

1 [REDACTED] [FORMERLY [REDACTED]], WAS CALLED AS A WITNESS ON
2 19 NOV 04, WAS SWORN AND TESTIFIED AS FOLLOWS:

3 [REDACTED] INTRODUCED HIMSELF AND THE WITNESS WAS SWORN BY [REDACTED]

4 Questions by IO:

5 Q. [REDACTED] one of things I like you to do is; you were in a
6 vehicle. I believe you were in a GMV, is that correct?

7 A. Roger that sir.

8 Q. Okay, this right here is a depiction of a GMV. If you
9 would, I would like you to put on top of it what serial number you
10 were in on that day, a 1 or serial 2.

A. Okay sir.

11 Q. And if you could on this would put what order you were in
12 the order of movement.

13 A. Roger that sir.

14 Q. And right below that. And then here if you would list--

15 A. All the paxs?

16 Q. All the paxs by name, the best you can recall to the best
17 of your knowledge.

18 A. Yes, sir.

19 Q. Could you put down there print your name and sign it. And
20 the date is the 19th of November 2004.

21 A. Roger that Sir.

1 Q. To the best of your knowledge, if for some reason you think
2 of someone else during this course of this, you can always go back
3 and put them in there.

4 A. Roger sir.

5 Q. What I got here is two diagrams. One depicting the large
6 operational area Magarah here and Manah here Tit here. Over here I
7 have a close up. And this close up is of the ambush area. This
8 village here corresponds to this village with the north seen here
9 below it.

10 A. Okay.

11 Q. What I would like you to do first is on this diagram is
12 show me by drawing a square. This represents the vehicle. Start
13 from what route you took to when this is all over to where you
14 stopped and another square right there.

15 A. Roger that sir. I recognize this thing right here Magarah.
16 I don't recognize these other two.

17 Q. Okay.

18 A. We-Do you want me to do this in red Sir?

19 Q. No, just do it in black.

20 A. We started in Magarah. Second serial. I was in the lead
21 GMV leading out. We were coming up the route serial 1 had taken off.
22 Up here at this T intersection, they were going to go left. We were
going to go right. I turned, we get up here, I turn to go the route.

1 Then 2-5 came across the radio to tell me to halt. So we stop off
2 right here for about a few minutes.

3 Q. Who is 2-5?

4 A. [REDACTED] Sir. After a few minutes he came across the
5 radio and said GMV. I mean the Jinga truck. He is going to take
6 lead and we are going to go down this route because it will be easier
7 to haul the GMV this route than going this way. Immediately we
8 became this--

9 Q. Do you just want to draw a line to where you started --

10 A. From here sir?

11 Q. Yes, the route.

12 A. Stopped right here sir. Then we turned around and started
13 heading down this route, the second order of movement.

14 Q. Yes. Just go all the way to where your vehicle finally
15 stopped, when it was all over. And then we will take this right here
16 to discuss what happened in the kill zone and any other actions that
17 happened outside of that.

18 A. Alright Sir. We just basically followed this road all the
19 way through this canyon sir. And our end state is just past the
20 village sir.

21 Q. If you would on the very first box put S1. Okay. Then
22 right her put turn around. Then put F1 at that box right there.

Okay now if you would go ahead and write your name, sign and date it.

1 A. Okay sir.

2 Q. Okay now if we could let's put this diagram right here.

3 Now in this area, this area being the area of potential ambush took
4 place, if you would please as your vehicles were moving as you first
5 made contact. Draw me a square where your vehicles was when contact
6 was first made to your best of the ability.

7 A. Roger that sir. Would you guys happen to have a map in
8 here at all sir? Please. Did you want me to draw a square where we
9 was.

10 Q. Yeah, draw a square where you first had contact. And this
is just to the best of your memory. Okay.

11 A. Started up right here sir. Dismounted everyone.

12 Q. What exactly happened at that point in time?

13 A. we were coming through here and I remember we were talking
14 to each other. Like you, this would be the perfect place to have an
15 ambush and blah, blah, blah. Then the next thing you know we hear a
16 loud explosion. Jinga truck stops in front of us. We stop/halt,
17 dismounted everyone, accessed the situation because I immediately
18 thought the [REDACTED] rear GMV hit an IED. Everyone
19 dismounts and pulls security and I began seeing what was going on. I
20 remember looking at [REDACTED] not [REDACTED] but [REDACTED] and [REDACTED] and
21 [REDACTED] were looking at each other. I was trying to figure what
22 was going on with the radio. And that was when we heard the second

1 explosion. One of my men said "Hey [REDACTED] look over there". I
2 looked on the canyon wall and you could see the rocks and I remember
3 just hearing someone yelling. I got the last two GMVs moved out of
4 the way from the falling rocks.

5 Q. If you can with the blue pen, where you thought the
6 explosion occurred.

7 A. Right here sir.

8 Q. Okay put E1 there please. Okay. And at this bottom where
9 your vehicle is at put S1. okay. Do that is where you dismounted.
10 You saw the rocks falling.

11 A. Roger that sir. Saw the second or actually I saw the third
12 mortar round sir.

13 Q. So you telling me there were three rounds that day?

14 A. Yes sir I believed there were three for sure.

15 Q. Okay put [REDACTED] mortar rounds. Okay. After that occurred
16 what happened?

17 A. Immediately right after that sir. We started taking some
18 small arms fire.

19 Q. And where did you take that small arms fire from?

20 A. I believe it was from the north originally. Our guys
21 started shooting at the ridge. At first some guys thought it was
22 RPGs. You want me to use the red pen for small arms or still use the
23 blue pen sir?

