)(1), (1.4), (b)(2)~~ ~~(S)~~ ~~(TM5)~~ at that time, the only reason why I didn't bring it up, I didn't think to bring it up because we weren't even talking about any of those - that aspect of it. I just want you guys to understand that, sir.

Major General Votel: Okay. Thanks. I appreciate it. Hey, listen, I don't think we have any further questions here. I just want to remind you that if something else should come into your mind here and you think of it before we do, please let us know and we'll convene to talk to you. I just want to remind you to please do not discuss this discussion or this testimony here that we've just been through without anybody until - unless it's a Chaplain or somebody else unless you've kind of talked with me first, okay?

WITNESS: Yes, sir. Yes, sir.

Major General Votel: Thanks, appreciate it.

WITNESS: Thank you, sir.

Major General Votel: All right. Good bye. [The call was terminated.]