1 Q. If you know the position where you think the small arms
2 fire came from just put an X there. Then put E2. Okay.

3 A. So then everyone started immediately shifting there fires
4 toward the muzzle fires, E2, to where it came. By around that time
5 [REDACTED] came across the radio. We were like roger that. I seen [REDACTED]
6 [REDACTED] and [REDACTED]. They were laying down suppressive fires. So
7 I told [REDACTED] mount up, I am going to run up to the lead, to the jinga
8 truck since I have a radio I can keep com with the lead vehicle and
9 the rear. I grabbed the tarp and the two jinga truck drivers. I
10 told them to get into the truck and start moving. I hopped into the
11 cab with them sir. And then we started pushing along the route. We
12 get a little ways and for some reason the cab is kind of hesitating,
13 stopping sir. I am trying to remember sir. It kind of gets a little
14 hazy sir.

15 Q. Take your time.

16 A. Honestly can't remember what happened after the first stop.
17 Then we get a--I remember pushing the move again, beating out the
18 windows. I remember the jinga truck driver getting all pissed at me.
19 I thought that was of weird at that time. Where I could fire up here
20 on the ridgeline and we get up here around this bend and kind of
21 slowing down, stopping again. I see a PAC moving up here, carrying
22 some sort of weapon system. So I get out, I ran back to my GMV, by
that time, I was going to have [REDACTED] which--I was gonna

1 have him grab the AT4, which he already had in his hands, pointed his
2 fire towards where I saw the PAC and I grabbed the sniper, oriented
3 his fire up there, too.

4 Q. Okay, so if you could draw where you stopped and you were
5 in the jinga truck, then?

6 A. Yes, I was, sir.

7 Q. Could you draw--put a square where the jinga truck stopped,
8 put "jinga" beside it.

9 A. [The witness did as directed.]

10 Q. And then with the blue pen, indicate where you saw the
enemy. And put "E-3" beside that.

11 A. [The witness did as directed.] Right around this time, we
12 noticed we started taking a little bit of small arms fire from the
13 southern ridgeline. And I oriented our fires up here. By that time,
14 I ran back to the jinga truck, we started pushing along again. And
15 as we were coming up here--I can't remember this is the final bend
16 right here, sir, of this was--if I can--if we came around this bend,
17 I could see this ridgeline, or if it was right here, or--that-- --

18 Q. To the best of your ability there.

19 A. So we stopped pushing through. I noticed that the road
20 started widening up, we can get the whole convoy through, so I
21 figured this would be a perfect opportunity. So I jump out of the
22

1 jinga truck, I get in our GMV and tell [REDACTED] to move around the jinga
2 truck. He maneuvers around the jinga truck-- --

3 Q. Can you show me where the jinga truck was then, before you
4 maneuver around it?

5 A. Roger that, sir. Like somewhere right around here, sir.
6 Put "jinga" again?

7 Q. Put "jinga."

8 A. [The witness did as directed.]

9 Q. And then depict your vehicle and an around it--the
10 direction that you went around the vehicle.

A. Roger that, sir. Went around the left side. Now we-- --

11 Q. Before we go any further, take your blue pen. You said you
12 were receiving fire from the southern ridgeline?

13 A. Yeah, back here, sir.

14 Q. If you would, put an "X" where that fire was coming from.

15 A. [The witness did as directed.]

16 Q. Put "E-4" there.

17 A. [The witness did as directed.] Right before I jumped out
18 the jinga truck, I remember up here, I was orienting my fires up
19 here, because I saw muzzle flashed coming from up this line right
20 here, sir.

21 Q. "E-5."

1 A. [The witness did as directed.] So when I got back to the
2 GMV, that's--I oriented the men's fire onto here. It's like three
3 o'clock--up here, sir.

4 Q. Okay.

5 A. So we get around the jinga truck and, if this is the bend
6 I'm thinking of, we're still orienting our fire up to here, and on my
7 peripheral vision, sir, I catch muzzle flashes coming from this
8 little spur right here, or ridgeline and I remem-- --

9 Q. Put your vehicle there were you first saw those muzzle
10 flashes.

11 A. [The witness did as directed.] Right there, sir.

12 Q. Okay.

13 A. Saw the muzzle flashes. I turned to ID 'em. I ID-ed 'em
14 as a threat, sir. So I engaged on him-- --

15 Q. And who, exactly, did you see there?

16 A. I saw an Afghan, sir.

17 Q. Can you describe to me what that Afghan looked like to you
18 at that time?

19 A. Yes, sir, he had an AK-47, sir. I remember seeing his
20 face--it was kinda dark. I can--see--deserts--tiger-stripe--I think
21 he was in the tiger-stripe uniform, sir.

22 Q. Can you tell me anything else about him?

1 A. He wasn't wearing a helmet, sir. I remember recognizing
2 that, sir.

3 Q. Okay. Please put a mark there with the "X" where you first
4 saw that AMF soldier.

5 A. [The witness did as directed.] Like right in here, sir.

6 Q. So that's right when you came around the corner?

7 A. Roger that, sir. I caught the muzzle flashes. So I turned
8 to engage on him-- --

9 Q. Now, when you turned, were you turning--can you give me a
10 clock direction?

A. Yeah, again, sir, the GMV--this is the GMV right here, sir.
11 My clock direction was still to the three o'clock. I turned just to
12 the one o'clock, sir, because I was facing two to three. I had my
13 back, to my driver, so I just turned to the one.
14

15 Q. So he was at your one o'clock when you engaged him?

16 A. Roger, sir, remembered just doing--roger that, sir.

17 Q. What did you do when you engaged him? Was he standing or
18 was he in the prone or what position was he in?

19 A. I don't remember, sir. I want to say he was standing, sir.
20 That part's just a little hesitant for me now.

21 Q. No problem, just to the best of your memory. Okay, so to
22 the best of your recollection, he was standing?

A. Roger that, sir.

1 Q. What direction was he firing in?

2 A. Firing back towards us, sir. At the time, that's the
3 reason I caught the muzzle flashes and thought he was actually firing
4 at us, sir.

5 Q. I want you to draw, with an arrow, with the black, where he
6 was oriented and what direction he was firing in.

7 A. [The witness did as directed.]

8 Q. What did you think at that time he was shooting at?

9 A. At us, sir.

10 Q. All right. So when you fired, when he was at the one
11 o'clock, did someone in the vehicle say "contact"?

12 A. When I turned to fire at him, sir? No, negative, sir.

13 Q. Did you ever hear anybody say "contact"?

14 A. Negative, sir.

15 Q. "Contact, three o'clock"?

16 A. Yeah, up here, sir.

17 Q. Okay, so someone said "contact, three o'clock" there?

18 A. Roger, sir. I said "three o'clock" up here, sir.

19 Q. Okay, so that was before you came around the corner?

20 A. Roger that, sir.

21 Q. And that was shooting at people at what ridgeline?

22 A. The northern ridgeline, sir.

Q. Okay. Got it.

1 A. Yeah, all the men's fire was still oriented at this
2 position up here, sir. I turned to engage on him, and when they seen
3 that I was engaged on him, they followed suit.

4 Q. So, you had turned and engaged the Afghan, and when you
5 engaged the Afghan, how soon after that did the other members of your
6 vehicle engage at that location?

7 A. I want to say, got off two, maybe three--two to three
8 rounds, sir. Maybe two to three rounds, sir.

9 Q. Can you kind of give me an idea when--by drawing your
10 vehicle--when the rest of the team picked up the fire on that
11 location, based upon your first engagement of that Afghan soldier?

12 A. Probably just like right here, sir.

13 Q. Who at that time, then, engaged that position?

14 A. I know the gunners did, sir.

15 Q. Can you remember which gunners? Can you remember which
16 weapon systems were firing on that position at that time?

17 A. I can't give you specifics, sir, but as best of my
18 knowledge, I don't know if anyone on this side of the GMV was even
19 firing. But this side had a pretty good sight picture, sir.

20 Q. So if you would, draw a line from that where the remainder
21 of the vehicle picked up fire at that point in time.

22 A. [The witness did as directed.]

1 Q. Okay. Did the vehicle ever stop at that point in time
2 anywhere?

3 A. No, we didn't sir. It was a continuous movement.

4 Q. Okay, so it was a continuous movement?

5 A. Roger that, sir.

6 Q. As you moved through, can you explain to me when the fire
7 ceased or when you first heard "cease-fire"?

8 A. Roger that, sir. As we were coming perpendicular, right
9 here at the ridgeline, all I remember was my [REDACTED], which was
10 also the GMV driver, sir, yelling "friendlies." I stopped, turned
11 around, looked down the road and I was like, you know, what are you
12 talking about. And up here, sir, right past this little village,
13 that's where I saw our NSTVs and GMVs and then once I saw that, I
14 stared yelling cease-fire, turned back up--by that time, sir, we were
15 pretty much like right on-line with the ridgeline.

16 Q. Would you put "cease-fire" beside that location there that
17 you've just indicated?

18 A. [The witness did as directed.]

19 Q. And who was the first one to call cease-fire at that point?

20 A. That would have been my [REDACTED], the GMV driver, sir.

21 Q. And that was who?

22 A. [REDACTED] sir.

Q. And you heard [REDACTED] call cease-fire?

1 A. Roger that, sir. Turned to look to see what he was talking
2 about, saw that, I started yelling cease-fire. Tried to get all the
3 men to stop. I remember, as we were yelling it still, like the big
4 guns got off a couple more bursts, so I had to grab like the top
5 gunner's leg to actually get his attention, sir. And we were just--
6 right around this point, sir, I remember, I think it was--maybe the
7 240, sir, I want to say, was the very last weapon system to fire,
8 sir. Because as I got on-line right here, after I heard the cease-
9 fire, looked down the road, started yelling cease-fire, looked back
10 up the ridgeline, that's when I saw all back here, right here, sir,
11 behind the ridgeline, I saw [REDACTED] element up here.

12 Q. Would you put little "X's" where you saw [REDACTED] element?

13 A. Roger that, sir. [The witness did as directed.]

14 Q. And put [REDACTED] beside that and draw a circle around it.
15 Around the X's.

16 A. Oh. Roger that, sir. [The witness did as directed.]

17 Q. And that's the first time where that last vehicle
18 indication is marked that you saw friendly forces?

19 A. Actually right here, sir.

20 Q. Okay, so you actually saw friendly forces there and who did
21 you see or what did you see?

1 A. As we got right here, sir, after I started yelling cease-
2 fire, I remember the person I keyed in on--I don't know why--it was
3 just [REDACTED] I just saw him standing there, waving his hands.

4 Q. Did you ever see anybody fire a pen flare?

5 A. No, I didn't, sir. Actually--sorry, sir, I take that back.
6 I seen [REDACTED] standing there with the pen gun in his hand, I saw him
7 shoot it off, sir.

8 Q. Did you see anybody put a smoke out anywhere in this?

9 A. No, I didn't, sir. I saw smoke, but I thought it was
10 just--it was like white smoke, and I thought it was just from a
11 mortar round kicking up.

12 Q. Where did you see the white smoke?

13 A. I want to say it's back up in here, there's like a wall,
14 sir. Want me to mark "smoke," up here, sir?

15 Q. Yeah, if you would. Draw a circle around that.

16 A. [The witness did as directed.]

17 Q. Was the smoke there before you got there?

18 A. I didn't notice it before I got there, sir. I can't
19 remember, sir.

20 Q. At the position where you called cease-fire and then that
21 last position right there, where you said you saw [REDACTED] element on
22 the backside of that spur, did your vehicles ever fire into the
village?

1 A. I already said no, sir, because me, personally, I did not
2 see anyone shoot into the village, sir.

3 Q. And you said your 240 fired back across the spur?

4 A. Yeah, I believe so, sir, but if I can remember correctly,
5 he was the very last weapon system to fire.

6 Q. And can you kind of give me an idea what direction that
7 fire was in?

8 A. I wish I could, sir.

9 Q. But you think it fired back across the spur?

10 A. I just--I think it was somewhere right in here, sir.

11 Q. If you're not sure, then I wouldn't say so. But I guess my
12 point would be, in your mind, though, you recall the 240 still
13 firing?

14 A. Roger that, sir. My point is, the last weapon system to
15 cease fire, sir.

16 Q. And his position was on the back of the vehicle?

17 A. Roger that, sir. Back here, sir.

18 Q. Okay. I understand. Did you ever see any friendlies on
19 the ground, up in the village, when you were approaching the village?

20 A. No, I didn't, sir.

21 Q. I might ask you one other question here, but to make sure
22 we get this clarified properly. Is there any possibility that the
jinga truck--if would [mumbling].

1 A. Roger that, sir.

2 Q. Is there any possibility that the jinga truck was in front
3 of you at this location before you passed it?

4 A. No, because this was--this is pretty much we'll be like
5 right on line with these guys, sir. No, we passed it before we even
6 got there, sir.

7 Q. And from your recollection, you passed the jinga truck
8 here, before you rounded this corner here?

9 A. Roger that, sir. I can't remember if it was right here or
10 here on this drawing, but I remember is we took that truck being in
the road and that's what caught the fire from the AMF soldier in my
12 peripheral vision-- --

13 Q. So there's a possibility it could have been right here?

14 A. It could have been closer, sir.

15 Q. All right, so if you would, just kind of make a line to
16 this right here, where it possibly could have been and another--like
17 a dotted line, put "jinga" there.

18 A. On here, sir? [The witness did as directed.]

19 Q. And another square where it could have been.

20 A. [The witness did as directed.]

21 Q. After you got to your final position there--would you mark
22 your final position where you stopped?

A. Roger that, sir. [The witness did as directed.]

1 Q. That line going down is the line down to the town of Manna.

2 A. Okay, sir. Yeah this--I want to say somewhere right in
3 here, sir.

4 Q. Right there where you indicated before.

5 A. Just put "F-1," sir?

6 Q. You can.

7 A. [The witness did as directed.]

8 Q. Now, from that point right there, what did you do?

9 A. At this point right here, sir, we dismount, push off
10 security. Finally we got some comms. Weeks finally got on the--was
11 able to get comms with Serial Two, sir. And all I heard was like--
12 excuse me, sir--"we have friendly casualties" and I heard "one Eagle
13 KIA," sir. Right around that time, just kept pushing up the men,
14 telling them to keep active security going. I went up here--went up
15 here to the village to the CP, to talk to [REDACTED] and find out
16 what's going on, then I came back grabbed a couple guys to help with
17 the casualty assistance.

18 Q. What did [REDACTED] tell you back at the CP?

19 A. He told me to just go down there, get the HLZ ready for a
20 medevac bird to come in and stuff, sir, and grab some bodies to be
21 body-draggers, sir.

22 UV: --believe it was "body-draggers"?

1 WIT: Roger, sir. So I came back here, grabbed two guys, sent
2 'em up here. Actually, sir, I can't remember if I sent 'em up before
3 I set the HLZ or what. I know this is probably not important, but--I
4 think after I talked to [REDACTED], I just came down here
5 directly and started setting up at the HLZ I remember [REDACTED] came down
6 there and was assisting me--or [REDACTED] came down and assisted
7 me and we started receiving the casualties down there, started
8 getting 'em ready for each lift and stuff, sir.

9 Questions by IO, continued:

10 Q. Did you know what had happened at that point in time?

11 A. You mean the fratricide, sir?

12 Q. Um-hmm.

13 A. Roger that, sir. I mean, soon as [REDACTED] said "friendlies,"
14 and I looked down the road and saw the NSTVs and looked back up the
15 ridgeline and saw [REDACTED] I mean, and then after hearing casualties over
16 the radio, I pretty much knew it was fratricide, sir.

17 Q. Okay.

18 A. However, I think the men on the GMV, except for my team
19 leader, didn't know it was a fratricide, sir.

20 Q. At any time when you started firing on the spur, did you
21 ever see anyone raising their hands or screaming cease-fire on that
22 ground?

A. No, sir.

1 Q. When you got past the spur there at that location and you
2 said you saw [REDACTED] men up there--or midway--at the cease-fire
3 point--let's just say the cease-fire point, did you ever hear
4 anybody--did you ever see anyone waving their arms?

5 A. The first time I saw people waving their arms was--saw--
6 went out there and saw [REDACTED]. I don't know why I keyed in on him,
7 but I just saw him, sir, and that was the first time I saw people
8 waving their arms. I didn't never ever heard [sic] anything coming
9 from here, shouting "friendlies."

10 Q. So after that occurred, the body was moved down and moved,
11 did you participate in packaging the body in any way for movement?

12 A. I didn't package the body at all, sir.

13 Q. Okay, so your responsibility was setting up the HLZ?

14 A. Setting up the HLZ and I helped drag the body to the bird,
15 sir, and that was it.

16 Q. After that occurred, then what did you do?

17 A. Medevac bird came in, lifted the personnel out--PAC out.
18 At that time, I went--I think this is when I went back up to the CP
19 and that's when [REDACTED] like, hey, you know, start helping
20 [REDACTED] clear the village and I was like roger that. So I went down and
21 grabbed a couple my men and told [REDACTED] said hey, just keep security
22 going, we're going to go up here. We're going to search the village.
So we came up here and we started clearing the village, sir.

1 Q. After you cleared the village, then what did you do?

2 A. After I cleared the village, I went back down--down to
3 here, sir. To check up on the men and stuff like that. I left my
4 two guys up here. And I remember I come across--both the jinga truck
5 drivers were [unknown word] sitting in the middle of the road and
6 stuff like that. I remember we picked 'em up and we moved 'em over
7 here. I think [redacted] did that, though, sir. And then, pretty much
8 after that, sir, it was just like keep pulling security, kept going
9 back and forth from the village down to here and stuff like that,
10 sir.

Q. Did you ever talk to anyone that night about what happened?

12 A. Yes, I did, sir. We didn't really get too in-depth into
13 it, sir. I just came by [redacted] and I said what the hell happened?
14 And he was like, you know, we had friendlies shoot on us. And that
15 was pretty much the end of it, sir. And then later on that night, I
16 told-- [redacted] said yeah--I says, definitely friendly--
17 fratricide. And he was like yeah, not to--we'll deal with all this
18 in the morning.

19 Q. And then what happened? You guys bed down or what?

20 A. Roger that, sir. After we cleared the village, we had [redacted]
21 [redacted] and [redacted] come out there and they took over our positions and
22 stuff like that and we bed down the men, sir.

1 Q. Now, the next morning, what did you guys do? Did you ever
2 discuss it at that point?

3 A. No, we didn't, sir. Soon as we got up, sir, they pushed us
4 out to a village just right up here, sir. And we spent the whole day
5 just clearing this village. And then after we came back from
6 clearing the village, right before our movement back to--our FOB,
7 sir-- --

8 Q. Salerno?

9 A. Salerno, yeah, roger that, sir. We had a little bit of
10 down time right before movement and that's when I started noticing
11 each element--because before then, everyone was pretty much still
12 separated by Serial One and Serial Two and each of the elements
13 started conferring and stuff like that, sir. That's when everyone
14 found out it was fratricide, sir.

15 Q. Then at that point in time, what time did you move back to
16 Salerno?

17 A. I have no idea, sir. I can't remember if it was day
18 movement or what, sir.

19 Q. Okay. When you got back to Salerno, did you conduct any
20 type of AAR?

21 A. I want to think this out real quick, sir. No, we didn't do
22 like a formal or a [REDACTED] AAR or anything like that, because we
weren't allowed to, sir.

1 Q. Weren't allowed to by whom?

2 A. I don't want to use those words, but we just didn't have
3 one at all, sir, until--I want to say the next--the next day at
4 Salerno, sir, that's when we started doing the investigation. We had
5 a list of personnel who would go in there and talk to [REDACTED]
6 give their report of what happened out there and stuff like that,
7 sir, and that took--I want to say two days, sir. If I remember
8 correctly. And then later on, on the second day, after everyone went
9 in and put in their input, we had like a--an AAR, sir. I actually
10 had two, sir, I went one with--one to [REDACTED], but we didn't
11 discuss what exactly happened out here, because it was the other
12 night we started conducting our first investigation and that was held
13 by [REDACTED]. Basically, you know, what happened like, you know,
14 assets and stuff like that, we didn't really get into any of the
15 particular with the incident itself.

16 Q. Anything contentious come up in the course of that, amongst
17 the soldiers?

18 A. No, not really, sir. I remember we were just trying to
19 figure out what the hell happened out there and I can remember that
20 point in time when a [REDACTED] started getting a little bit of
21 argument, you know, as to why would you move up there and stuff like
22 that, we didn't have comms and just little things like that, but
before that, nothing major, sir. Everyone--it was pretty much--

1 before we sat down and had our heart to heart talk with the [REDACTED]
2 as a [REDACTED], Serial One stuck to themselves and Serial Two stuck to
3 themselves, sir.

4 Q. Okay.

5 A. And then us [REDACTED] realized what was going on, so
6 we're like hey, you know, we're the leaders here, we gotta set the
7 example and we started, you know--we sat down as [REDACTED], had a
8 little discussion and said look, we need to go talk to the men, tell
9 'em what happened and stuff like that and we all went back to our
10 [REDACTED] and talked to 'em and stuff and then--the men started talking
11 to each other again and stuff like that, but it wasn't really--
12 everything wasn't all right at all, sir, until that AAR we had with
13 the [REDACTED]. And I believe that was the night of the second day of
14 the investigation or the following day, I can't remember, sir.

15 Q. Did--who was [REDACTED] [phonetic] assigned to?

16 A. [REDACTED] was originally assigned to [REDACTED], to [REDACTED]
17 [REDACTED], but [REDACTED] was acting squad leader, because [REDACTED]-
18 after--after the whole incident right here, [REDACTED] became [REDACTED] our
19 [REDACTED], our [REDACTED] became the [REDACTED]. So after the incident,
20 [REDACTED] became [REDACTED]

21 Q. Did [REDACTED] make any comments during the course of the AAR?

22 A. Yeah, he did, sir. Because I remember he--I asked him why
did you tell [REDACTED] that it was Pat Tillman that was killed.

1 So he said, hey, he asked me, you know, it was his [REDACTED], I felt.
2 obligated or something like that. I can't quote his exact words, but
3 I believe that's the only thing he really touched on, sir.

4 Q. Did he say anywhere in there that he had told someone that
5 he had information that there would be a potential ambush?

6 A. Roger that, sir. I remember that now. Yeah, during the--
7 during the platoon AAR, or the heart to heart with the [REDACTED], he
8 stepped forward and said hey, back at--back at Magarah, sir, that's
9 when he came forward and said hey, this doctor approached me with
10 this letter--freaking--sorry about that, sir, but he was like, and
11 it's pretty important, he really wanted to talk to someone. And I
12 believe--if I remember correctly, he presented the letter to [REDACTED] To

13 [REDACTED]

14 Q. You say "doctor." What type of doctor?

15 A. This was an Afghan doctor. I don't know why, I guess
16 [REDACTED] found out--no, actually, he was telling everyone it was a
17 doctor. Because when we were hanging Margarah trying to figure out
18 what we were going to do with this downed GMV, you know, we had all
19 the Afghans coming around us, typical in stuff like that, and this
20 doctor--I want to say he spoke very little English maybe, because I
21 was up here and he told me it was a doctor, sir.

22 Q. And he conveyed that this doctor gave him a note that said
23 "you're going to be ambushed"?

1 A. Roger that, sir. I don't know if the note said we're going
2 to be ambushed, but I think the note said something urgent or
3 something like that, sir. I can't remember what the note said, but
4 it was something important, sir.

5 Q. And [REDACTED] conveyed the doctor told him that they were
6 going be ambushed?

7 A. I don't know if the doctor came out and said ambush, but
8 something bad was going to happen and I think that was his words,
9 sir.

10 Q. And you say [REDACTED] gave this information to [REDACTED]?

A. Roger that, sir.

11 Q. Okay.

12 A. And [REDACTED] --and I remember when you [sic] brought that up
13 during the AAR, [REDACTED]s like hey look, reason--you know, if
14 we sit there and stop for every single little letter that we get, you
15 know, we'd be here forever or some--he said something like that, I
16 can't remember, sir.

17 Q. The light conditions on the day of this operation, when you
18 got here, can you kind of tell me what the light conditions were?

19 A. Roger that, sir. Dusk. Looking back up here at the spur,
20 sir, we had the sun into our faces. We had our NODs--before we even
21 started moving out, we had our NODs mounted, but it wasn't exactly
22 dark enough yet, sir, that we could drop our NODs, so we just had 'em

1 flipped up, sir. But it was dusk, it was getting to the point where
2 we were getting too many [unknown words].

3 Q. Was the sun behind the ridgeline?

4 A. Roger that, sir, it was up here.

5 Q. Could you see the sun or had it dropped below the
6 ridgeline?

7 A. You could still kind of see it, sir, because it kind of--
8 kind of made seeing up here difficult, sir.

9 Q. Now, when you said you could see it, was that because the
10 ambient light of the sun was shining above the ridgeline, or was it
because you could actually see the sun itself?

11 A. You could actually see the sun itself, sir. If I remember
12 correct, yeah.

13 Q. And were the light conditions--what were they?

14 A. It was too--you could still--there was still a little bit
15 of daylight out there, sir, but it was not dark enough yet that we
16 could drop our NODs, but when we stopped here in the village, sir, it
17 was dark en--sorry, sir--dark enough and we dropped NODs right here,
18 sir.

19 Q. How far were you from Tillman's position, once you realized
20 where Tillman's position was when you engaged?

21 A. I never knew Tillman was even up there, sir.

22 Q. How far were you from the AMF when you engaged the AMF?

1 A. Every time I tell it, sir, I give a different--no, I
2 can't--I can't give an honest estimate, sir. I have no concept of--I
3 want to--two hundred meters, sir?

4 Q. To the best of your memory?

5 A. Yeah, two hundred meters, sir.

6 Q. Was the cargo vehicle ever ahead of you in the order of
7 movement?

8 A. Oh the car--no--no, it was not, sir. It was always behind
9 us.

10 Q. Okay. While you were in the meeting with the [REDACTED],
while at Salerno, did anyone ever tell you that you all were to share
blame for this incident?

13 A. That someone came right out and said all of us deserved to
14 be blamed for it, sir?

15 Q. So you were all to share blame for this?

16 A. Yeah, I don't recall anyone ever saying that, sir.

17 Q. Did anyone ever tell you to not discuss this issue?

18 A. Roger that, sir.

19 Q. Can you tell me who that was?

20 A. It was our chain-of-command, sir.

21 Q. And why do you think they told you that?

22 A. Because the investigation was still going on, sir. We
wanted to keep it within the [REDACTED]. We didn't want the rest of the

1 [REDACTED] to find out until the investigation was over, and plus for
2 the fact that we didn't want the Tillman family to find out before
3 that, you know--before the chain-of-command could actually tell 'em
4 what happened out there, sir.

5 Q. Did you ever see any of his equipment after it came back?

6 A. To Salerno, sir?

7 Q. Um-hmm.

8 A. Just his rucksack, sir.

9 Q. Just his rucksack? Did you ever hear about green-tips
10 being found anywhere in his equipment?

11 A. In his equipment, sir?

12 Q. Um-hmm [affirmative].

13 A. No, just in his body, sir.

14 Q. Did you say "in his body"?

15 A. I--well, you know, it was told to us that it was 5.56 and
16 7.62, sir.

17 Q. Who told you that?

18 A. I can't remember who it was, sir.

19 Q. How much time separation was there between Serial One and
20 Serial Two, from your recollection? When you started out?

21 A. It was--I can't remember. Five to ten minutes, maybe, sir.
22 I mean, it was no time that--when we were driving down here, we
didn't see 'em on this road or--or of course, we didn't see 'em in

1 UV: And you were also asked if the jinga truck could have been
2 at some location south of the spur. Sir, could I get you to point
3 out on the map where you-- --

4 IO: Talk about right here, where the cease-fire was called.

5 WIT: Oh, yeah, the jinga truck was never there. I thought you
6 were asking about it up here, sir.

7 IO: Well, I did originally, but what we want to make sure of,
8 was the jinga truck ever at this location-- --

9 WIT: Oh, negative, sir.

10 IO: --passed it.

11 WIT: Negative, sir.

12 UV: So it was never at the location where you marked the block,
13 labeled "cease-fire"?

14 WIT: Roger that, sir.

15 IO: I don't have anything else for you. Is there anything
16 you'd like to add to this that we didn't address today, or that you
17 would--just think that we need to know about?

18 WIT: Yeah, roger that, sir, the 15--the original 15-6 that we
19 did, I know that 15-6 had Tillman throwing purple smoke, but that was
20 never so. I think the mix-up on that was, sir, when we're in there
21 doing our investigation with the investigating officers, we told 'em
22 that's how our [REDACTED] fixed our no comms policy from now on, like we
would mark our positions by colored smoke, so ever [REDACTED] would

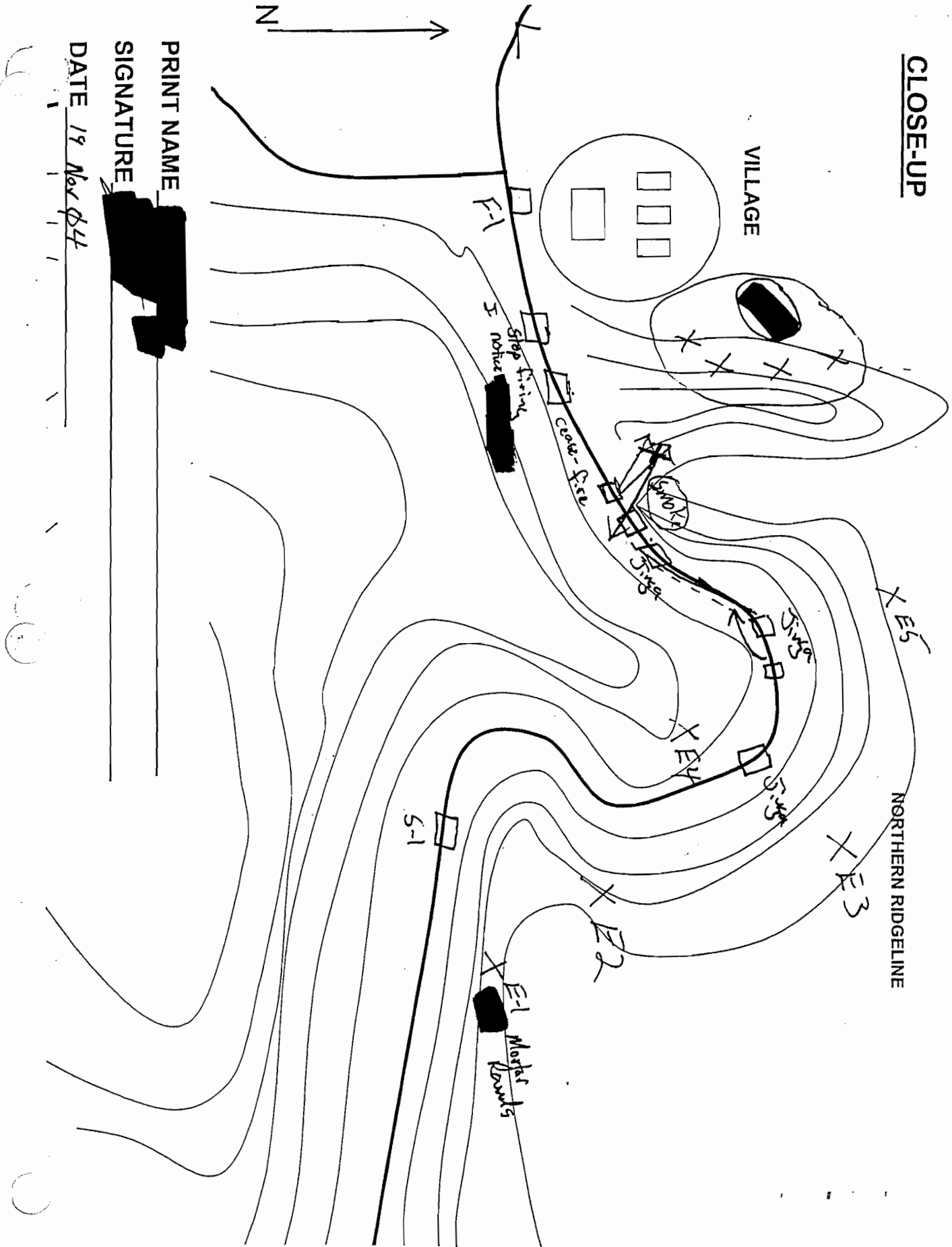
1 carry a colored smoke, like a purple smoke or something like that,
2 sir. And I also know the 15-6 had me like--said that the GMV
3 actually stopped and I got out of the GMV and dismounted and ran like
4 fifteen meters away from the position and then opened up on the AMF
5 soldier, which that was not true either, sir. We kept on--it was a
6 continuous movement. I stayed mounted the whole time.

7 IO: Anything else?

8 WIT: No, negative, sir.

9 [REDACTED] then warned the witness concerning discussion of the open
10 investigation. The witness was excused and withdrew.

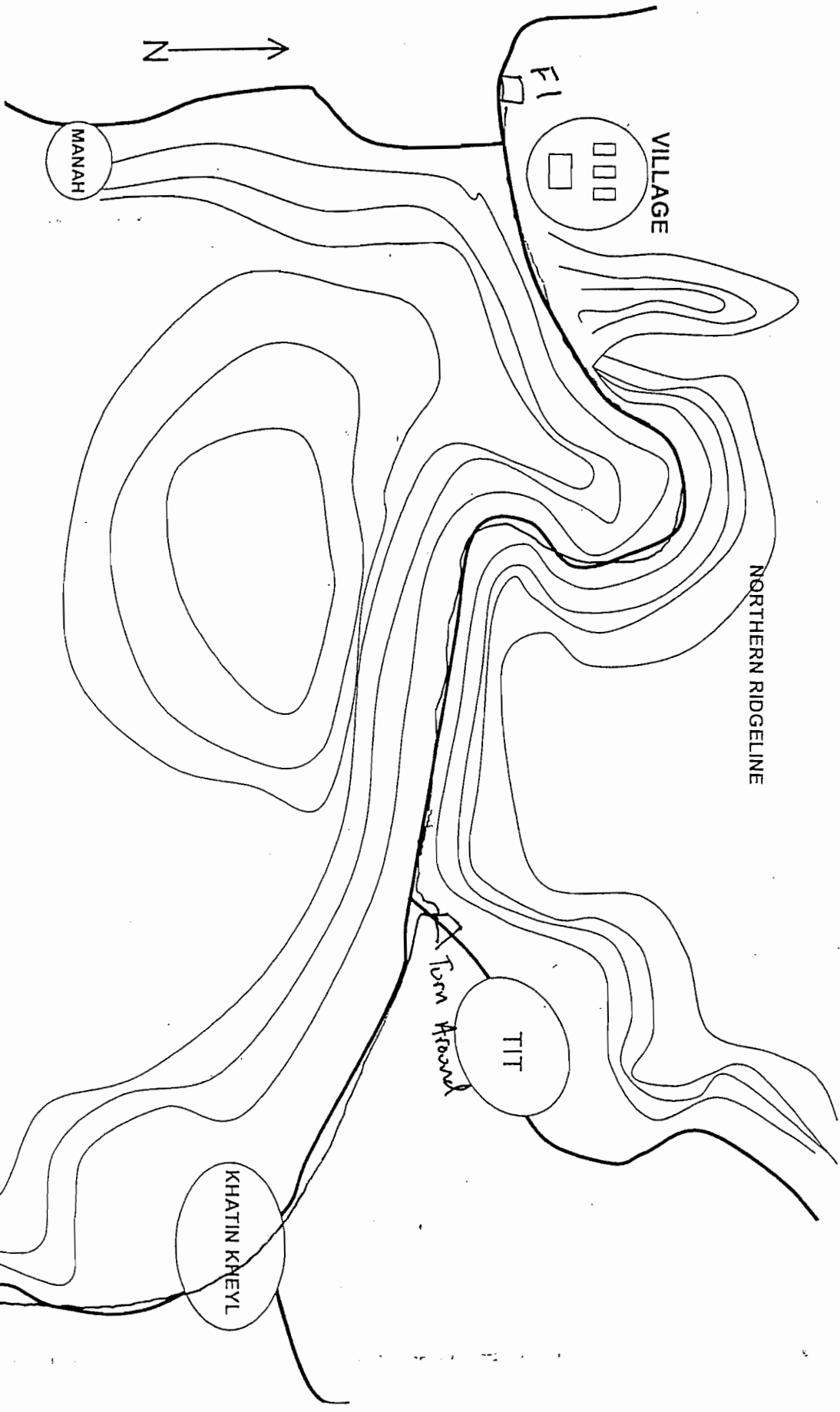
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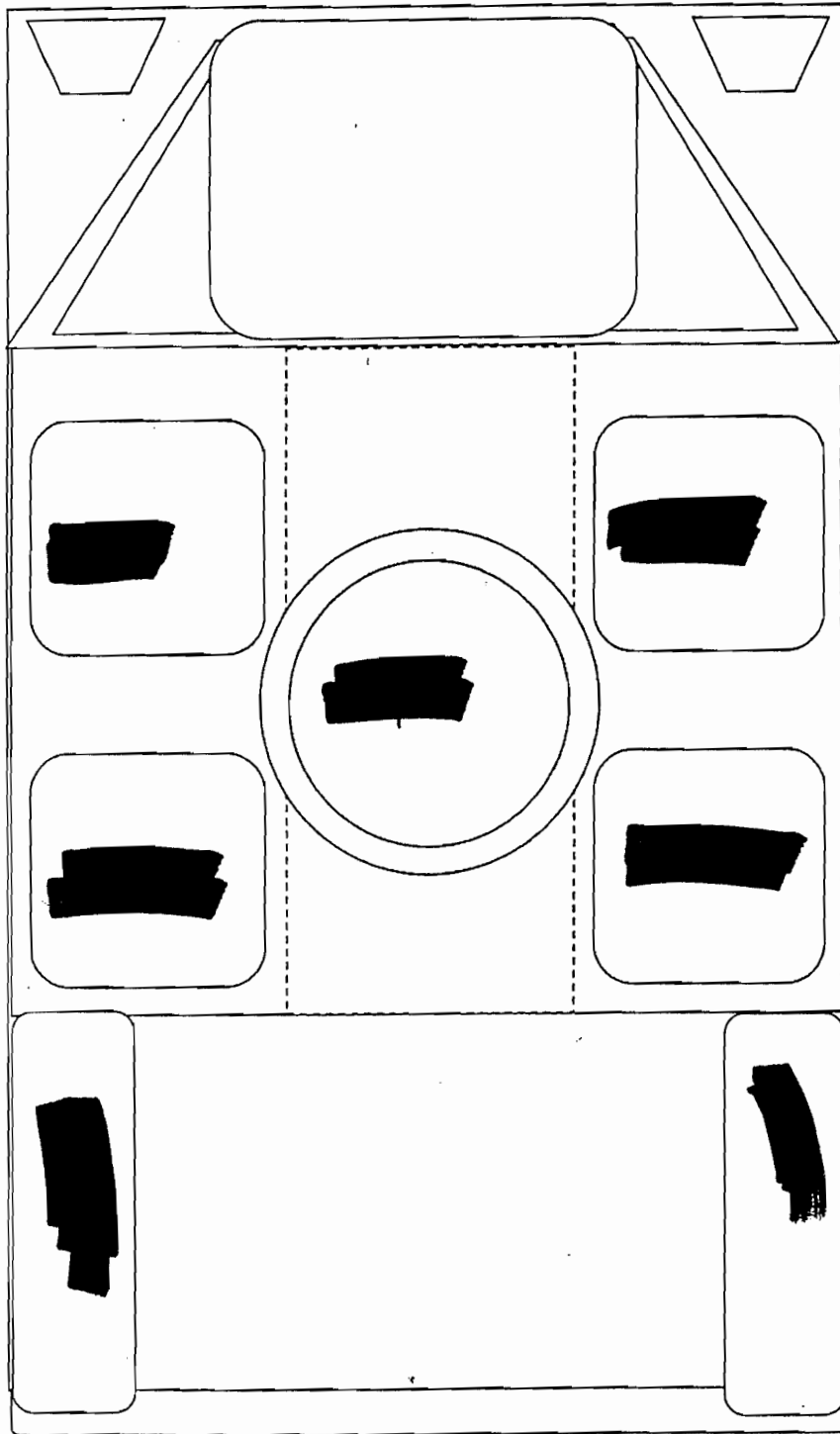
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